



# 8th Judicial District

(Larimer and Jackson Counties)

## District Attorney Candidate 2020 Voter Guide

### Mark Your Calendars!

**Election Day:** Tuesday, November 3

**Register to Vote:** Visit the Colorado Secretary of State's election website, [GoVoteColorado.com](http://GoVoteColorado.com), to register online, [verify your registration](#), and update your information.

**In Colorado, you can register and vote on the same day, including Election Day, at any Voter Service and Polling Center.**

*You must be registered by October 26, 2020 to receive a ballot in the mail.*

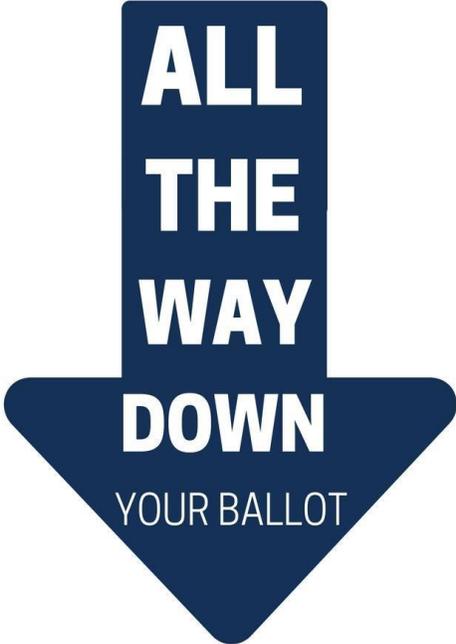
**Vote in Person:** Beginning October 26, voters can vote in person at any Voter Service and Polling Center (VSPC). On Election Day, VSPCs will be open 7 a.m.-7 p.m.

[Find your county clerk's website for VSPC locations and other local election information.](#)

**Vote by Mail:** Beginning October 9, ballots will be mailed to every active registered voter in Colorado. Please fill out your ballot, remember to sign it, and mail it back as quickly as possible to ensure it arrives by November 3 at 7 p.m.

### MAKE YOUR VOTE COUNT

□ ————— □  
*Be Sure To Vote*



District attorneys prosecute state crimes, decide which charges are filed, and have the power to dismiss charges or divert people to treatment or other programs. They are also highly influential in state and local politics. In Colorado, DAs are elected in each of the state’s 22 judicial districts, all of which will be holding elections in 2020.

Founded in 2020, CCJRC4Action is a nonprofit organization dedicated to advancing electoral and policy strategies aimed at eliminating the overuse of the criminal justice system and advancing racial justice in Colorado. We engage in public education, policy advocacy, promoting prosecutorial accountability, and building political power in communities most impacted by crime, mass incarceration and over-criminalization.

CCJRC4Action is the 501(c)(4) affiliate of the Colorado Criminal Justice Reform Coalition, a 501(c)(3) nonprofit organization founded in 1999.

CCJRC4Action initiated its KNOW YOUR DA campaign to help voters be more educated about DA candidates around the state. This campaign will continue to educate the public for each District Attorney Election cycle to promote more community engagement to improve transparency, accountability and relationship with elected District Attorneys. Go to [www.ccjrc4action.org](http://www.ccjrc4action.org) to learn more and get involved.

*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*

## 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
- 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 2020, there are two candidates running for District Attorney in the 8<sup>th</sup> Judicial District: Gordon McLaughlin (D) and Mitch Murray (R).

CCJRC 4 Action submitted a written candidate questionnaire to both Mr. McLaughlin and Mr. Murray. Both submitted responses which are reprinted verbatim and, in their entirety up to the 500 word limit per question and are presented in alphabetical order by last name. We thank the candidates for their participation.

Gordon McLaughlin ..... page 3  
 Mitch Murray.....page 8

*CCJRC 4 Action publishes this District Attorney Voter Guide for educational purposes only. The views expressed by the candidates are their own.*



JD 8 Candidate: Gordon McLaughlin (D)

[www.mclaughlinforda.com](http://www.mclaughlinforda.com)

**Section #1: People are interested in your perspective on key social justice issues. Please answer the follow questions:**

**1. Why are you running for District Attorney including what qualifications do you bring to this elected position, and what will be the priorities of your administration, including any areas of improvement and measures of success?**

I'm a career prosecutor, having worked in several jurisdictions around Colorado. I spent about seven years as a Deputy DA here in Larimer County and have handled high level prosecutions including homicide, attempted homicide, sexual assault, and wiretap cases. I have also defended indigent clients while at the CU Law legal aid clinic, so have seen both sides of the system. I am running for DA because I believe the criminal justice system must improve. I am running for DA because I find the complacency of my opponent's administration unacceptable. Among my priorities are reducing recidivism, focusing resources on serious crimes, reforming the cash bail system, combatting overincarceration, promoting behavioral health opportunities, engaging with the community and historically marginalized populations, and being transparent with data. While there is no one measure of success, I expect to see recidivism reduced, violent crime down, the jail population declining, disparities in demographics narrowed, greater trust from all members of our community, and I ask the community to hold me accountable on those goals.

**2. How would you describe your idea of justice, the purposes of sentencing, and whether you believe our current system is meeting those purposes in the Judicial District you would like to serve as the elected District Attorney?**

I believe we must change the current system where social justice is viewed to be at odds with criminal justice. We can keep our community safe and treat our neighbors with respect and compassion, we are strong enough to do both. The DA has an incredible amount of powerful in the criminal justice system and what our philosophy is regarding charging, sentencing, community safety, and justice need to be reassessed. The current culture where access to justice is unequal and only tough prosecutions are rewarded, is not one that meets the needs of everyone in our community.

**3. How do you think that Colorado can reduce the Department of Corrections budget which is likely to be over \$1billion dollars in the upcoming fiscal year, for the first time in state history?**

Not only is the state corrections budget sky high, but locally, taxpayers are footing the bill for a 75-million-dollar jail expansion. I am committed to increasing alternatives to incarceration, including adult diversion programs,

restorative justice, and behavioral health opportunities that my opponent's administration has been silent on or outright resistant to. We need to ensure that young adults, non-violent offenders, and those committing low-level crimes are given access to resources so they are held accountable in ways that address the root causes that brought them into the criminal justice system. Doing so will break the cycles which see the same people committing new crimes and filling our jails and prisons.

**4. There is a narrative that tries to explain racial disparity in the criminal justice system as a consequence that people of color just commit more crime. Do you believe there is racial disparity in the criminal justice system? If so, please discuss what you believe to be root causes of that disparity and, if not, please share the basis for that opinion.**

Yes, there are racial disparities in the criminal justice system that stem from hundreds of years of systemic inequalities and racism, not from some predisposition that people of color commit more crime. Unfortunately, my opponent's administration refuses to release data locally for us to see what those disparities look like, but nationally we know this is a real problem and we cannot pretend we are above societal problems here in Larimer County.

**5. What formal policies would you be willing to adopt regarding the consideration of immigration consequences for noncitizen defendants in the plea negotiation and sentencing recommendations and U visa protections for immigrant survivors of crime?**

Immigration impacts are often the most serious consequences in a criminal case. Looking at what justice means, I will direct my deputies to seriously consider these impacts in looking for a fair resolution. I believe the U Visa process in Larimer County is broken and victims do not have a fair opportunity to have their cases considered. If we do not take these two issues seriously – and communicate with immigrant communities that we care – we lose the trust of members of our community. Lack of trust can lead to victims and witnesses not coming forward, jurors not believing in a case, and will result in a less safe community for everyone.

**6. 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?**

Saddling someone, especially a young adult, low-level, non-violent offender with a lifelong conviction can impact their ability to get a job, obtain housing, access student loans, and more. Adult diversion programs will go a long way toward providing the opportunities to address the root causes that brought someone into the criminal justice system, while allowing the person to learn, improve, and go on to contribute to their family and community without a conviction. I also support vacating past marijuana possession convictions that have lingering negative impacts and often disproportionately impact BIPOC communities.

**7. What is your perspective on the availability and adequacy 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.)**

Providing adequate resources for the most vulnerable members of our community must be a top priority. Victims of crimes are in very vulnerable positions, often they lack resources and understanding about the criminal process. This includes those who have historically not had access to, or a voice in, the criminal justice system, such as people of color and those of low income. It is the DA's responsibility to be proactive, engaged in the community to earn the trust of underserved residents and take the time and care to ensure they have a voice in the process. We need to fight for all victims equally.

**8. Are there any things your administration would change with regard to the prosecution and sentencing recommendations related to women? If so, what changes would you make and why?**

We need to collect, release, and analyze demographic data to see what the outcomes for women look like in our system. I will also prioritize gender diversity in my staff, while the current administration has very few female attorneys in positions of power.

**9. There is very little information available to the public about the decision-making and outcomes of the District Attorney's Office. What would you do to improve the transparency of the District Attorney's 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?**

Transparency is a big focus of my campaign. We cannot expect to have community trust if we do not show our cards. My opponent and his administration have refused to do this and have only recently released data that is of little to no help in analyzing the complex issues in the criminal justice system. I will release data on charging, bail, sentencing and trial outcomes, to name a few categories. I will utilize outside experts, including local experts at our colleges and universities, to find the disparities and help us address them. I will make it publicly available and I will be accountable to the community to answer questions about it.

**10. If elected DA, what would be your approach to defendants whose criminal conduct is solely or largely related to an underlying addiction or mental illness?**

Behavioral health is at the root of much of the behavior we see enter the criminal justice system. The focus on these cases must be treating the behavioral health problem, not on punishment. Promoting substance and mental health treatment programs and instituting an adult diversion program will aid in this regard. I have also pledged not to criminalize behavior that is purely the result of a mental health crisis. The discretion of the DA and access to the facts allows us to take a holistic look at what justice is in a particular case and what is in the community's best interest. Some cases simply should not be prosecuted, there are instances when we are all better off sending someone to treatment than burdening them in the criminal justice system. The DA does not need to prosecute every crime to the fullest extent of the law, they need to find justice and protect community safety.

**11. If elected DA, would you support an effort to re-institute the death penalty in Colorado?**

No. I am opposed to the death penalty and publicly supported Colorado's repeal bill. The government should not be in the business of ordering someone's death. I spoke with local legislatures to make my views known and encouraged them to support repeal.

**12. Do you think the current system related to bail is adequate in determining pretrial detention that mitigates the chances that lower income people will be held pretrial simply because they cannot afford to make bond. If so, what are the strengths of the current bail system and what would you change?**

The bail system is highly discretionary and I don't believe my opponent and his administration have pragmatically used that discretion to create a just system. I support relaying on data, but I believe the current pre-trial assessment tool is flawed and not an accurate gauge of risk. We need to combine data with discretion that allows recommendations on low-level, non-violent crimes that allow folks to await resolution out of custody where they can keep jobs, housing and provide for their families. Rather than focusing resources on expanding jails and paying for incarceration, we should build robust pre-trial supervision programs where defendants can be safely supervised.

**Section #2: People would like to know your views about unilateral discretion, potential reforms, and treatment of the accused. Please answer the following questions by placing an “X” in the column that best represents your answer to each of the following questions:**

1. Will your office track and publicly release race and ethnicity data, permit an independent, outside source to review the data, evaluate disparities, and make publicly reported recommendations to reduce them?
2. Colorado’s habitual criminal statute eliminates judicial discretion and requires mandatory prison sentences of 300% or 400% above the normal maximum sentence. Would you support reform of the habitual criminal statute to lower these harsh mandatory sentences and narrow the circumstances where the habitual criminal statute may be used by prosecutors?
3. In Colorado, the statute known as the two prior felony rule gives the prosecutor the sole power to determine whether a person can be probation eligible for a third felony offense. Would you support the elimination of the two prior felony rule so that judges -and not prosecutors - have the power to determine whether probation is appropriate in a particular case?
4. Would you support reduction of the felony murder statute from an F1 offense carrying a life sentence to an F2 offense?
5. As provided for in state law, will you commit to a formal policy to develop criteria and consent to the issuance of a summons in lieu of warrant by law enforcement officers for misdemeanors and low-level felonies?
6. Will you commit to reducing the number of people sent to jail or prison from the 8th Judicial District by 25% by the end of your first term?
7. Will you adopt a written policy to direct prosecutors to favorably consider immigration consequences in plea negotiations and post-conviction cases?
8. Will you commit to swiftly and thoroughly investigating officer-involved killings to determine if criminal charges against the police officer are warranted, and, where charges are not filed, make your investigation and findings publicly available?
9. Will you decline to prosecute simple misdemeanor drug possession cases?
10. Local criminal legal systems disproportionately harm people living in poverty. Will you commit to a 25% reduction in prosecution of quality-of-life offenses - including trespass, public urination, and driving without a license -that carry devastating consequences for people living in poverty?

Yes	No	Maybe	Pass
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**Section 2 explanation offered by Mr. McLaughlin:**

Q 6: I am committed to significantly reducing the number of people incarcerated. I think committing to a %, especially while statistics are artificially low during the pandemic, is difficult.

Q 9: Creating a diversion program where many of those cases can be diverted pre-filing and therefore not charged is a priority.

Q 10: The current administration releases no statistics, so it is hard to gauge how many of those offenses exist. It is very possible I'd commit to more than a 25% reduction if I knew the true numbers. Until then, I can commit to changing the culture surrounding these offenses and working with community organizations to direct these offenses towards resources and away from the criminal justice system.



## JD8 Candidate Mitch Murray (R)

[www.votemitchmurrayda.com](http://www.votemitchmurrayda.com)

Section #1: People are interested in your perspective on key social justice issues. Please answer the follow questions:

**1. Why are you running for District Attorney including what qualifications do you bring to this elected position, and what will be the priorities of your administration, including any areas of improvement and measures of success?**

I am running for District Attorney because I believe our community deserves a Chief Law Enforcement Officer with the necessary experience and commitment to improve the safety of our community and effectively manage an office of close to 100 people, including 40 attorneys.

I have been a prosecutor for over 30 years. During that time, I have prosecuted a wide range of crimes including DUIs, domestic violence, embezzlement, sexual assaults, child abuse, burglary, robbery, and murder, among others. Additionally, I have held the position of Chief of County Court, Chief of District Court, supervisor to the Special Victims Unit, and Assistant District Attorney. Throughout my career, I have actively been involved in shaping policies and procedures to improve the criminal justice system in the 8th Judicial District and the rest of Colorado. I am a dedicated public servant, guided by integrity to always do the right thing for the right reasons.

During my administration, these will be my priorities:

- Increasing the office's transparency and community engagement. We will track data concerning filings, cases, and outcomes, and make that information available to the public. We will establish social media outlets to engage with the public through updates and statements.
- My office will actively engage and collaborate with local organizations to hear their concerns and implement better practices to better serve our community.
- We will explore options to implement adult diversion programs.
- We will continue to work on expanding and improving our victim services.
- We will evaluate and improve our recruiting practices in order to proactively seek to establish a more diverse workforce.
- We will continue to build upon existing programs to provide for public safety.

**2. How would you describe your idea of justice, the purposes of sentencing, and whether you believe our current system is meeting those purposes in the Judicial District you would like to serve as the elected District Attorney?**

Justice involves ensuring the rights of all parties are respected and upheld, including the rights of victims, while achieving a resolution that addresses the seriousness of the offense, its impact on the community, and the defendant's needs. The purpose of sentencing is threefold. The first is to punish a defendant, holding them accountable for the crime they committed and deterring others from committing similar offenses. The second is to promote rehabilitation and reduce the potential for the defendant to engage in criminal conduct in the future. The third is to provide restoration and healing for victims and the community. All of these contribute to public safety.

Our criminal justice system is not perfect, but I strongly believe that the attorneys at the District Attorney's Office are committed to seeking justice in every case. They are committed to protecting the rights of victims and also making decisions that are conducive to the rehabilitation of defendants.

**3. How do you think that Colorado can reduce the Department of Corrections budget which is likely to be over \$1billion dollars in the upcoming fiscal year, for the first time in state history?**

My recommendation would be for the Department of Corrections to do a better job with the resources they have, rather than reducing their budget. As District attorney I would be willing to collaborate with the agency to find better solutions. I believe we need to devote more resources to re-entry programs, both within the prison setting and while on parole. This will lead to improved outcomes for inmates returning to society.

**4. There is a narrative that tries to explain racial disparity in the criminal justice system as a consequence that people of color just commit more crime. Do you believe there is racial disparity in the criminal justice system? If so, please discuss what you believe to be root causes of that disparity and, if not, please share the basis for that opinion.**

Any thought that people of color "just commit more crime" is wrong. Studies show that there is correlation between poverty, lack of opportunity and the rate of crime and victimization in communities of color. There is also the belief and practice that improvement or increase in education and opportunities work as a form of crime prevention. The root of the issue does not lie within the criminal justice system. There are broader societal issues that impact communities of color more than white communities, like poverty and lack of education, that I believe are the root cause of the over-representation.

**5. What formal policies would you be willing to adopt regarding the consideration of immigration consequences for noncitizen defendants in the plea negotiation and sentencing recommendations and U visa protections for immigrant survivors of crime?**

I strongly support the use of U visa protections for immigrant survivors of crime. I have met with a local immigration lawyer to discuss the program and the role of the District Attorney's Office. I plan to eliminate any blanket bars to consideration for U Visa protection and will look at applicants on a case by case basis. While I believe immigration consequences should be considered during the plea negotiation process, issues of public safety are paramount. The variety of factual circumstances which could arise make any attempt at a formal written policy exceedingly difficult.

**6. 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?**

In 2019 the Colorado legislature passed a sweeping bill increasing the eligibility of defendants to seal their criminal records. Much of the impetus for that bill involved the reduction of collateral consequences. I support further strategies to create and encourage housing options and employment opportunities for those with a

criminal record. If a person is able to establish a good work record and housing record, it would mitigate collateral consequences.

**7. What is your perspective on the availability and adequacy 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.)**

We have a very robust victim/witness division that provides exceptionally good services to survivors of crime. There should be nothing in place that reduces services to a victim of crime based on the categories set forth in this question. One of my goals is to increase language access to victims who are not native English speakers. Continuing to provide implicit bias training will also equip our team members to better serve survivors who belong to minority groups.

The only time criminal conduct should affect the victim services provided by the District Attorney's Office is when a person is charged with a crime arising out of the same incident or they have pending criminal charges and are currently represented by a defense attorney. In which case, the District Attorney's office is limited in our ability to communicate with the person based on that representation. We provide victim services to people who have had previous criminal convictions every day.

**8. Are there any things your administration would change with regard to the prosecution and sentencing recommendations related to women? If so, what changes would you make and why?**

I recognize that many women and girls enter the criminal justice system having experienced significant trauma in their lives. We have a juvenile diversion program in the District Attorney's Office specifically for girls. Within our probation and community corrections programs there are gender responsive treatment and trauma informed therapy. I don't believe in a one size fits all approach when it comes to probation supervision, community corrections, and treatment. The more those programs can be tailored to the individual needs of those involved, the better our outcomes will be. I intend to increase cross training with our criminal justice partners so that we can make the best use of these programs.

**9. There is very little information available to the public about the decision-making and outcomes of the District Attorney's Office. What would you do to improve the transparency of the District Attorney's 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?**

We have recently begun including data about our case filings on the District Attorney's web site. I plan to expand that to include more data about demographics of the people involved as it becomes available. I also plan to meet with the various communities that make up our jurisdiction to hear their concerns and answer their questions. This will include a broad discussion of how and why we make the decisions we make. Those discussions will not be case specific, to protect the privacy and rights of the individuals involved. Additionally, I plan on establishing an active social media presence that will be informative and interactive with the public. Our social media platforms will become an avenue for us to receive input from the community. We will also be proactive in providing official statements from the District Attorney's Office.

**10. If elected DA, what would be your approach to defendants whose criminal conduct is solely or largely related to an underlying addiction or mental illness?**

I intend to look at expanding our adult mental health diversion to include people suffering from addiction and substance abuse issues. My hope is that as our behavioral health programs expand, with the opening of our behavioral health center, more resources to address those issues will become available. Connecting people with

those resources, whether in a diversion program or on a sentence, will be the first step in trying to address addiction and substance abuse issues and reduce criminal involvement.

**11. If elected DA, would you support an effort to re-institute the death penalty in Colorado?**

I believe the death penalty was an important and appropriate punishment for our most heinous crimes. I have no plans to try and reinstate it. If an effort was made to give that question to the voters, where I believe it should have been made, I may support that effort.

**12. Do you think the current system related to bail is adequate in determining pretrial detention that mitigates the chances that lower income people will be held pretrial simply because they cannot afford to make bond. If so, what are the strengths of the current bail system and what would you change?**

Larimer County has one of the most advanced pretrial release programs in the state. We are one of only three jurisdictions that allow our bond commissioners to set bond and release defendants without going before a judge. 24 hours a day, seven days a week, decisions are being made which allow the release of people charged with criminal offenses. The current system we have in the 8th Judicial District does a good job of making sure the people being held in our jail need to be there. A judge determines that there is probable cause to believe they have committed a crime and that they present a danger to the public if they are not detained. It is not a perfect system, but until we have laws and a constitution that allow for preventative detention, we cannot move forward with further reform without endangering the public.

**Section #2: People would like to know your views about unilateral discretion, potential reforms, and treatment of the accused. Please answer the following questions by placing an “X” in the column that best represents your answer to each of the following questions:**

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3. In Colorado, the statute known as the two prior felony rule gives the prosecutor the sole power to determine whether a person can be probation eligible for a third felony offense. Would you support the elimination of the two prior felony rule so that judges -and not prosecutors – have the power to determine whether probation is appropriate in a particular case?
4. Would you support reduction of the felony murder statute from an F1 offense carrying a life sentence to an F2 offense?
5. As provided for in state law, will you commit to a formal policy to develop criteria and consent to the issuance of a

Yes	No	Maybe	Pass
X			
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**summons in lieu of warrant by law enforcement officers for misdemeanors and low-level felonies?**

- 6. Will you commit to reducing the number of people sent to jail or prison from the 8th Judicial District by 25% by the end of your first term?**
- 7. Will you adopt a written policy to direct prosecutors to favorably consider immigration consequences in plea negotiations and post-conviction cases?**
- 8. Will you commit to swiftly and thoroughly investigating officer-involved killings to determine if criminal charges against the police officer are warranted, and, where charges are not filed, make your investigation and findings publicly available?**
- 9. Will you decline to prosecute simple misdemeanor drug possession cases?**
- 10. Local criminal legal systems disproportionately harm people living in poverty. Will you commit to a 25% reduction in prosecution of quality-of-life offenses - including trespass, public urination, and driving without a license -that carry devastating consequences for people living in poverty?**

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## *Voting With Conviction*

CCJRC4Action has a different vision for criminal justice in Colorado. It aims to provide communities with effective, just, and equitable health and safety solutions that recognize

CCJRC4A works to engage, educate and mobilize voters. We aim to build political power in communities most impacted by crime, overcriminalization and mass incarceration, and we are particularly interested in boosting voter engagement among people who have been directly impacted by the criminal justice system.

These efforts dovetail with CCJRC's Voting With Conviction campaign, which works to inform citizens that most people with criminal records — including those on probation and parole, and many currently in jail — are eligible to vote in Colorado.



Building political power together requires participation. We don't care if you like politics or politicians but we do care that you Use Your Voice—Register to Vote & Vote! Contact us at (720) 593-8640 or [email](mailto:juston@ccjrc4action.org) Juston Cooper, Executive Director at [juston@ccjrc4action.org](mailto:juston@ccjrc4action.org)