



For Immediate Release

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Public Disagrees with Prosecutors Locking Up Kids as Adults

Dec. 2, 2009 DENVER, Colo. - A recent poll of Colorado voters found that by a margin of nearly 2 to 1, the public believes that judges, not District Attorneys, should be responsible for deciding how to prosecute children. Conducted by national pollsters Ridder Braden, Inc. on November 6, the poll found that more than 65% of Colorado voters favor leaving the decision about how to try juveniles up to a judge.

There are currently hundreds of young men and women serving decades – even life sentences – in Colorado prisons. The decision to try a 14, 15, 16 or 17-year-old as an adult in each case is made by one person -- a District Attorney. District Attorneys are not required to follow any guidelines and do not have to document how they made their decision. There are no checks and balances and no hearing before a judge. Prosecutors generally make decisions about whether to “direct file” children within 72 hours .

Opponents of direct file feel this leaves defense teams too little time to gather relevant facts regarding the circumstances surrounding a crime or a young defendant’s state of mind. According to Mary Ellen Johnson, Executive Director of Pendulum Juvenile Justice, the problem is really one of impartiality in the judicial system. “District Attorneys are not impartial judges,” says Johnson. “They often have a political interest in prosecuting kids as adults.”

A growing coalition of advocates, including the Rocky Mountain Children’s Law Center, Colorado Criminal Defense Bar and Youth Transformation Center ask if a system based on direct file is fair. Should the decision to incarcerate kids in the adult system at an annual cost of millions of dollars be left in the hands of one politically elected official?

Colorado taxpayers overwhelmingly say “No” and Johnson agrees. “Our system is supposed to be based on the rule of law. The bottom line is that we need an impartial person charged with protecting the public and the rehabilitation of juveniles to make decisions that will affect kids for the rest of their lives.”

Whether or not legislation will be introduced in 2010, Johnson and other advocates say opposition to direct file will not go away. “The people are behind ending direct file. In 2008, the legislature passed a mild bill softening direct file provisions. Governor Ritter vetoed it. Perhaps it’s time to ask the people to decide.”

For more information, visit stopdirectfile.org