

1st Judicial District (Jefferson and Gilpin Counties) 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



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

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

In 2016, there are two candidates running for District Attorney in the 1st Judicial District which includes Jefferson and Gilpin counties. Mr. Peter Weir (R) is the incumbent elected District Attorney and Mr. Jake Lilly is his Democratic opponent. These two candidates will be running against each other in the General Election to be held on November 8, 2016.

CCJRC submitted a written candidate questionnaire to both Mr. Weir and Mr. Lilly. Both submitted responses which are reprinted verbatim and in their entirety. They are presented in alphabetical order. We greatly thank the candidates for their participation.

Mr. Jake Lilly (D)	page 3
Mr. Peter Weir (R)	page 12

CCJRC publishes this 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.

Jake Lilly (D)

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



Jake is an Iraq War veteran, experienced prosecutor, husband and father to two small boys, Alex and Zach. Following graduation from Cornell Law, Jake joined the U.S. Army's 3rd Infantry Division and deployed to Baghdad. He ran the US detention systems for Baghdad and spent his time leading search and rescue into illegal Iraqi torture camps. He was awarded the Bronze Star and the Combat Action Badge. Jake then served as a Military Prosecutor and Special Assistant U.S. Attorney.

Jake left the military to serve as an Assistant District Attorney in Savannah, Georgia and Fort Worth, Texas. He also spent two years at a law firm handling white collar defense. Jake currently owns a criminal law firm in Lakewood.

Jake served as a Page in the U.S. Senate, interned for Senator Paul Sarbanes, and in the White House. He spent a year as an analyst at the military's think tank.

Name of DA Candidate: Jake Lilly (D)

Judicial District Number: 1st Judicial District (Jefferson & Gilpin counties)

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

Our community is bound by a shared sense of ideals and justice. The District Attorney must protect the community at large and ensure the fair and equal administration of justice. For too long, our criminal justice system has focused on being tough on crime and not necessarily smart on crime. There is a difference. A District Attorney must have enough judgment to distinguish between those who are truly violent and cannot be rehabilitated and those that made mistakes or are suffering from addiction or mental health issues. Our number one goal as a DA's Office should be the prevention of future crime. Providing appropriate punishments is a part of the prevention of future crime, but the DA must never waiver from the focus of preventing future crimes.

We must consider every individual as an individual to determine the best approach. For the violent offenders, that means locking them away from society as long as possible. For those suffering the ravages of mental illness, for veterans battling PTSD, and for those addicted to alcohol or drugs, the solution is not to over-fill our prison system. Rather, those individuals need the programs and supervision necessary to be appropriately punished while being rehabilitated back into functioning members of society. The District Attorney must protect crime survivors to the utmost, treat those who can be rehabilitated, restore society from the damage it has received, and punish those who commit transgressions. Achieving justice and being seen to achieve justice advances the interests of the entire community.

2. If elected DA, what will be the priorities for your administration, identify what areas for improvement will you focus on, if any, and how you will define and measure success?

The priority crimes for my administration will be (1) sexual assault, (2) repeat and violent domestic abusers, and (3) crimes of violence. More generally, I will focus on all violent criminals to ensure that they receive the punishment and prison time they deserve. Statistics show that a very small number of criminals commit a disproportionate number of the violent crimes in this country. I will use modern, cutting edge analytics and DNA to identify these violent criminals, track them at all stages of the process, and to ensure that they receive the maximum sentences they deserve. Crime has been dropping across the country over the last 30 years with one notable exception. Sexual assaults, and more generally crimes against women, have been growing over the last couple of years at absolutely unacceptable rates and must be stopped now!

Conversely, I will work to ensure those charged with non-violent offenses, especially drug offenses, are provided with the treatment and services they need in order to reform their lives and refrain from future crimes. I will require that those facing the disease of mental illness be evaluated in the context of that disease and with the understanding that jail only makes the issues worse. I will end the focus on poor and minority communities and ensure the Deputy District Attorneys working in the office understand the purpose of the justice system is to right the wrongs of crime and repair the damage caused to make victims and the community

whole. We will address the rampant over-incarceration of non-violent offenders and focus on the issues military veterans face in our criminal justice system.

Bail decisions will be made using evidence based practices that are already available along with the Defendant's ability to pay. We must always have an eye towards reducing over-crowding in the county jail. I believe that it is ridiculous that almost 50% of the prisoners in our local jail are there awaiting trial and have not in any way been convicted.

Success will be defined in that violent criminals will go to prison, the non-violent will not be put in prison, juveniles will always be treated with a restorative justice approach, those with addiction and mental illness will face treatment, and our overall goal will be to lower the recidivism rate of convicted criminals.

3. 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 American judicial system is absolutely shameful in its different treatment of minorities who are accused of crime. Studies show that minorities receive more severe charges, higher bonds, less opportunities for diversion out of the justice system, and harsher sentences. We've spent years studying the problem, even here in Colorado, and yet the disparities continue. We must hire prosecutors and police officers that reflect the racial and economic diversities of the communities from which they come. We must look within each individual part of the District Attorney's Office at the statistics and ask ourselves the tough question of whether the numbers reflect a bias that we do not see inside ourselves. Month-to-month and year-to-year, we must examine sentences received, recommendations, diversion and deferred access, and charging decisions across race, socio-economic status, gender, LGBTQ status, and other immutable characteristics to search out hidden institutional bias. It's not that prosecutors are intentionally creating these disparities but they must be identified and corrected regardless of the intent. Furthermore, we have to admit that we have not been perfect in the past and I will establish a Conviction Integrity Review Unit to look at past cases for instances where we may have convicted the wrong people or whose sentences reflect the thinking of a past era. Finally, we must recognize that the drug crime incarceration era was aimed at minorities and the poor and we are required to reassess those policies going forward.

4. 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, including any changes to the allocation of victim services funding? (*By underserved, we mean low-income, people of color, men, LGBTQ, and crime survivors who also have a criminal background.*)

The District Attorney's Office has an essential duty to protect and assist crime survivors in their fight to rebuild their lives. We must make this a priority at all times. Communication and empathy are paramount at all stages of the process. All DA's offices throughout the country have gone to a Victim Services Office model and this is a good thing. It allows for one point of contact and staff whose sole mission is to support crime survivors through an incredibly difficult journey that they in no way deserved or anticipated.

We must recognize that many crime survivors who are underserved fundamentally distrust the District Attorney's Office and with good reason. Whether this is because they belong to a minority community feeling distrustful that they will receive a fair-shake in the justice system, they have traditionally been ignored or marginalized by the justice system, or they themselves have a criminal history, crime survivors must all know that they matter. Crime survivors are crime survivors and that is it! Nothing else about their history or status should matter. We have to have an overall attitude disseminated from the top that says nothing matters in the treatment of a crime survivor other than their status as a crime survivor. Furthermore, we must ensure that our Victim Service's Office personnel reflect that community that we serve and have the appropriate language skills to serve that community.

Our community-based outreach, with community leaders, with ordinary citizens, and with various organizations, must all be based on encouraging crime survivors who have a natural distrust of the legal system to report and cooperate in the prosecution of the crimes against them. They must be made aware that the office will do everything in its' power to bring justice for every case, big and small. This includes having a Victim Services Office that reflects the community which it serves and is active in that community.

5. 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?

Crime survivors who happen to be undocumented immigrants need to be treated with the same respect and dignity that all crime survivors deserve. We have way too many survivors that are afraid to report the horrible things done to them because of their immigration status. The federal U-Visa program attempts to address this by creating a status protecting these survivors but only works when it is properly implemented at the local level. The District Attorney (along with others) holds the key to entry into this program and must make it widely known that the U-Visa program is open to all crime survivors regardless of their history or current status. The U-Visa program should not be used as an incentive for cooperation with the DA's office, but rather a blanket program for all survivors who are undocumented to encourage the reporting of crimes and the end of victimization. Additionally, any defendant found to have reported an undocumented immigrant survivor to the federal authorities in retaliation for the charges against them will find any plea offer withdrawn and the full weight of the office will be brought against them.

The District Attorney must get out into the community to spread the word that crime survivors have rights, regardless of immigration status, and to ensure, through a public information program, the natural distrust many in the immigrant community feel towards law enforcement and the District Attorney's Office is bridged with communication, respect and genuine listening. I plan on actively involving community leaders and the immigration bar in ensuring that the U-Visa program is run in a transparent, respectful and fair manner.

6. 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?

One of the most important functions of a District Attorney is to hire Deputy District Attorneys with excellent judgment and empathy and then to let those DDAs utilize that judgement. I am opposed to the on-going trend in prosecutors' offices across the country that removes decision making from the hands of the DDAs that actually know the facts of their cases and requires plea bargaining to follow guidelines so strict they become formulas. I can't count the number of times I've seen defense attorneys ask for a plea bargain, only to be told that the DDA must "staff" the decision and essentially ask for permission before offering the deal. This slows down the process tremendously, makes your DDAs feel undervalued, greatly increases overhead and red tape, and puts the decision in the hands of extremely senior prosecutors who can't truly know the case inside and out. Of course, a District Attorney must set general parameters for certain types of crimes (i.e. repeat domestic offenders generally deserve jail time) but, if you don't trust the DDAs you are hiring to make decisions, why hire them in the first place?

We also have to change the general pattern of hiring Deputy District Attorneys. Too many DDAs serve as interns in the DA's Office while in law school and then start immediately in the DAs office without outside experience. Judgment is not something people are born with. Judgment develops through life experiences, good and bad, and DDAs with life experience are much more likely to demonstrate judgment. I will look for DAs with military experience, outside life experience, and who have been prosecutors and defense attorneys in other jurisdictions and other states. I will also eliminate the traditional DDA career pathway of misdemeanor to juvenile to felony and bring in people with specific experiences, such as former teachers who are now lawyers for the juvenile section and people with technology backgrounds for the computer crimes section, for specialty sections.

7. 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?

Opiates are the current drug of choice among users today and present a unique and changing threat. It is extremely important that prosecutors remain in touch with the ever changing drug culture in order to best deal with the problem. A long time ago, drugs such as LSD and crack cocaine were the major problem and marijuana was seen as a gateway drug. Times change though. When I was rising as a prosecutor, Methamphetamine was the drug of choice and Xanax and Adderall abuse were much more reliable indicators as gateway drugs than marijuana. Now, we are in the middle of a raging heroin epidemic fueled by the growing over-prescription of opiates for medical reasons. This is why it is important criminal justice ideas evolve with the times and DAs remain in touch with the changing dynamics of crime.

The drug war in this country is an abject failure and we have to totally revamp our approach. I am a results kind of guy. If something doesn't work, I want to change it and find what works. I don't care what the ideology is. To me, if an idea works, then let's do it.

Non-violent drug offenders need treatment, not incarceration. We must also address the underlying mental health issues as some drug addicts are attempting to self-treat mental health issues. Drug Court is the perfect answer to these issues. Anytime someone is brought in on drug-related charges, they should be screened for Drug Court. Currently, we don't have enough space in the Drug Court and, until recently, you had to fail on probation before you were even eligible. I've been in Court and heard Judges tell Defendants they were ineligible for

Drug Court (or Veteran's Court) because they didn't have a long enough criminal history. That is crazy! We need to dramatically expand Drug Court so that first time offenders are eligible and all who need treatment can get it. We also need to heavily use Deferred Adjudications and Deferred Prosecutions to ensure that people are not forever stained with criminal convictions. I will work with doctors and public health officials to determine the most effective and cutting edge approaches to intervene earlier and prevent drug deaths or charges. The District Attorney must have a role in public health crises dealing with substance abuse and must place priority on addressing the root causes of drug abuse. This includes the ability to report overdoses and emergency medical situations without fear of prosecution.

We also need to examine other models of drug prosecution including the Seattle-based LEAD program, which works to have police agencies decide at the time of arrest if an individual with a low-level drug arrest can be diverted out of the criminal justice system and into other systems.

8. 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?

It is my understanding that, currently, the District Attorney's Office does not allow immigration consequences to be considered as part of a plea bargain. This is ludicrous to me. A plea bargain takes into account every available piece of data on a person and the potential effects of a sentence. A prosecutor is tasked with doing justice and only doing justice. However, justice includes justice for the crime survivor, justice for the community, prevention of future crimes, and, if possible, the reform of the individual charged. Taking into account immigration status when making a plea offer is no different than taking into account the effect of a sentence on a Defendant's family or prospect for future employment so they can pay the crime victim back for their losses. It shall be the policy of the District Attorney's Office, from day one, to consider the immigration consequences, along with all other collateral consequences, in any plea bargain. For low-level offenses, this may mean adjusting to a different offense of the same level in order to avoid these consequences. It is not justice to destroy families and lives over relatively minor offenses and drug possessions. However, for serious violent felonies, the immigration consequences will not be considered because protecting the community is paramount.

9. 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?

When America has 5% of the world's population but 25% of the world's prisoners, there can be no doubt that we have a problem. When we have more prisoners than China, an autocratic country with almost a billion more people than us, there can be no doubt that we have a problem. When we have over 180,000 veterans in our prisons, people who fought for the freedom we possess, there can be no doubt that we have a problem. Every prosecutor throughout our system needs to stand up and acknowledge this basic fact. I refuse to believe

that Americans are more criminal than the rest of the world. I refuse to believe there is something wrong with us that makes us inherently more criminal. Our system is clearly broken.

Incarceration rates are entirely on prosecutors. It is prosecutors who choose what charge is most appropriate. It is prosecutors who decide what plea bargains to make. It is prosecutors who hold the keys to diversion and deferred adjudication programs. It is prosecutors who ask the Judge for what they consider appropriate sentences. Prosecutors own sentencing and must also own the current incarceration rates. That includes me for the years I have spent prosecuting.

There are people who clearly deserve to be incarcerated. They are a danger to society and must be locked up to protect us all. However, the Department of Corrections here in Colorado claims 43% of the people currently incarcerated are in for non-violent crimes. That is the issue. Locking up non-violent offenders, especially non-violent drug offenders, serves no purpose other than to fill our prisons and enrich the private prisons that I am so fundamentally opposed to. We need to utilize every option we have short of prison including probation, diversion programs, specialty courts, Community Corrections, and deferred adjudication. Every DDA must ask in every single case; is prison for this individual going to make the community safer? Public safety is our number one goal. If prison is the answer, then we will follow through. If not, we will decide on the most appropriate resolution for all involved that bring about true restorative justice.

I will oppose mandatory minimums because I believe each crime is unique and all they do is prevent justice for those who fall below the minimums. If someone deserves the mandatory minimum or more, the prosecutor needs to prove that case to the judge and demand it.

I will be an active member of the District Attorney's Council and will work within the system to change the charging and plea decisions to lower non-violent incarceration rates. I won't just be a member of the Commission on Criminal and Juvenile Justice, I will be a leader in reforming the system to truly be smart on crime.

10. 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 Attorney's must be concerned about all consequences, direct and collateral, in assessing the proper punishment of a person convicted of a crime. DAs should take these consequences into account during the charging decision, the decision on entry into a Deferred or Diversion program, and upon making sentencing recommendations. If justice is served, for example, by a four-year prison sentence, and there are two equal charges that would result in the same sentence, the DDA should then allow the Defendant to plea to the charge with the less collateral consequences in order not to punish them further. DAs also have a moral obligation to support legislation that would limit collateral consequences such as the recent "Ban the box" legislation. The American way is to punish those that have transgressed, but once that person

has served their time, to then allow them to re-enter society and continue as before. You pay your price for breaking the law, but that should be the end of it. That is basic fairness.

11. 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?

District Attorneys must be accountable to the people in a public way. The reason the DA is an elected position is the DA serves as the people's representative in the criminal justice system. It is the DA who determines what the people see as true justice and the people have the option to accept or reject that vision in the election every four years. In order to facilitate accountability to the people, the District Attorney must provide the people with the necessary information.

A modern and easily website allows for the wide dissemination of all statistics involving the DA's Office's prosecution of crime. The people have the right to be able to access the Office's policies, the DA's staff that serve them, and the sentences received for different crimes. By this, I mean ALL sentences, not just the ones the District Attorney chooses to highlight on twitter to show they are "tough on crime."

I will hold regular public forums and town halls to encourage participation of the people and will require my DDAs to be actively involved in community organizations to showcase the office. These DDAs will be available to relay public input and criticism. I will also convene a volunteer Citizens Review Board who will regularly meet to bring community input into the DA's Office.

12. 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?

Obviously, we have a growing national distrust between police officers and members of the community they serve. No party is without blame and, luckily, Jefferson and Gilpin Counties have done better than most at avoiding some of these issues. The lowest hanging fruit to solving many of these issues involves the securing of funding to issue body cameras to every single law enforcement officer in the jurisdiction. This can't be something the DA merely talks about in front of Congress, but a concentrated push from day one until every officer has a camera. Cameras protect not only the individuals interacting with the police but the police officer themselves. They allow the thorough review of all claims of use of force violations and, more often than not, result in the clearing of the officer involved. When the camera shows a violation, they allow for the redress of the issue with little controversy or dissent.

Additionally, we have to hire police officers and Deputy DAs that reflect the communities they represent, including communities of color. Justice must not only be fair, but people must feel that it is fair as well.

Officer involved shootings have to be investigated with the utmost in transparency, communication, thoroughness, and speed. Both the representative of the family of the victim and the officer must be involved in the evidence review. Ultimately, I will be responsible for all aspects of the investigation and I will personally ensure that the case is handled with the utmost in fairness, transparency and with compassion to the families of the victim. A unit I will create in the office, the Convictions Integrity Unit, will oversee these types investigations but also assure that previous convictions with severe sentences that have new evidence available through new technology will be reviewed. If I chose not to prosecute, I will personally and thoroughly answer questions from the community, the press, and the family regarding my decision and disclose all of the evidence that can be legally disclosed.

Finally, civilian input into the justice system, which I address with a Civilian Review Board and increased community involvement in the answers to other questions, will lead to a renewal of the bonds of trust and respect between law enforcement and the communities they are sworn to protect.

13. 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?

Getting people who happen to suffer from mental health issues out of the criminal justice system and into the treatment they need must be one of the top priorities in any District Attorney's Office. Prosecutors should be trained to identify possible signs of mental health issues from the inception of a case through sentencing. Charging decisions, access to diversion courts, and sentencing recommendations all must be made with the thought that those suffering from mental health issues make up way too much of our criminal justice system.

Once again, mental health issues come down to leadership. The District Attorney himself must make mental health related cases a priority. He must fight for further funding for the Mental Health Court and encourage the use of diversions for mental health related cases. He must ensure that DDAs understand the effect of mental illness and the ramifications those effects can have in committing criminal acts. The District Attorney must make it clear to all who work for him that mental health related concerns are legitimate and extremely relevant to all stages of a prosecution.

Furthermore, the District Attorney must use the bully pulpit of the office to issue a broader call for reform in our overall mental health system. My mother was an emergency room nurse and growing up I constantly heard in conversations around the dinner table about how the worst thing for her job was when the President shut down the functioning mental health system. I was too young to know it, but I was witnessing the ignoring of a massive problem that would spill over substantially into the criminal justice system. It is up to the District Attorneys to publicly decry the current state of affairs and declare that we are asking the criminal justice system to act in place of a functioning mental health system. This is asking too much of the criminal justice system and must be stopped!

Peter Weir (R)

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



Peter Weir was elected District Attorney for Jefferson and Gilpin Counties in November, 2012. He has 37 years of criminal justice experience in Colorado. For nearly 20 years he served as a front-line prosecutor and chief deputy district attorney. In 1999, he was selected by the elected District Attorneys of Colorado to represent them as the Executive Director of the Colorado District Attorneys' Council. In 2004, Governor Owens appointed Mr. Weir District Court Judge for Jefferson and Gilpin counties. In 2007, Governor Ritter asked Mr. Weir to join his cabinet as the Executive Director of the Colorado Department of Public Safety, with ultimate responsibility for the Colorado Bureau of Investigation (CBI), Colorado State Patrol, and the Colorado Division of Criminal Justice. Mr. Weir was instrumental in creating the Colorado Commission on Criminal and Juvenile Justice (CCJJ) and served 3 ½ years as its first chairman.

Name of DA Candidate: Peter Weir (R)

Judicial District Number: 1st Judicial District (Jefferson & Gilpin counties)

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

First and foremost a prosecutor is called on to enforce the laws enacted by the people's representatives in the General Assembly. In fulfilling this responsibility, a prosecutor is also called on to be a minister of justice, distinguishing good citizens who have made a mistake from criminals who pose a threat to the safety and security of our community. Our job is to represent the citizens of the State of Colorado and to see that justice is done.

Achieving a just result in a case is not subject to a mathematical formula. Each case is analyzed based upon the unique circumstances and background of a defendant and the unique circumstances of the crime. The prosecutor's experience forms the basis for his or her judgment.

I have been involved in the criminal justice system in Colorado for 37 years. I have been privileged to engage in the system from a variety of perspectives; as the Elected District Attorney for Jefferson and Gilpin Counties, as a deputy district attorney and chief deputy district attorney, as the Executive Director of the Colorado District Attorneys' Council, as a District Court Judge, as Executive Director of the Colorado Department of Public Safety, and as one of the creators and the first Chairman of the Colorado Commission on Criminal and Juvenile Justice. These positions afford me the depth and breadth of experience that is unique in Colorado. The result is a wealth of experience that forms the basis for the important decisions that radically impact lives.

This experience also leads to defining priorities in my office that advance the health and safety of the citizens of Jefferson and Gilpin Counties. We aggressively prosecute: violent offenders; predators who prey upon our senior citizens and our children; individuals who are engaged in identity theft and significant economic crimes; and human traffickers.

Aggressive prosecution is part of the answer, but it must be combined with our progressive programs and problem solving courts that help prevent crime and victimization. These efforts include: drug recovery court; veterans' treatment court; adult and juvenile mental health courts; adult and juvenile diversion programs; the youngers program; sexting solutions; victim/witness services; Child Sex Offender Internet Investigations Unit (CHEEZO); consumer fraud; power against fraud; senior outreach programs; and the DA's Citizens' Academy.

Finally, a prosecutor acts in a collaborative fashion with other system players, law enforcement, the courts, human services, Jefferson Center for Mental Health, the schools, and various advocacy groups. Based upon relationships and trust developed over a number of years, together we work on behalf of the citizens of our community to advance health and safety.

2. If elected DA, what will be the priorities for your administration, identify what areas for improvement will you focus on, if any, and how you will define and measure success?

My priorities are reflected in the philosophy and programs that my office has been pursuing since I was elected. Many of these are detailed above. We will continue our efforts to protect children and our older adults. We will continue our leadership in rescuing young girls drawn into the insidious web of human trafficking. We will continue our commitment to problem solving courts to address substance abuse and mental health issues. We will continue to work on behalf of veterans whose military service may have led to behavioral issues and involvement in the criminal justice system. We will continue with aggressive community outreach, educating our kids and parents regarding the dangers of social media, and educating senior citizens regarding the fraudulent schemes that are often focused on them.

We will also lead a coalition of stakeholders to address juvenile substance abuse issues. Clearly, substance abuse issues are major contributors to adult criminal conduct. Often the use and abuse of drugs begins in adolescence. It is imperative that community partners, including law enforcement, schools, mental health experts, medical experts, human services, and concerned citizens, join together to address this problem. The development of this coalition with corresponding action plans will be initial steps to success.

The citizens of Jefferson and Gilpin Counties will also benefit significantly from the creation of a Family Justice Center. The Family Justice Center will be a “one stop shop” for victims of domestic violence. The Justice Center will consolidate services for domestic violence victims in a central location. Prosecution efforts, victim advocates, human service resources, legal aid, and other support systems for these victims will become available in a coordinated manner.

Finally, it is clear that significant economic crime occurs across jurisdictions. Identity theft and auto theft have a profound impact within our community. The effective apprehension of these criminals requires robust, multi-jurisdictional efforts. Many of these coalitions already exist but will benefit from a renewed effort to identify and ferret out organized, criminal enterprises.

3. 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 scales of justice are blind and it is a prosecutor’s responsibility to evaluate each case solely on the law and the facts, without regard for race, gender, ethnicity, sexual orientation, or religion. My office has been an active participant in the sub-committee of the Colorado Commission on Criminal and Juvenile Justice formed to address the over-representation of minorities in the criminal justice system. This will continue to be an area for training and informed discussion.

We have also reached out to minority groups at law schools and bar associations in an effort to develop diversity in our applicant pool. I have also sent staff to trainings on racial disparity within the criminal justice system.

Race does not play any role, whatsoever, in the decisions made within my office. Any indication that a prosecutor acts contrary to that will result in a thorough investigation of the allegations and if proven, will result in significant consequences, including termination.

4. 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, including any changes to the allocation of victim services funding? (By underserved, we mean low-income, people of color, men, LGBTQ, and crime survivors who also have a criminal background.)

The 1st Judicial District Attorney's Office takes great pride in providing comprehensive services to victims of crime. My office is dedicated to treating victims with fairness, respect and dignity as mandated by the Colorado Constitution. We consider the Victims' Rights Act a baseline for ensuring victims have the opportunity to participate in the criminal justice system, as they are the people impacted by crime. We go above and beyond our statutory obligations by doing outreach to all victims of violent crime, meeting with victims in person, providing court support and resources, operating one of the finest crime victim compensation programs in the nation and holding all staff to the highest of standards in communicating with victims. This includes transportation for low-income victims. We are one of the only offices in the metro region that dedicates funds to provide taxis for low-income victims to ensure that they can come to the courthouse.

Regarding underserved populations, we treat all victims equally, regardless of income, age, gender, race or background. We utilize comprehensive language interpretation services, both in person and telephone, for non-English speaking victims. We will meet with in-custody victims in person and make arrangements for those individuals to participate in court proceedings. Our Victim Witness Specialists are trained and knowledgeable in providing resources to community agencies that work with special populations, such as people with disabilities, non-English speakers, LGBTQ persons and people from other cultures. We invite these community partners to present information and train staff at regular meetings. We have specialized units for working with child and elderly victims. Also, we continually assess our service provision to underserved populations.

5. 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 enforcement of immigration laws is a federal matter. However, U.S. Immigration and Customs Enforcement (ICE) has procedures to issue a "U-Visa" to undocumented immigrants who are either victims of a crime or are a material witness to a crime. When applying for a U-Visa, a request may be made to law enforcement or to a prosecutor's office to certify that the applicant was a victim of a crime or a material witness to a crime.

After taking office, I carefully analyzed our U-Visa policy. Members of my office met with immigration attorneys. I also spoke with federal authorities and local law enforcement. Through these steps, I developed a more consistent and efficient review process for all U-Visa requests throughout the jurisdiction.

When my office receives requests regarding U-Visas, we analyze them carefully. In appropriate cases, I will certify that the individual was involved with the criminal justice system to the extent that the granting of a U-Visa by federal authorities may be warranted.

6. 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 am not an advocate or proponent of formal “guided decision-making” for prosecutors. As indicated above, a prosecutor’s job is to do justice. Arriving at justice in an individual case involves experience and judgment, and cannot be reduced to a formulaic exercise. However, the prosecutors in the DA’s office in the First Judicial District are engaged in extensive training in the law, ethics, and evidence based practices. Factors included in “guided decision-making” may be of interest in some cases in arriving at the right decision. We recognize that legitimate, verified, evidence based practices and data are useful in informing decisions.

I do not have strict plea bargaining policies. The deputy district attorneys in my office are expected to carefully analyze each case and reach appropriate conclusions consistent with what I believe are the expectations of the citizens of Jefferson and Gilpin Counties. I do have areas of emphasis (i.e. violent crimes, crimes against children or the elderly, significant economic crimes, DUIs, etc.) that need to be considered by my deputy district attorneys in arriving at an appropriate disposition. These principles, or areas of emphasis, have been posted on my website for the past 4 years. It is encapsulated under my pledge to the citizens of Jefferson and Gilpin Counties.

7. 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?

Mental health and substance abuse issues are pervasive in the criminal justice system. Drug use, both illicit and abuse of prescription medications, is a significant societal issue. Beginning in 2010, I was at the forefront of working on reforming Colorado’s drug laws. Working with my colleagues in the prosecution community, defense attorneys, law enforcement and members of the Colorado Criminal Justice Reform Coalition, a fundamental public policy position was agreed upon. This resulted in the passage of Senate Bill 250 in 2013.

The policy underlying SB 250 was to distinguish between individuals with a drug use or drug addiction issue and criminals who profit from those addictions; the dealers, manufacturers and distributors of drugs. For those with addiction issues, the focus is on treatment and services while deemphasizing criminal consequences. For the drug dealers, the law provides for significant consequences for their criminal conduct.

It is important to continue efforts to provide resources and services to effectively treat addiction issues. I am proud of the results that we have achieved in the Drug Recovery Court in Jefferson County. Our Drug Court applies evidence-based practices where appropriate offenders are involved in a rigorous regimen of monitoring, counseling, treatment, rewards, sanctions, restitution, and community service to address and ultimately defeat their addictions. We have numerous examples of men and women who enter drug court with years of addiction with the resulting devastation; criminal convictions, families torn apart, the loss of children,

and homelessness. Those who are successful in Drug Court graduate sober, with hundreds of days without using drugs. They have renewed confidence, they are more employable, and often their children, family and support systems have been restored. These successes benefit all of us.

We also need to continue and expand efforts to identify and treat individuals with co-occurring disorders, both behavioral health problems and addiction problems. Often an underlying mental health issue leads to “self-medicating” or abuse of drugs that in turn can lead to criminal activities. By addressing the behavioral health issues up-front, it benefits the individual and it benefits the community at large. The ultimate goal would be a system where drug and mental health problems are treated before crimes are committed.

8. 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?

Any case involving someone who is in our country illegally and then commits a crime is taken very seriously. In my office, those individuals will not be given any greater or special consideration in the assessment of their cases than a United States citizen accused of a crime. Once again, it is important to note that the enforcement of the immigration laws is strictly a federal matter. My office will not engage in agreements to circumvent that process.

Also, the references by the appellate courts to “prosecutorial discretion” as it applies to plea-bargaining and immigration consequences are generally referring to the prosecutors employed by United States Immigration and Customs Enforcement (ICE), not state prosecutors enforcing state laws. There have been directives from ICE leadership to their prosecutors to use greater discretion in determining immigration consequences. It is incumbent upon ICE prosecutors to assess and make whatever determination they deem appropriate in light of the independent prosecution of a state criminal matter.

9. 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?

I believe it is too broad a statement to suggest that Colorado “has too many people that are incarcerated and/or under some form of criminal justice supervision.” Everyone who is in the Department of Corrections has either pled guilty to, or been convicted at trial, of a felony offense. For drug offenders and those who have committed property crimes, incarceration in prison is, in the vast majority of cases, a last resort. They receive a penitentiary sentence after numerous opportunities on probation and/or community corrections. For non-violent offenders, often they have numerous felony convictions before they are sentenced to prison. For drug offenders and people who commit property crimes, they have to work their way into prison.

For many violent offenders, the legislature has determined that mandatory minimum sentences are appropriate. Most of these are criminals who have violently attacked members of our community and need to be removed from society for our protection. A large percentage of inmates in the Department of Corrections are incarcerated either because they have committed a violent crime, or they have committed a violent crime sometime in their past.

I had the privilege of being appointed District Court Judge by Governor Bill Owens. I sentenced hundreds of individuals. During my time on the bench, there was constant dialogue among my colleagues and I regarding what is the “right” sentence in many, many cases. The sentencing decision is the most important decision a judge makes. In my experience, I may agree or disagree with the final decision made by the court, but I know that it is not a cavalier decision. Any sentence involving incarceration is a result of serious, thoughtful consideration.

I left the bench at the request of Governor Bill Ritter in 2007. I joined Gov. Ritter’s cabinet as the Executive Director of the Colorado Department of Public Safety. One of the reasons for leaving a great job as a judge was to work with other criminal justice experts and assess areas within our justice system in need of reform. Two of the initial areas of focus were reentry into the community from prison and reduction of the rate of recidivism. Working with Gov. Ritter and the General Assembly, I was instrumental in forming the Colorado Commission on Criminal and Juvenile Justice (CCJJ). I served as the chairman of CCJJ for 3 ½ years.

Reentry and recidivism reduction consumed hundreds of hours of research, analysis and debate by the members of CCJJ. Numerous, very constructive, policy recommendations resulted. Some of the recommendations were in the form of changed business practices for the Department of Corrections, some of the recommendations involved housing and support services for transitioning offenders, and some of the recommendations suggested statutory changes. I believe good work was done, but these are complex, important issues. More work remains to be done. I continue to work on these issues as the District Attorney for Jefferson and Gilpin Counties and as a representative of Colorado’s prosecutors on CCJJ.

10. 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 collateral consequences for a conviction are appropriate considerations in striving to achieve a just result in a case. While it is, and should be, a consideration, it is one of many factors that are taken into account in reaching a decision.

A district attorney best serves his or her community by not only prosecuting men and women who have broken the law, but also engaging in practices and developing programs that may prevent future criminal conduct. I am a strong proponent of our juvenile justice system because I believe that if we intervene in a young person’s life in an appropriate manner, we can prevent subsequent involvement in the adult criminal justice system. In my office, juvenile filings have dropped significantly over the past decade. We use a low risk offender program, a Youngers program, juvenile mental health court, sexting solutions, and juvenile diversion to assist our youth. The confidentiality of the juvenile system is crucial in allowing the system to provide services while not having lifelong, adverse consequences for the juvenile.

Our adult diversion program also provides adult offenders who have little or no criminal records the opportunity to participate in services and pay restitution without sustaining a permanent felony conviction. This is an outstanding program that combines accountability for conduct without suffering the consequences of a felony conviction.

Finally, in appropriate circumstances, a case originally charged as a felony may be reduced to a misdemeanor. When all of the facts of the case and the history of the defendant indicate that a misdemeanor disposition is the right thing to do, it avoids the adverse impact of a felony conviction.

11. 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 represent the citizens of Jefferson and Gilpin Counties and the People of the State of Colorado. I have an absolute responsibility to be transparent and forthright regarding the actions and activities of the Office of the District Attorney. However, it must be recognized that I have ethical responsibilities as a prosecutor and my office has a duty to preserve the due process rights of anyone accused of a crime. Our ethical responsibilities limit the nature and extent of information that can be disseminated to the public during the pendency of a case. In most instances, information must be couched with the admonition that charges are mere allegations and all defendants are presumed innocent unless or until their guilt is proven beyond a reasonable doubt.

While preserving the rights of defendants, I believe strongly that the public has the right to be informed. A public information officer works in my office. This person's primary responsibility is to the public and to working with the media, law enforcement, and citizens to provide information and respond to questions regarding cases and general policies and procedures. My office also publishes an annual report detailing significant cases and programs within the office. This report is available in hard-copy form and is also posted as part of the DA's website.

After my election in 2012, I created the District Attorney's Citizens Academy. The mission of the Academy is to inform interested citizens about our criminal justice system and the role and function of a district attorney in general, and specifically, the processes and programs within the DA's office in the First Judicial District. Our 5th Academy class will start in September 2016, and will consist of one, three-hour session per week for twelve weeks. Members of the DA's office, law enforcement, judges, and defense attorneys participate in the presentations and discussions. The Academy has received rave reviews from the participants and, I believe, is an excellent way to educate the public about our criminal justice system and the role played by prosecutors.

Also, working in conjunction with the Jefferson County Sheriff, I co-chair the Jefferson County Citizens' Advisory Council. The Council is comprised of Jefferson County citizens and meets on a quarterly basis. At Council meetings, issues of interest are discussed and the Sheriff

and I solicit comments, thoughts, and suggestions from Council members on pressing law enforcement and criminal justice matters.

12. 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?

The issue of trust and the criminal justice system is vitally important. Our entire system of jurisprudence, especially our criminal justice system, is predicated upon trust. For our legal system to function, our communities must trust that the men and women who work in the system are men and women of honor and integrity, they must trust that the system is fair, and that the criminal justice system will achieve the right result. It must also be recognized that no system is perfect, mistakes will be made and, at times, justice will not be served. However, there is not a better system of justice anywhere in the world.

I believe there is no higher calling, nor any greater responsibility, than to serve as district attorney. The same standards apply to the men and women in law enforcement. When it is discovered that the trust the public places in prosecutors, judges, or law enforcement has been betrayed or abused, it is incumbent upon those of us within the system to act aggressively and decisively. There cannot be a rush to judgment, and due process must be afforded to all, but those proven to have betrayed the public trust must be removed from positions of authority and, in some circumstances, prosecuted.

I have spent over 37 years working in Colorado's justice system. We should be proud of our justice system in Colorado. We need to be careful not to assume that issues and conduct that have been shown to be reprehensible in other parts of the country also persist in Colorado. However, we should not be blind to the impact those incidents have on the citizens of our state. We need to guard against abuses and insensitivities that create distrust and perhaps even miscarriages of justice.

In my view, trust is predicted upon relationships, accountability and transparency. We cannot wait for an issue to arise before we develop relationships and engage in dialogue. I have reached out to organizations and representatives of minority communities and special interest groups offering to meet and discuss any issues of concern or interest. I also support and applaud the efforts of Jefferson County Sheriff Jeff Shrader and his annual Summit on Faith and Public Safety. This event brings together law enforcement leaders and leaders of our faith community to foster relationships and facilitate important discussions.

In other parts of the country, officer involved shootings have shaken the trust by some in the criminal justice system. Jefferson County's Critical Incident Response Team has been used as a model for the state. An independent investigation is conducted and reports are generated and reviewed by my office. Ultimately a decision regarding criminal culpability is made. A letter is generated explaining the rationale for the decision. The letter is published on the DA's website for public inspection. I believe that the public deserves, and trust in the system demands, this level of objective, impartial investigation and transparency.

13. 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?

Pursuant to my direction, members of my office actively participated in, and often led, the effort to establish a Mental Health Court in Jefferson County. The Mental Health Court was implemented in 2015, recognizing the special consideration and needs of some offenders in the criminal justice system with mental health problems.

Over the past several decades, mental health facilities have been drastically reduced. Many of the individuals whose needs may have been met in those facilities have subsequently committed crimes and have been funneled into the criminal justice system. As a prosecutor, I am advancing public safety if the underlying factors contributing to criminal behavior are addressed, including mental health issues. A court dedicated and trained in assessing and handling offenders with significant mental health problems is a step in the right direction.

To have a reasonable chance to effectively treat mental health problems, three things needed to be addressed: housing, monitored administration of medications, and a navigator or case manager to assist in receiving services. In order to address the first issue, housing, I worked directly with the Director of the Jefferson Center for Mental Health and appeared in front of the Jefferson County Board of County Commissioners. Together we successfully detailed the importance of housing for this population and, as a result, received funding for 16 beds dedicated to our Mental Health Court.

Understanding mental health problems is increasingly important for prosecutors. Because of this, I have sent prosecutors from my office to trainings focused on mental health needs within the criminal justice system. These factors are important considerations in determining appropriate resolution of a criminal case. The needs of an offender should be considered, but not at the expense of public safety. A careful assessment is needed when balancing needs and services for an offender against potential danger to the community. Public safety will always be the most important and controlling factor.

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