

18th Judicial District

(Arapahoe, Douglas, Elbert and Lincoln Counties)

District Attorney Candidate

2020 Voter Guide

Mark Your Calendars!

- ❖ **Early Voting: Jun 22, 2020 - Jun 29, 2020**
- ❖ **Request for Postal Ballot by Mon Jun 22, 2020**
- ❖ **In-Person Absentee Voting: Not available**
- ❖ **Tues June. 30th: Primary Election Day (Polls open 7am- 7pm)**
- ❖ **To register to vote on-line go to:**
www.sos.state.co.us
Click on *Elections & Voting*

And then

Click on *Voters*

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

MAKE YOUR VOTE COUNT



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 DISTRICT ATTORNEY(DA)**” campaign to help voters be more educated about DA candidates, to promote more community engagement, and 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 2020, there are three candidates running for District Attorney in the 18th Judicial District (JD18): **John Kellner**, the current Chief Deputy District Attorney in JD18 is the only Republican candidate running and therefore does not have a challenger in the primary election. He will run against the winner of the Democratic primary which has two candidates, **Amy Padden**, a Supervisory Prosecutor for a diversion program and a Deputy District Attorney for the Fifth Judicial District. and **Matt Maillaro**, the current Assistant District Attorney in JD18. The **Primary Election** to be held on **June 30, 2020**

The winner of the November general election will replace the current elected DA, **George Brauchler**, who is term limited. 2020.

CCJRC submitted a written candidate questionnaire to all three candidates. Mr. Kellner did not respond to our request for participation. This Voter Guide contains submitted responses which are reprinted verbatim, in their entirety, and candidate profiles. Candidate responses are presented in alphabetical order by last name. We greatly thank the candidates for their participation.

Mr. Matt Maillaro (D) page 3
Ms. Amy Padden(D) page 11

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Matt Maillaro (D)

The following biographical information was provided by Mr. Maillaro for additional information, you can go to <https://www.mattmaillaro.com/>

I am currently the Assistant District Attorney in the 18th Judicial District, which is largest district in the state of Colorado. The 18th Judicial District has over 1,000,000 residents and boasts the state's third largest and most diverse city in Aurora.

I was born in Queens, NY, and dropped out of high school when I was 16 years old. Several years later, I decided to go back to school - I obtained my GED and then attended a local city college. I came to Colorado for law school in 1995 and began working as a prosecutor in 1997. I have now been a public servant for over 22 years. I have held positions from student-intern to my current position as the ADA, second in charge. After 2014, my role transformed from a full-time trial lawyer and mentor to the person responsible for managing an office of more than 220 employees, and a budget of more than 23 million dollars.

My experience includes the prosecution of homicides, sexual assault, gang and organized crime, and virtually every type of crime in the criminal code. I have spent more than 13 years serving the citizens of the 18th Judicial District and have dedicated my professional life to the rule of law and public safety. Since 2013, I have led the implementation of many important programs at the District Attorney's office, including its first domestic violence, human trafficking, elder abuse, and major drug and gang crime units. I am committed to juvenile justice issues and work closely with recognized leaders in the juvenile justice field on internal and external juvenile justice policies and proposed legislation and amendments.

I have joined and engaged gun violence prevention groups, community leaders, legislators, and local law enforcement to focus on a more proactive approach to public safety and reform – one exemplified by a focus on community engagement and education before the initiation of a criminal case. As part of this focus, the District Attorney must play a role in reducing the incarceration of people based on race, poverty, mental illness, and substance abuse. The benefit of diverting many away from pre and post-trial incarceration will be the ability to have a resolute focus on keeping the most dangerous offenders away from our most vulnerable populations.

Name of DA Candidate: Matt Maillaro (D)

Judicial District Number 18: (Arapahoe, Douglas, Elbert, Lincoln Counties)

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 to increase justice for our kids by keeping them out of justice system entanglement and avoiding the “normalization” of the criminal justice process in their lives. I am running to achieve equity in the criminal justice system by changing or countering practices that lead to disparate results based on factors like wealth, race, citizenship, or addiction. I am running to enrich our community through real engagement, real support, and real representation.

I have been a Colorado prosecutor for more than 22 years. I have worked in the 18th JD for more than 14 years (two separate time periods – 1997-2005 and 2013-present). I understand every aspect of the state criminal justice system, including having tried virtually every type of crime in the criminal code. Because of my experience in the last seven years in JD 18, I understand the current inefficiencies and biases in the system, and more importantly, I know how to bring change to the system.

My office’s priorities will be diverting many more children from the juvenile justice system and giving a much larger population of kids the opportunity to benefit from restorative justice and the other forms of support and treatment we provide through our Diversion program. We do this by changing criteria, removing factors that are likely to allow implicit bias to affect decision making, and changing what “success” looks like.

We will also look at adult cases and offenders in a more holistic way on the front end of cases. This front-loading of resources requires a new philosophy and a commitment to keeping the community, which includes the alleged offender, stable by using the least restrictive measures to ensure community safety and the resolution of cases.

The areas above will all be improved based on a new vision and commitment (reallocation) of necessary resources. To accomplish the necessary systemic change, collaboration with local law enforcement and community leaders and organizations will be of paramount importance. If we do not change our approach to policing and filing practices, we are already in the hole when it comes to achieving equity, as life- altering decisions have already been made. Through more engagement and regular discussion with stakeholders and community members, we can develop a more supportive vs. punitive response to criminal justice issues.

We will improve our services to survivors, including attempts to reach more survivors who are unable or unwilling to come forward. We accomplish this through engagement and continued community efforts like our One Place program (wrap around services for survivors and families) and keeping metrics to guide future adjustments and obtain grant funding.

We must improve our data collection at more junctures in the process. This includes improving data we already collect (charges, sentences, race, gender) but also gathering additional data, including plea agreements broken down by charge, sentence type, incarceration, race, gender, ethnicity, and progression. Much of this information is already collected, but technological obstacles have hampered collection of other important measurement data.

Matt Maillaro

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 know justice means something different to everyone involved in the system. My idea of justice involves an approach which, in most circumstances, causes every person interacting with the system to leave the system better than when they came to it. Justice requires a restorative and holistic approach to criminal conduct and events, and must include access to resources and treatment, accountability, empathy and a 360-degree assessment of victim and offender needs. Justice requires addressing the actual risk factors (versus subjective factors rooted in implicit bias) that contributed to the behavior. There are limitations on this equitable view, however. Violent crimes and conduct involving extraordinary risk to the community or extreme harm to survivors may lead to lengthy prison sentences if rehabilitative efforts are unrealistic or unsuccessful.

Justice means real implementation of criminal justice reform which focuses on lasting stability for the offender, the victim, and the community. I believe juvenile justice reform, bail reform, and a model involving treatment versus incarceration for non-dangerous offenders is consistent with, and necessary for, lasting public safety.

The legislature has outlined the purposes of sentencing (including punishment, fair and consistent treatment of offenders, prevention of crime, promoting rehabilitation, addressing the individual characteristics of each offender, promoting offender accountability and restoring and healing survivors) but ultimately the weight given to any one of the several factors is discretionary. Ultimately, the purpose of sentencing must be to make sure the criminal conduct does not happen again. We know that jail and prison (with exception of certain programs which may benefit some offenders) do not “fix” the problem after the period of incarceration ends.

The purpose of sentencing must be to get all the parties what they need to become as close to whole and stable as possible. For offenders, this starts with a deep dive into the factors that contributed to the behavior and pulling together resources to address the problem (akin to a sentencing or restoration “plan”). Restorative justice practices should be used whenever possible to restore the victim in ways that will help them move past the trauma they have suffered, while providing insight and accountability for the offender.

Currently, the system in the 18th JD is not meeting all the needs of survivors and offenders, although we have made progress within the limited framework we can operate. Survivors have been given more resources and attention through our vertical prosecution and support model, wrap around services, as well as the strongest victim compensation program in the state. Offenders have been given more access to resources than in the past (such as problem solving courts which avoid incarceration, pretrial support as condition of bond, juvenile and adult diversion programs) but we are still far from where we need to be. Changing the focus to sentencing which accomplishes the needs set forth above, including community safety and stability will put the 18th JD on the right track.

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?

Matt Maillaro

I believe effective and cheaper options for treatment of offenders in the community exist and must be supported. I think the current DOC director has some progressive and interesting ideas in that regard, but we must be sure we are maintaining the necessary respect for our survivors* and the safety of our communities. **There have been a few stories of a lack of victim empathy and consideration in connection with prisoner transition programs that concern me.*

Perhaps the most obvious way to reduce the DOC budget is to reduce the need for the budget. Let's send less non-violent offenders to prison. Latest statistics do not support a need for increased prison budgets, as prison sentences in most jurisdictions are starting to decline. In the 18th, we have decreased the number of prison sentences more than any other jurisdiction (2nd only to Boulder by %) in the last 5 years. That only represents a dent in the overall population, but we should recognize that a higher focus on treatment (versus incarceration) has had an impact on prison sentences. I am unsure of the financial connection between DOC and any private prisons, but to the extent that we eliminate private prisons we can reduce whatever subsidization/support they may receive through our state DOC budget.

We can and should also reduce spending on incarceration by getting offenders transitioned out sooner through community-based programs, including life and job re-entry programs. These programs also cost money of course, but 1) it would cost less, and 2) it could potentially allow us to tap into resources that are outside of the corrections budget.

Finally, continued progressive legislation (like ban the box, for example) can and will reduce the need for prisons - and prison budgets - to expand. By removing some of the labels ("criminal," "felon," etc.) that disenfranchise offenders from reaching their potential once they transition out, we will keep the recidivism down and the DOC budget needs lower.

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 is racial disparity in the system. The causes are rooted in a racist past which, after slavery, has consistently found ways to "legally" brand black and brown citizens as "criminals," or "dangerous," or "more dangerous" than other criminals. It would take me a few pages to discuss the historical political policies and police practices that have created and perpetuated this disparity (including the war on drugs, and other related "tough on crime" policies which disproportionately impacted and incarcerated Black people; *e.g.* sentences for crack vs powder cocaine, mandatory minimum sentences, bail system, etc.), so I will focus instead on the here and now.

Currently, certain cities (of which there are more than 20 in my jurisdiction) are policed "differently" than others. Without full discussion of the implicit vs. explicit nature of bias associated with the police practices, we know more kids are pulled out of Aurora schools and off Aurora streets than from other less racially diverse areas in the jurisdiction. In JD 18*, our Black population is less than 10%, our Hispanic population is near 20%, and our white population is approximately 60%, yet we see numbers that are very disproportionate. Roughly, Black inmates in the Arapahoe jail represent 30% of the jail population, while white inmates (65%) and Hispanic inmates (21%) represent numbers much closer to their percentage in the community. **Estimated based on CJS and census data*

Why? Denser populations will generally have more incidents of crime, which will have nothing to do with race. Higher instances of crime will lead to more policing (especially if the city is large enough to have bigger police budget). Socioeconomic factors generally lead to a higher representation of diverse populations in urban areas. Implicit bias in law enforcement which stems from the history outlined above, and many other factors, including a lack of cultural competence and empathy, will impact the way in which the police patrol and cite alleged offenders in these areas.

Additionally, the existence of municipal courts for low level offenses in larger urban areas makes citing young people of color “easier” than in other cities, and this starts a “documenting” process that continues to affect the black or brown child -or young adult- throughout their life and interactions with police. The criminalizing of addiction has previously led to disparity as well – the establishment of drug task forces and robust drug enforcement in urban areas leads to arrests of users and setting bail - even when relatively low amounts - that alleged offenders are unable to post.

DA’s offices also play a role in the perpetuation of the racial disparity by considering certain factors and using certain criteria - which may have a disproportionate impact - to make plea bargaining, bail and filing decisions. This practice is largely unconscious and unintentional. That is why a very conscious and deliberate decision to change the way we (police, prosecutors, judges, probation, etc.) look at cases and offenders is necessary to effect change and bring equity to the system.

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 believe we should - and must - look at the actual and likely consequences of each plea agreement in which we engage as prosecutors. That means, “how will the person in front of me be impacted by the plea and sentence I am recommending?” The law (Equal Protection) requires that we treat similarly situated offenders similarly, and for some prosecutors this has meant that everyone who commits a certain crime in a similar way gets a similar offer. I do not believe that approach takes the offender’s individual characteristics into account as the Colorado sentencing statutes require. The formal policy I would institute would require that every relevant factor, including the nature of the crime, the culpability of the offender, the impact on the victim and the community, and the effect of the plea and sentence on the individual offender **MUST** be considered by the prosecutor before making the final offer. The goal would be to achieve as close as possible to an equitable result on each case.

I am currently the person responsible for certifying U visa applications in my office. The law protects every victim of crime without reference to citizenship or documentation. I think prosecutors should see U visa certification as an obligation when the survivors’ requests are within the parameters of the federal application criteria. The ultimate decision regarding granting U visas is with the federal government, but we should do our part to protect and support our immigrant crime survivors, and U visa certification is one way to support them and our community.

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 first strategy is to avoid felony convictions where it is appropriate to do so. We need to use diversion for appropriate cases, and we also need to expand how we define “appropriate” cases for the program. By the use of diversion practices we can often achieve all we want to accomplish - restitution, accountability and empathy through restorative justice processes, treatment where needed, job training, and other resources necessary to keep the offender stable and give them the tools necessary to succeed.

In non-violent cases for which diversion is not appropriate, we can file and resolve cases with outcomes in mind which might allow for expungement pursuant to the law. I am also interested in legislation which could reduce collateral consequences, as once the sentence is served the law should not put up roadblocks to the offender’s rehabilitation and success in society. This is important to break the cycle of recidivism as well.

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.)

I believe there are adequate survivor services, but there are times where availability or access to those services is less than optimal. In the 18th JD, we have robust victim services and victim compensation programs. We have the skilled staff and resources necessary to connect survivors to the necessary resources. We know however that there are underserved or marginalized survivors in our community who fail to report due to fear of the system, including possible arrest or deportation, fear of their perpetrator, fear of stigma, ostracization and embarrassment, and the existence of cultural pressures too extensive to list.

The manner in which we approach and resolve this problem is to engage our underserved populations, through a new community engagement office. I will stand up the DA’s community engagement office as a resource to community members, both in times of peace and times of crisis in their lives. We must earn the trust and respect of the community, and we must educate our underserved population regarding the District Attorney’s role as servant and protector. We must also have real community stakeholder meetings that include the District Attorney’s Office, so we are hearing from the community and more able to respond to the community’s needs. Ultimately, we must remove the need for the term “underserved,” at least as it pertains to a survivor’s access to justice and support.

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?

First, I will designate a specialized resource in the DA’s Office to research and fully understand the criminogenic dynamics regarding justice-involved women (including physical, sexual, and mental abusive history) and their unique needs. We should take steps to make the system more equitable in its treatment of female offenders and addressing their specific needs to avoid a cycle that ensures rising incarceration numbers. For years, we have recognized through successful female offender probation programs that meeting the specific needs of female offenders is essential to their success.

In Colorado, we have seen a consistent uptick in the number of women incarcerated in our prisons. In late 2019, Colorado's female prison inmate population, including community corrections, was almost 2,000. An additional 1,667 women were serving parole sentences in Colorado at the end of last year. We know that a large percentage of female offenders go back into the system for technical violations on parole.

Matt Maillaro

We need to serve the highest criminogenic needs of our women while actively working to ensure that recidivism rates drop in this specific population. We know that if we approach the problem with gender-specific solutions, we will see more favorable outcomes. For example, we need to recognize that only 35% of women incarcerated in Colorado are there for violent crimes compared to 62% of men. We also know those female offenders proportionately have much higher medical and mental health needs than male offenders, and these are key treatment areas for success. These statistics make it clear that the initial prison agreement between the lawyers, or the judge's prison sentencing decision upon first offense or re-offense, was likely the wrong one.

An estimated 65% of women incarcerated are serving time for non-violent offenses. We need a progressive philosophy that aims to reduce that number through early release and through different plea practices over the coming years. As we decrease our prison population, we will need to develop new programs - and strengthen existing ones - to ensure the stability of justice-involved females and the well-being of the community.

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?

I believe in increased transparency in the criminal justice as a whole and from within the DA's Office specifically. We already publish a significant amount of information regarding sentencing on the DA website, but the data is not 100% reliable due to the lack of adequate system coordination and less than cutting edge data systems overall. I believe with some additional funding we should be able to publish monthly or quarterly reports which inform the public about the outcomes of criminal cases.

I believe the public should see how all cases in the system resolve and they should get to observe and compare the relevant data points, including race, age, and subject to confidentiality considerations, other factors involved in the decision making process. I am uncertain how the decision making process itself can be elucidated for the public's benefit, but at minimum the factors considered by the DA should be a part of the record and possibly kept in the court file as part of the plea agreement documents. Simply put, while attorney work product protects some information from disclosure, information that is considered when reaching a plea and sentencing agreement should be known and defensible.

I intend to establish community and criminal justice groups who will meet monthly or quarterly to discuss various issues, community trends, prevention and education, etc. These regular meetings can be a vehicle for discussion on these statistics and any additional input from the community and local criminal justice leaders.

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 believe strongly in alternative tracks to deal with those who are mentally ill or suffering from addiction. I do not believe incarceration is the answer when these factors are largely the cause of an offender's criminal conduct. Community-based treatment and support, increased use of our district's problem-solving courts, and collaborating with the community's mental and public health professionals are all necessary and helpful alternatives to punitive sentences. Again, the goal being to fix the problem and avoid recidivation, we must look at ways to stabilize and support mentally ill and addicted offenders.

Matt Maillaro

There are currently several mental health and addiction related programs in the 18th JD, but we still have too many mentally ill and addicted inmates in our county jails and prisons. Those who are incarcerated even after their condition is known have probably been determined by someone to be a “public safety risk” and therefore no alternative options were found or explored. We must do better, and work to get those who are legitimately mentally ill or addicted into non-prison treatment programs or hospital settings.

Finally, in cases involving legitimate serious mental illness with concurrent serious injury or death to one of more victims, I will always consider a sentence that treats the underlying mental issues, even if lengthy incarceration (whether state hospital or other) is required.

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

No.

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?

No. The current system is a money bail system. There should be no room for profit in our system, and likewise there is no room for “justice” based on relative wealth in our system. Currently, the gatekeeper who should ostensibly address this concern is the judge. While we typically have a reasonable amount of information when we argue the terms and type of bail (including whether to grant a personal recognizance bond), there are simply too many factors that are considered by prosecutors and judges that have little to no effect on the real questions: 1) will the defendant come back to court? and 2) will he or she pose an unreasonable public -or victim- safety risk if released? Factors such as a prior failure to appear (FTA), or multiple FTAs, even on low level offenses without research into why the FTA occurred, can lead to a person unnecessarily being held on a money bond they cannot afford. Other factors of little significance to the main questions above are also used to keep alleged offenders in custody pending disposition of their case.

I have spoken extensively regarding my position that, even if money bail remains a part of our system, we must frontload resources into the first appearance courtrooms, where we currently have relatively inexperienced lawyers who are overworked and don’t have the authority or the skill to make more thoughtful decisions regarding bail. With more resources, including seasoned lawyers, mental health and treatment experts, and more information sharing with the public defenders, we can reduce the inequity in pretrial detention decisions.

Finally, I believe real bail reform is needed, but I also have seen bad non-monetary bail system models that will not necessarily achieve the proper result. Certain “detain or release” practices make perfect sense, but with any such system there is a risk that certain persons will be held without any possibility of release based on certain criteria. There is also a concurrent concern that some will abuse the system and exploit the lack of any sanctions for flouting the court’s orders. All this considered, I would like to be involved in further discussions regarding bail reform in Colorado, and I would like to see some version of non-monetary bail legislation pass.

Amy Padden (D)



The following biographical information was provided by Ms. Padden for additional information, you can go to: www.amypadden.com

A Coloradan since 1998, Amy has devoted nearly 15 years of her legal career to public service on behalf of people in our state. After a distinguished career in private practice at the law firm of Wheeler Trigg O'Donnell, where she handled criminal appeals on a pro bono basis, she decided to pursue a career in public service. She has worked at the Colorado Attorney General's Office, the U.S. Attorney's Office, and currently at a District Attorney's Office.

As an Assistant Attorney General in the Consumer Protection Section, Amy Padden fought for the rights of Coloradans by prosecuting bogus charities and businesses engaged in fraud. When Amy became an Assistant U.S. Attorney, she worked closely with law enforcement to protect our communities from terrorists and other dangerous inmates, including Oklahoma City bomber Terry Nichols, who was seeking more lenient conditions of his sentence.

Less than four years after Amy joined the U.S. Attorney's Office, she was promoted to a Deputy Chief position shortly after Obama's appointee, U.S. Attorney John Walsh, took office. She was then promoted by Acting U.S. Attorney Bob Troyer to serve as the Executive Assistant U.S. Attorney and Law Enforcement Coordinator for the District of Colorado where she was responsible for the day-to-day management of the office of nearly 200 prosecutors and staff working in three locations around the state.

In addition to her day-to-day work at the Justice Department, Amy also played a key role in important criminal justice reform issues. She worked with other federal prosecutors across the country to end bias in prosecutions and served on a working group assembled at President Obama's request to limit the number of inmates in, and improve the conditions of, restrictive housing. She was also the lead counsel who negotiated a groundbreaking settlement that provided federal inmates with the mental health care they need by fundamentally reforming the way in which mental health services were provided to dangerous inmates. The judge overseeing the case called the settlement a "singular achievement," and Amy received the Attorney General's Award for excellence in her work.

In 2018, Amy returned to the Colorado Attorney General's Office to work in the Law Enforcement Unit, and ultimately in the Special Prosecutions Unit. As a state prosecutor in the Attorney General's Office, Amy assisted District Attorney's Offices in rural areas by handling homicide and other felony cases for them. Today, Amy works as a Supervisory Prosecutor for a diversion program and as a Deputy District Attorney for the Fifth Judicial District.

Amy is a graduate of the College of William and Mary, in Williamsburg, Virginia, where she earned a Bachelor of Science in Chemistry in 1991, and of the Georgetown University Law Center, in Washington, DC, where she earned her law degree in 1994. Prior to moving to Colorado, Amy clerked on the D.C. Court of Appeals and for the late Judge Harold Greene on the U.S. District Court for the District of Columbia. Amy lives in Aurora with her husband, Bill Engleby, a real estate agent and small business owner. They have two grown daughters from Bill's first marriage. When Amy is not hard at work, she enjoys hiking, skiing, running, and spending time with her dogs.

Amy Padden

Name of DA Candidate: Amy Padden (D)

Judicial District Number 18: (Arapahoe, Douglas, Elbert, Lincoln County(s))

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, as the largest Judicial District, this office is critically important to our communities, including Aurora where I live. This office has made life-altering decisions for members of our most vulnerable populations, namely our black and brown members of the community. It is time for new leadership in the office that is sensitive to the critical issues affecting the criminal justice system in our district.

Too often, prosecutors measure success by counting the number of convictions they have. To the contrary, I think that prosecutors need to re-focus on providing opportunities for rehabilitation of offenders, repairing the harm caused to communities, and rebuilding their lives in a way that reduces the likelihood of re-offending.

I have a wealth of experience from my 25-plus years as an attorney, both in the private and public sector. During law school, I interned at a state public defender's office, practicing under the Student Practice Act. After graduating from Georgetown law, I clerked for two judges in DC, one of whom (Harold Greene) had been a civil rights lawyer at DOJ. After several years in private practice (where I handled criminal appeals and immigration cases on a pro bono basis from time to time), I was able to pursue my passion to become a public servant. I was first a consumer protection prosecutor at the Colorado Attorney General's Office, where I investigated and prosecuted cases of charity fraud and other illegal business practices. After that, I spent over a decade at the U.S. Attorney's Office, including in seven years in leadership roles under Obama's appointed U.S. Attorney John Walsh, and his successor, Bob Troyer. Just before I left that job, I served as the third in command in the office, where I supervised prosecutors and staff all around the state. During my time as an AUSA, I worked on some of the highest profile cases, including post-trial motions in the Oklahoma City bomber case and a large lawsuit that reformed the way that the federal prison system treats maximum security inmates with serious mental illness. I received a national award for my work on the prison case. I was also selected by DOJ leadership to be part of two national working groups: one on prison reform and another to address implicit bias in federal prosecutions.

After the 2016 election, I left that job in order to run for Attorney General. Thereafter, I returned to the AG's office, where I worked in both the Law Enforcement and Special Prosecution Units. In the latter position, I handled felony cases in the rural areas of Colorado.

Most recently, I was the Supervising Adult Diversion Prosecutor in in the 5th Judicial District, where I built an adult diversion program from the ground up and also prosecuted cases.

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?

The status quo does not work right now. I believe justice is should be truly blind, and based on the law and whether or not it was broken. Consequences for breaking the law should be applied equitably, but also with an eye on rehabilitation and repairing harms to the community.

Amy Padden

But we know that is not the case – if you just look at our correctional facilities, you will see that the massive majority of inmates are of one ethnicity or color, even though those groups are minorities in society at large. That disparity is one of the outcomes of implicit biases that, whether we realize it or not, impact decision making processes that determine who is being thrown behind bars and for how long. We also know that, if a person looks a certain way, it increases the risk of having an interaction with the police at all.

I've heard from defense attorneys about black and brown offenders getting more time than their white counterparts for the exact same crime with the same context in the 18th JD. Sentences meant to keep society safe by removing offenders from the community, but also should focus on rehabilitating the offender.

As DA, I will focus on training to counteract these issues, setting expectations from the top with these goals in mind, and implementing a set of policies to maintain checks and balances. I will couple that with transparency and accountability and will bring new leadership to the 18th JD.

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

We need a DA with a proven track record of implementing alternatives to incarceration, not just locking people up. At my most recent position, I built an Adult Diversion program from the ground up. We screened offenders charged with non-violent felonies and rather than putting them through a trial, we connected them with resources, had them take steps to repair the harm to the community, and gave them tools to put their lives back on track. Programs like these reduce both incarceration rates and recidivism.

While JD18 has an adult diversion program, very little information is publicly available about it, and it appears to be small and not very robust. I will re-tool and enhance that program to make that program one of the best in the state.

We also need to be proactive in breaking the school to prison pipeline, and not try kids as adults. If a child has committed a serious crime, that is more a reflection of society failing that child. We must do better to keep our youth out of the correctional system.

Finally, most prosecutors have little understanding as to what happens to defendants once they are sent off to prison. I have first-hand experience working on issues of prison reform, including handling a landmark case that fundamentally reformed the way the Federal Bureau of Prisons treated “super-max” offenders with serious mental illness. By providing offenders with services, the BOP was able to eventually transfer those offenders to lower security settings (saving money).

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.

I do believe that there is disparity in the criminal justice system, but it is a false narrative that people of color commit more crime. For example, look at the stop and frisk policies in NYC. Between January 2004 and June 2012, the city conducted 4.4 million stops, of which 6 percent resulted in arrests and 6 percent resulted in summonses. In other words, 88 percent of the 4.4 million people who were stopped were doing nothing wrong. More than half of all people stopped were frisked, yet the police found weapons in only 1.5 percent. Of the 4.4 million cases, 83% of them were black or Hispanic, even though those two groups accounted for slightly more half the population.

In defending these policies when sued, the City argued that minorities commit more crimes. The judge overseeing the case properly rejected this argument: “this reasoning is flawed because the stopped population is overwhelmingly innocent — not criminal. There is no basis for assuming that an innocent population shares the same characteristics as the criminal suspect population in the same area.”

The biggest root cause of these disparities are implicit biases. These biases are present throughout the life cycle of a case, from who is stopped, to who is arrested, to what is investigated and charged, to what offers are made, and what sentences are sought. We need additional training at all levels of the criminal justice process to address these biases.

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?

The 18th JD is an extremely diverse community, with a thriving immigrant population. I would implement an office-wide policy requiring prosecutors to consider immigration consequences in charging, plea, and sentencing decisions. Pre-plea diversion programs can also help accomplish these goals, and I will have some of the best diversion programs in the state.

Particularly in the diverse communities of the 18th JD, the protections of U Visas are critical to put noncitizen victims at ease when coming forward and reporting crimes. In one of the cases I tried in the 5th JD, the victim had been granted a U Visa prior to trial, and I will have policies ensuring that these applications are reviewed and processed in a timely manner.

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?

Alternatives to incarceration are key to helping avoid the collateral consequences before a conviction ever enters. Pre-plea adult diversion programs can help an offender avoid the baggage of a felony conviction for the rest of his or her life. For those individuals who have a conviction for activity that is no longer illegal, I would also support expungement. Finally, partnering with community groups such as the Second Chance Center is critically important.

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.)

As a victim of crime myself (I was seriously threatened by a maximum security federal inmate, who was convicted, while I was an Assistant U.S. Attorney), I know how important it is to stand up for our victims rights. I will ensure full compliance with our Victim Rights Act.

Restorative justice can play an important role in ensuring victims’ needs are met. Justice often looks different for different victims, and some victims would rather see the offender repair the harm caused to the victim and the community than serve time. It’s also important to ensure that victims have access to services, as we unfortunately sometimes see victims later become perpetrators of crime, and we need to be sure victims are getting the services they need to heal.

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?

Yes. In running my Adult Diversion program, I identified many women who were ideal candidates.

Amy Padden

As an example, my first client in the program was a young woman of color, a single mom, who had stolen from her employer because she couldn't afford to feed her baby. She was so overcome with guilt that she turned herself in before the theft was detected. Sending her to prison would not only have ruined her life, but that of her young son. Finding alternatives to incarceration for offenders like her is key to making our communities safer.

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?

The District Attorney's office needs to be far more transparent – this has been a big frustration of our community for a long time. As the next DA, I will have a Community Engagement office. We will have stakeholders from the community and municipalities meet with a liaison from our office. I'm envisioning City Councilmembers, School Boards, CCJRC, activist groups, faith-based organizations like GMDMA, and other organizations having an opportunity, not to just vent about individual cases, but have their input recognized about overarching, large-scale issues that we may be able to improve upon. In addition, I have been having Community Conversations as I have been running, which are like town halls combined with a listening tour. I plan to continue to have that type of accessibility and partnership with community as the next DA.

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?

We need to do a better job of identifying the causes of criminal behavior, rather than just punishing the behavior itself. Diversion programs can play a key role in this, by connecting offenders with resources rather than just locking them up. Specialty courts can also play an important role in addressing these issues. Finally, having joint response teams, where mental health providers arrive on scene with law enforcement in certain situations, can help identify people with underlying issues before they enter the system.

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

Absolutely not. I am the only candidate in the 18th JD race that publicly supported the repeal before the Legislature acted.

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?

No. While the recent reforms by the state Legislature were a step in the right direction, more needs to be done to ensure that individuals who have been charged with a crime but have little or no demonstrated flight risk are not unnecessarily detained pre-trial.

The continued use of cash bail in those circumstances contributes to incarceration of poor people and people of color by keeping them locked up because they can't post bail. And, as they wait in jail and are unable to work, they may lose their jobs or their homes, and their families are weakened. COVID 19 has caused many Districts to look at their approach to requesting bail and to request it less frequently, which should continue after the crisis passes.

Amy Padden-End

Voting With Conviction

Many people believe that once you have a criminal record you can never vote in Colorado.

This is not true! Since 2006, CCJRC has run the only civic engagement campaign in Colorado that focuses exclusively on people with criminal records.

In addition to statewide voter education, CCJRC provides free trainings to election officials, GOTV efforts, Voter Registration Drives, community organizations, and our members on the nuances of voting eligibility for people with criminal histories.

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! We can provide free trainings and copies of our educational materials. Contact us at (303) 825-0122 or [email](mailto:juston@ccjrc.org) Juston Cooper, Deputy Director at juston@ccjrc.org



www.votingwithconviction.org