

DENVER, CO

Mayor Michael Hancock

Sentencing Reform for a Safe, Welcoming, Open City

On May 25, 2017, a unanimous vote by Denver City Council achieved comprehensive sentencing reform for the City and County of Denver, ensuring that penalties are proportional to crimes committed and that violent criminals are held accountable. The ordinance addresses the unintended consequence of the City's sentencing structure that put immigrants with a legal status, such as legal permanent residents or those on student and work visas, at risk for deportation as a consequence of low level crimes, such as violating park curfew and blocking the sidewalk. The ordinance also created Denver's first-ever hate crime sentence for bias-motivated offenses; the City can now prosecute crimes of hate involving, for example, defacement of private property. The ordinance works hand in hand with a City program allowing residents to resolve minor traffic offences by mail.

In the months prior to the adoption of the ordinance, the White House had issued a series of executive orders that "exacerbated our broken immigration system and have had a real impact on our community," according to Denver Mayor Hancock. "Denver is committed to taking actions that will protect our people's rights and keep our city safe, welcoming and open," he said.

Proportional Sentencing

Prior to the passage of comprehensive sentencing reform, the maximum possible penalty was 365 days, no matter the crime. An individual could have committed a crime of domestic violence or been in the park after hours and the sentence handed down might have been the same. To make the sentence truly fit the crime, the new structure enables Denver to prosecute violent offenders to the maximum extent allowed by state law while lowering the maximum possible penalty to 60 days for lower level offenses. The new sentence structure also addresses jail overcrowding and crimes involving vulnerable populations like homeless persons and immigrants. For minor crimes (urinating in public, for example, or violating park curfew), the maximum penalty is 60 days. For most crimes, such as shoplifting or trespassing, the maximum sentence is 300 days. For violent crimes (such as multiple domestic violence, sexually motivated crimes, or those inflicting serious bodily injury), the maximum sentence is 365 days.

Hate Crime Sentencing

Denver's sentencing reform also produced the City's first hate or bias-motivated crime ordinance, addressing the graffiti, harassment and intimidation occurring locally that these crimes may involve. By creating a municipal-level hate crime ordinance, the City filled a gap that exists in state law and can now prosecute crimes of hate such as defacement of private property which heretofore could not have been prosecuted because of restrictions in the state hate crimes statute.

Plea By Mail Program

In connection with the White House executive orders relating to immigration, officials in Denver observed an increased presence of ICE agents in the City's courtrooms, accompanied by increased fear in the immigrant community. The Plea by Mail program instituted by the City allows residents with minor traffic offenses to use the mail to enter a plea and never have to appear in court. While helping to protect individuals from possible

deportation, the program allows them to deal with their minor traffic violations so they don't grow into major legal problems such as warrants being issued and costs and fines being enhanced. Says City Attorney Kristin Bronson, "The reality is that many hard-working immigrants are afraid to come to the courthouse right now, but avoiding court dates, or failing to resolve tickets, is not the answer and can only exacerbate a legal situation."

The actions taken by the Hancock Administration were the result of work with immigration experts in the legal field and in the immigration community as a whole. The Mayor says he will continue to look at "how the City can alleviate the fears of the community based on a broken immigration system and the irresponsible implementation of the White House's Executive Orders impacting immigrants and refugees."

CLICK HERE for more detailed information on Denver's efforts to protect the rights of all of its residents and remain a welcoming, open and safe city. Additional information is available from Barry Burch, Jr., Senior Advisor for Federal Affairs and Government Relations, Office of Mayor Michael Hancock, at Barry.Burch@denvergov.org or 720-865-9128.