

CRIMINAL LAW

Conversations With DA Hopefuls

Law Week asked four candidates for Denver's top prosecutor about their political ambitions, the death penalty and the specter of excessive force. Here are their answers.

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With the term-limited Mitch Morrissey stepping down after more than a decade, one of at least four new faces will become Denver District Attorney after the November election.

Because the capital "D" in Denver could just as easily stand for Democrat, three of the party's hopefuls are vying for a primary victory in June: senior deputy district attorney Kenneth Boyd, University of Colorado Regent and attorney Michael Carnigan and east-central Denver Rep. Beth McCann. Chief deputy district attorney Helen Morgan is running unaffiliated, although she said she's a lifelong registered Democrat. All of the candidates have spent time as prosecutors in the Denver office.

Next year's election will be the first time the position has opened in 12 years. Morrissey first ran for the office in 2004, beating McCann in the Democratic primary and easily winning re-election in 2008 and 2012.

Law Week interviewed each of the four candidates separately and compiled their

answers below. The responses have been edited for clarity and space.

ON THE DEATH PENALTY:

KB I've said this before, I would vote to abolish it, but in a way, that's not what it's about. In my opinion, as long as it's Colorado law, I'm obligated to enforce it. I can't say I wouldn't enforce because it wouldn't give due regard to the victims' rights in the state constitution.

MG I'm against the death penalty. It's expensive and inefficient, and it's not something that should continue. If I was elected DA, I would support a repeal.

BM I am personally opposed to the death penalty, and I voted in the legislature to repeal it. But it is the law, and as the DA, you are bound by the law. So I suppose there might be an awful, horrific case where I might file, but it would have to be egregious.

HM I've tried a death penalty case, and I know that now is time to talk about it. When you take an oath to be

district attorney, you take an oath to uphold the laws and the constitution. So my personal opinion about the death penalty should not affect whether or not, when I raise my right hand, I'm willing to consider it.

ON COMMUNITY POLICING AND MORRISSEY'S DECISION NOT TO PRESS CHARGES IN THE DEATH OF JESSICA HERNANDEZ:

KB The district attorney's office should never be governed by public opinion. Just because people want something filed doesn't necessarily mean it should be. And the district attorney won't always make the popular decision, and we want to maintain that independence. With the Jessica Hernandez case, there's a difference between what is illegal and what is necessary or unnecessary. People view that shooting as unnecessary, but we are still guided by the law and ethical and filing standards. But DPD did change their policy, and that is a good thing because we want people to be safe. But we play one small role in the disciplinary matrix, and we have the highest burden of proof.

MG Absolutely, the relationship between our entire community, and particularly communities of color, and law enforcement are very much on people's minds. If I'm elected, if there is a high-profile charging decision, it's important for the public to understand why we are consistent with ethical guidelines. And the public isn't always going to agree, and the DA makes unpopular decisions. A prosecutor should never charge someone because it's politically popular to do.

BM When I was manager of public safety, disciplining law enforcement was part of my job. Police officers have to be held accountable when they break the law, and that's part of the job. We also have to remember that officers are often making split-second decisions in scary situations. What we need is more training for law enforcement to de-escalate, and many Denver police have been through that training. They've also been trying to be out in the community more, and they have been under-staffed. But there is no question that, within

CONTINUED ON NEXT PAGE...