



# 1<sup>st</sup> Judicial District

(Jefferson and Gilpin 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.

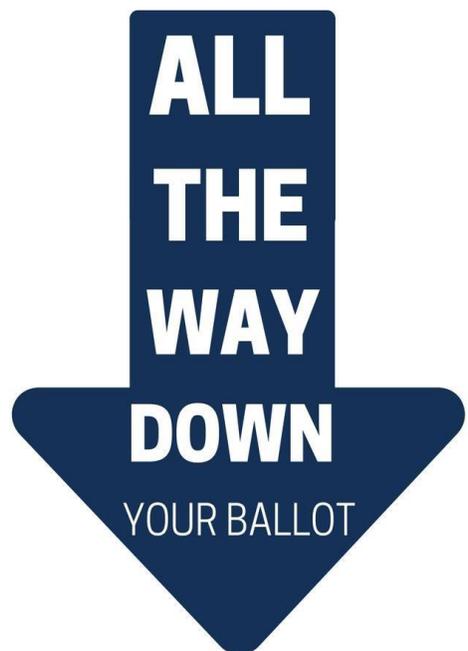
[Find your county clerk's website for VSPC locations and other local election information.](#)

**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, 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 1st Judicial District County: Matt Durkin (R) and Alexis King (D).

CCJRC 4 Action submitted a written candidate questionnaire to both Mr. Durkin and Ms. King. 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.

Matt Durkin..... page 3  
Alexis King .....page 9

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



JD 1 Candidate: Matt Durkin (R)

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

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

As a lifelong resident of the 1<sup>st</sup> Judicial District, I love my community. However, I am disturbed to see devastation that is unfolding due to a drug addiction crisis that is fueling a crime wave.

It has been my honor to protect the community in which I was raised as a Deputy District Attorney in the office for nearly 25 years, where I am currently a Chief Deputy District Attorney. In the First Judicial District, I have prosecuted every case including physical and sexual abuse against children, major drug trafficking organizations, and many murders. From 2011 – 2015, I had an opportunity to join the Colorado Attorney General’s Office, where I prosecuted major homicides all over the state. Attorney General John Suthers promoted me to Deputy Attorney General, where I led the Criminal Justice Section, managed a \$10 million budget, supervised 70 employees, and worked with both Democrat and Republican legislators on a daily basis at the forefront of criminal justice reform. In 2015, after Mr. Suthers was term limited, District Attorney Pete Weir brought me back to the 1<sup>st</sup> JD, where I am currently a Chief District Attorney.

Since 2013, crime has steadily increased every year. In 2019, for the first time in decades, as national crime statistics dropped, Colorado crime continued to increase. At the same time, Colorado set an ominous record of 1,062 drug overdoses. This year, in some communities, homicides are up as much as 50% from last year. A drug addiction crisis and a mental health crisis are fueling a crime wave, which is exacerbated by one of the worst recidivism rates in the country. The average term of incarceration in prison is a little more than three years, and a typical term of probation is 2 years. Often those who return to court, are facing increasingly aggravated and violent offenses.

It will be a priority for my administration to reduce crime by reducing recidivism. I will work with all stakeholders to implement meaningful drug and mental health for those in the system, to minimize the chance that they will return. This will be accomplished by broadening the success of our diversion program which is based upon the offender taking accountability and responsibility, and has a more than 70% success rate, which far outpaces other programs at less than 20%. In addition, to a commitment to problem solving courts like veterans’ court, the goal will be to help the offender heal, for the benefit of the offender, future victims, and the community.

Another important priority will be to provide even greater transparency and communication with the community to provide a platform to both provide information on criminal justice matters in the 1<sup>st</sup> Judicial District, but to also receive valuable feedback. We will ask graduates of our existing Citizen's Academy, to apply and serve on a Citizens Advisory Group. Also, we will begin quarterly town hall meetings across Jefferson and Gilpin Counties.

**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?**

District Attorneys have a duty to follow and implement the law. The Colorado General Assembly has declared that the purposes of sentencing are punishment "in relation to the seriousness of the offense", fair and consistent treatment of all convicted offenders, prevent further crime through deterrence, rehabilitation, effective supervision to reduce an offender's recidivism, promotion of acceptance of responsibility and accountability, and to provide restoration and healing for victims. Section 18-1-102.5, C.R.S.

It is through this framework that the District Attorney has an ethical responsibility to seek justice in each case based upon the evidence. For serious and violent offenders, the District Attorney must vigorously prosecute those cases for the benefit of community safety. For other offenses, the District Attorney must consider alternative resolutions to include rehabilitation to reduce recidivism. In all cases, the District Attorney must act with integrity to ensure fair and consistent treatment of offenders and victims.

As Colorado suffers from a drug addiction crisis that is fueling a crime wave, we must work with all stakeholders to improve our sentence alternatives to reduce one of the worst recidivism rates in the country.

**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?**

At nearly 50%, Colorado has one of the worst recidivism rates in the country. For years, the Colorado Department of Corrections inmate population has been approximately 20,000. With that recidivism rate, as many as 10,000 inmates return to prison within 3 years of being released. Colorado DOC reports that the highest need areas are both drug addiction and mental health issues.

Colorado must reduce the recidivism rate, for the benefit of the offender, future victims, and for the community. Crime is both expensive in the damage in community, but also to local and state budgets.

Criminal justice reform must address the recidivism rates by providing effective supervision on low level offenses to prevent continued criminal activity that leads to a prison sentence. For those incarcerated, criminal justice reform must include providing inmates opportunities at effective treatment while incarcerated and more effective transition into the community.

**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.**

Racial disparities may be different in each community and are difficult to measure. One metric is the Colorado Department of Correction population. In 2018, 48.7% of inmates were Caucasian, which accounted for nearly 10,000 of the population which was over 20,000, and represented .25% of the Caucasian population in Colorado. In the same year, 32.6% of the DOC population was Hispanic, at approximately 6,520 inmates, which was around .5% of the Hispanic population in Colorado. Finally, 13.3% of the DOC population were Black, at nearly 2,700

inmates, and around .9% of the Black population in Colorado. Denver sends the most inmates to the Department of Corrections each year.

Often crime is a symptom of underlying issues in a community. Each community is responsible for providing effective resources to prevent crime, but also to provide effective treatment to reduce recidivism once an offender is involved in the criminal justice system. If a community struggles with effective community policing and community programs, that will unduly burden that community.

**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?**

The Colorado Legislature has deemed fair and consistent treatment of offenders a priority in sentencing in Colorado. Consideration of immigration consequences would be inconsistent with the law, as it would potentially create a better sentence for those facing immigration consequences, than those who committed the same or similar crime who are not.

U Visa protections are critical to ensure that may be achieved in all cases. All individuals have a basic right to safe and free from crime and violence. Often those who are facing immigration consequences are manipulated and abused because of their immigration status. U Visas allow those victims an opportunity to seek justice in the criminal justice system. As Deputy Attorney General, I worked with the United States Attorney and local District Attorneys from around the state to reach out to immigrant communities to encourage trust in the system based in large part on U Visas.

**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?**

For many offenses, once a person has successfully completed his or her sentence, we should promote policies that allows them to be an effective member of society. That is the ultimate goal of community based sentencing. The intent to provide meaningful treatment, must include opportunities to use those coping strategies and perhaps occupational skills in the community. Criminal justice reform has made significant progress in sealing and expunging some criminal histories and convictions. Not all offenses or offenders fit into this category. Also, the reforms have created a very complex web of qualifications that need to be simplified so that those with criminal convictions have a greater understanding of what their options may be, and the courts have a greater ability to determine when and how to seal or expunge a conviction.

**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.*)**

Both morally and pursuant to the Victim Rights Amendment to the Colorado Constitution, we have a responsibility to provide meaningful victim services to all victims in Colorado. District Attorneys have a responsibility to all victims to seek justice, treat all victims with respect, and to allow all victims access to the process. Low-income, people of color, men, LGBTQ, and those who have their own history, have the same right to justice, should be treated with respect, and have the same access to services as anyone else. In the 1<sup>st</sup> Judicial District, we will continue that commitment to all victims.

**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?**

The District Attorney has an ethical responsibility to seek justice in each case based upon the fact and evidence. This responsibility includes treating all offenders, and victims, with fairness and consistency. Fairness and consistency must consider prior victimization that may have led to drug or alcohol abuse and mental health issues that may have played a role in the case. Fairness and consistency to all, including women, are rooted in these principles and factors.

**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?**

Greater communication and transparency are more important now than ever. It will be a priority to not just educate the community with our Citizens Academy, but to enhance our communication with the community through the creation of a Citizens Advisory Group. In addition, it will be a priority to hold quarterly Town Halls around Jefferson and Gilpin County. In each of these forums, the District Attorney’s Office will collect and communicate crime and prosecution data with the community. These forums will also provide an opportunity to inform and discuss with the community individual cases, including officer involved incidents. This will be in addition to including all this information and data in annual reports for future reference and guidance.

**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?**

Drug addiction and mental illness is one of the greatest challenges in Colorado. We will, when appropriate, implement better programs based on accountability and responsibility.

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

Yes.

**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?**

Fairness and consistency must be a priority at every stage in the process, including in setting bond. Significant strides have been made to provide more information in setting bond to achieve fairness and consistency, meanwhile achieving the goal of bond which is to ensure the defendant returns to court. COVID has given us a view of what it may look like without any cash bonds being available. Courts around Colorado used personal recognizance bonds to reduce jail populations by more than 50%. As a result, we have seen a huge increase defendants not appearing for court, and as many as 30% of those on bond committing additional crimes.

Bond reform must continue to find the balance between considering the severity and proof of the underlying offense, the circumstances of the defendant, and the right of the both the defendant and the community to an efficient judicial process.

**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**

Yes	No	Maybe	Pass
X			

- 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 18th 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?

		X	
	X		
	X		
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	X		
	X		
X			
	X		
	X		

Section 2: Explanation provided by Mr. Durkin

1. Yes – Assuming that there are funds to support this important effort.
2. Maybe – I would consider any proposal to change the habitual criminal statute, and would make a decision upon the careful consideration of every proposal.
- 3.

- 4.
5. Maybe – I would consider any proposal that involves issuance of summonses, and would make a decision upon the careful consideration of every proposal.
6. No – I am running to be the First Judicial District Attorney’s Office. However, I am committed to pursuing justice in each and every case, which is inconsistent with quotas.
7. No – Fairness and consistency require that those with and without immigration consequences be treated similarly.
- 8.
- 9.
10. No – Fairness and consistency require that those who are charged with similar conduct be treated similarly.



## JD1 Candidate: Alexis King (D)

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

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

When I was eight years old I asked my parents to adopt my best friend because I knew she didn't feel safe in her home. I carried that experience throughout my life. After college, I came home to Colorado and worked at a domestic violence and sexual assault non-profit which revealed that DAs were often the key decision makers for survivors' safety. My commitment to working on behalf of the vulnerable took me to law school and to be sworn as a Deputy District Attorney in Jefferson and Gilpin Counties. After ten years as a Deputy DA, I became a magistrate judge in Denver, focused on bail bond reform, and left the bench to run for District Attorney, because my track record of reform, coupled with experience in the courtroom, gives me the perspective and experience to create meaningful change. My record for service and leadership continued as I helped launch another new program at a non-profit to provide Title IX representation to students facing discrimination on the basis of sex.

As a Deputy DA here, I spent years prosecuting crimes of the most serious nature but ultimately led the daily operations of our Juvenile unit for four years, mentoring attorneys, managing staff, developing prosecution alternatives, working with stakeholders, initiating statewide cross-training, advancing legislation, trying cases and leading the juvenile mental health court. I then led the human trafficking prosecution team of local and federal law enforcement, Human Services, and non-profits. I served on Gov. Hickenlooper's Human Trafficking Council to advance state-wide policy. I testified on legislation and trained law enforcement and community organizations. As a member of the Colorado Bar Association's Executive Council, I monitored the implementation of a five-year strategic plan, reviewed the efficacy of our programming, bylaws and memoranda of understanding, and oversaw a \$10 million budget.

My first-tier priorities are three-fold: transparency, perspective, and alternatives to incarceration. My office will be transparent: we will collect, analyze, and utilize data regarding prosecutions and plea bargains to advance evidence-based practices and increase accountability. Transparency also includes a commitment to a Conviction Integrity Unit that considers both innocence and equity and emphasizes giving past offenders the opportunity to meaningfully move on with their lives when they pose no threat to public safety.

We need to only hold people in our jail who cannot be safely supervised in the community. Doing otherwise is an injustice to everyone, and an unnecessary expense. For those for whom incarceration is unnecessary and wasteful, we must have an appropriate diversionary track at the ready, similar to those I have already helped develop for this community, and focused on restorative justice, education, and stabilization.

At the other end of the spectrum, we must vigorously and ethically prosecute dangerous people who prey on our most vulnerable. Smart reform means freeing up resources to focus on crimes against children, the elderly, and other at-risk populations, including those crimes motivated by hate or bias.

**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 and sentencing, at their essence, should address the harm caused and minimize the chance it will happen again. Historically, prosecutors have said that their goal was to seek justice, but that justice was sought through unjust means. Prosecutors have failed to acknowledge the harm caused to communities of color and other vulnerable populations through intentional, systemic policies of those in positions of power. The system has favored punitive measures over interventions that truly protect safe and healthy futures for all in the community. The mission of my office will be transparent and accountable resolutions, with individualized, evidence-based approaches to each case.

There are many ways to achieve this goal, not just traditional prosecution methods. We must increase the number of options in the toolkit, starting with meaningful alternatives to incarceration, particularly for those facing mental illness and addiction. Thoughtful engagement with key community partners like the Department of Human Services, Jefferson Center for Mental Health, and our Juvenile Assessment Center, partners with whom I've worked before, will allow us to forge new paths to stabilize people in our community. For those who cannot be diverted, we have to support probation to ensure people are safely supervised in the community without placing undue barriers on their success.

For those who enter the courts and are likely to face a sentence that includes the possibility of incarceration, we must remember that sentences are set by the legislature. Sentencing reform is a critical issue - there are crimes now at the felony level that should be at the misdemeanor level, or perhaps not crimes at all. There are mandatory sentences that should be eliminated. My policy team will actively support those legislative efforts. At the judicial district level, where statutory sentence enhancements are at the discretion of the DA, the use of these enhancements will be substantially curtailed, completely tracked and transparent, and my leadership team will set the tone and a clear policy regarding what should be the rarity of their use.

There is a balance to bringing about culture change in a prosecutor's office (addressing implicit bias and data collection), developing new programs (reducing incarceration), and advocating for state or national initiatives (the voice of reform). I plan to lead by example at both the state and local levels. Jeffco and Gilpin can and will be a model of responsible, transparent, and fiscally sound sentencing practices under my leadership.

**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?**

As a District Attorney, the number one way I can reduce spending on the Department of Corrections is to only send people to prisons who cannot safely be addressed in our community. My focus will be to implement policies and programs that reduce overall incarceration, and thereby lessen the need for prison facility spaces. As a state, we should end private prisons as it is immoral to profit from incarceration. As a leader in the law enforcement community, I will participate in and pursue policies that eliminate private prisons in Colorado.

I would further advocate that as we reduce the number of people incarcerated, we redirect funds to better programming and support for those incarcerated and expand the work of community-led re-entry programs and safety nets so that those paroling back into the community have a meaningful chance at getting back on their feet and finding the stability that creates safer and healthier communities for all.

**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.**

Who could possibly deny the clear data and lived experiences demonstrating racial inequity in the criminal justice system? From a macro level, systemic, intentional policies from slavery to Jim Crow, redlining to the “War on Drugs,” and many others have created a system of oppression in education, housing, health care, food security and so many others, one that necessarily increases criminal justice system involvement in those communities. From a micro level, the criminal justice system is a system of imperfect decision-makers – from people reporting “suspicious” activity, to police officers, to prosecutors, to judges, to probation and parole officers and others who are both overtly and implicitly biased, which leads to unjust and unequal experiences and outcomes. I am grateful to Michelle Alexander, to Dr. West, and to so many others building upon scholarship to inform our historical understanding of privilege - how exactly it is that we got here and where we can go in order to bend the arc of history towards justice more quickly. I plan to heed that scholarship, as well as the lived experiences of those in our community, in setting policy for the First Judicial District.

**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 victims of crime?**

Unlike prior administrations, I would expeditiously process U Visas for victims and witnesses of crime to recognize the perilous position they put themselves in when they help law enforcement take dangerous people off the street by advocating for their own safety and the safety of their communities. We must support people coming forward when they have been harmed, regardless of status, to ensure a safe and healthy community for everyone. This same rationale supports keeping ICE out of court houses. As a prosecutor and then as a magistrate in Denver, I knew first hand that ICE’s presence detracted from access to the courts. That access must be protected, and I support legislation that would achieve that end.

Lastly, as the lead Human Trafficking prosecutor for the First Judicial District, working with community stakeholders and the FBI, and in my prior role as the representative for all of Colorado’s elected DAs on the Governor’s Human Trafficking Council, I pushed for the prosecution of those who prey on vulnerable populations. These exploiters, whether sex or labor trafficking, have a profound amount of leverage and control over immigrants, and we as a community must have a meaningful response. Labor trafficking is overlooked by many DAs, and I aim to make it part of Colorado’s conversation by building the type of lasting trust with immigrant communities that will support and protect them from this type of exploitation. To that end, the attorneys serving in my office will have training regarding immigration law so they can account for immigration outcomes in their plea agreements when appropriate, a successful policy approach used in other Colorado communities.

**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?**

The law is not flexible enough to plea bargain away collateral consequences in every situation in which that might be appropriate. Our legislature needs to actively examine de-coupling some of these consequences from

the status of a conviction, and has made great strides recently with ban the box legislation, which I supported. These types of collateral consequences actively frustrate efforts to stabilize communities and stand folks up in a way that prevents future offense and creates safer communities. As District Attorney, I will actively support policy efforts at the Capitol to continue advancement on this front.

Additionally, my Conviction Integrity Unit will look not only at wrongful convictions, but also those convictions where the balance of the equities no longer leans of favor of leaving a conviction on someone's record, a consideration that will include collateral consequences. And, of course, my prosecutors will be trained to recognize and understand the collateral consequences that flow from their decisions and to consider that, together with all other considerations, in their plea bargains. Policies that support rehabilitation benefit us all, in the form of less recidivism and safer, healthier 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.*)**

Crime survivor services are woefully underfunded. Crime victims are often targeted for their vulnerabilities, and some of these same vulnerabilities make it that much more difficult for them to access trauma and culturally informed services that would allow them to stabilize from the effects of their exploitation. I will actively support legislative efforts to increase resources for crime victim survivors and to enact other policies that would serve their needs and restoration. Most importantly, a training gap exists for law enforcement and prosecutors in recognizing and working with vulnerable communities and connecting them to services. My office will actively engage and partner with community leaders and agencies to build trust across communities and interact with sensitivity and respect for the lived experiences, economic circumstances, and cultural differences of those communities. Justice is not one size fits all.

**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?**

Above is a broader description of my perspective and policies around sentencing and the need to tailor intervention to the individual. Having worked in the human trafficking realm, where women were often the victims of horrid abuse and also perpetrated crime in the community, I am keenly aware of the different drivers that bring women into and lead them out of the justice system. With more women in the justice system, our community is more willing to acknowledge how trauma can destabilize people and lead to incarceration. Our courts may benefit from a treatment program specifically designed for women but in the meantime, we need to have broader conversations about how trauma has impacted most people in the justice system regardless of their gender identity and how addressing that underlying trauma leads to safer and healthier communities for everyone.

**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?**

District Attorneys are pitiful data collectors, and I intend to be transparent about what my office does and how it does it. We should not be afraid of our decisions and we should be willing to have conversations with the community we serve. Data collection is one of the key pieces of my platform and I plan to work directly with the public defender's office and other stakeholders to make this a primary focus in the first year of my administration, in partnership with researchers at our local universities. The goal is to allow those in the criminal justice system to self identify and then be forthright about who we are prosecuting and how people are being treated by the DA's Office. This is the only way we can be accountable and allow community members to

dialogue about how the DA's Office is actually serving our community. This effort will be community-informed and transparent.

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

The role of the District Attorney with respect to mental illness is to divert, wherever possible, those with mental illness from the criminal justice system. Our healthcare system is woefully under-equipped to adequately address this healthcare issue. I support the development and expansion of highly successful co-responder programs to place mental health professionals with police responders, so that folks who can safely be managed with a healthcare response are. For those who commit criminal offenses, I also support the expansion of adult pre-file diversion so that we keep folks for whom we can safely intervene with a healthcare response "off paper" and minimize the collateral consequences of involvement with the criminal justice system. Where community safety demands criminal justice system involvement, I support the expansion of our mental health diversion courts and increased resources for our probation departments and prisons to adequately respond to and treat and manage mental health issues with dignity and respect, thereby preventing re-offense.

Like mental health issues, the role of the District Attorney with respect to addiction and substance misuse is to divert, wherever possible, those with this healthcare issue from the criminal justice system. Our healthcare system is woefully under-equipped to adequately address this issue, and an evidence-based, data-informed response is essential. Our resources should be prioritized there, rather than the criminal justice system. Where community safety demands criminal justice system involvement, I support the expansion of our substance misuse courts and increased resources for our probation departments and prisons to adequately respond to and treat substance use issues with dignity and respect, thereby preventing re-offense.

**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.

**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?**

Our District Attorney's Office does not use evidence-based bond practices and it is to the detriment of those who go into the jail, to taxpayers, and to our community. When I served as a Denver County Court Magistrate Judge, I helped roll out their bond reform efforts to ensure we were not over-incarcerating people facing poverty, mental illness, and addiction but who posed little risk to the community. Every day, the DA and public defender agreed to set 30-60% of the people home on their own personal recognizance, meaning they did not have to post any money to be released and taxpayers paid no money to incarcerate them needlessly. Only those who posed a significant level of risk to the community and were charged with grave offenses were given bonds that they were unlikely to make. While I have concerns about risk tools, particularly in bias against communities of color and people dealing with poverty, this is the model I will launch in Jeffco as communities everywhere grapple with the harm of holding people in jail who do not belong there. I commit to continual, transparent review and reform of bond policies.

**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:**

**11. Will your office track and publicly release race and ethnicity data, permit an independent, outside source to review the**

Yes	No	Maybe	Pass
X			

- data, evaluate disparities, and make publicly reported recommendations to reduce them?
12. 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?
  13. 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?
  14. Would you support reduction of the felony murder statute from an F1 offense carrying a life sentence to an F2 offense?
  15. 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?
  16. Will you commit to reducing the number of people sent to jail or prison from the 18th Judicial District by 25% by the end of your first term?
  17. Will you adopt a written policy to direct prosecutors to favorably consider immigration consequences in plea negotiations and post-conviction cases?
  18. 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?
  19. Will you decline to prosecute simple misdemeanor drug possession cases?
  20. 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?

X			
X			
X			
X			
		X*	
X			
X			
X			
X			
X			

Section 2 explanation provided by Ms. King on Q16: *\*If I reduce the number of cases prosecuted by the DA’s Office, the percentage of those cases that are filed that go to jail/prison may increase so I find this question difficult. Moreover, since I will be supporting our Lakewood Police Department’s LEAD program, that will decrease the overall number of cases that the DA’s Office will see. I understand the direction of this question but I do not think it aligns with the practicalities it seeks.*

## *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 Juston Cooper, Executive Director at juston@ccjrc4action.org](mailto:juston@ccjrc4action.org)