

Highlighting harm in hopes of curbing crime

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Residents of a Montrose neighborhood might have just gritted their teeth and ignored a reported drug house there, or stopped at having called police.

They didn't. Instead, several residents in the 700 block of North Second Street remained engaged in the legal process that earlier this month led to a suspect being sentenced to prison for drug offenses.

"There was a lot of community communication and input," Deputy District Attorney Kurt Beckenhauer said.

And it made a difference in the courtroom.

When the defendant, Tia Velarde, was arrested, several people from the neighborhood showed up for her bail hearing after the DA's Office contacted them. The result: a higher bond than was expected, DA Dan Hotsenpiller said.

Beckenhauer said their involvement made a difference at sentencing, too, when Velarde was ordered to spend to three years in prison for methamphetamine distribution, and concurrent terms for drug possession, possession of a dangerous weapon, attempted introduction of contraband and driving while ability impaired.

A co-defendant in the case has tendered a plea and is set for sentencing Nov. 7, according to the DA.

The case reflects Hotsenpiller's attempt to be more engaged with those affected by crime, rather than only the victims.

He said the approach is needed, as the felony docket in the 7th Judicial District continues to swell.

In the last five years, the district's adult felony filings have increased 49 percent, based on the state's percentage change data. The increase reflects a "statewide phenomenon," in part driven by the simple fact more people are moving to Colorado, which in turn could be driven by the state's marijuana laws, Hotsenpiller said.

"I'm not trying to say I know, or even think that marijuana use is a direct driver of these numbers. But it's part of the reason why we're having more people come here," he said.

He also said Colorado marijuana is being diverted to states where it is not legal.

Additionally, legislative reforms here have decreased penalties for drug crimes, Hotsenpiller said. Penalties can be so lenient as to decrease motivation for treatment or the drug court program, the requirements of which are tougher than some of the punishments being handed down for straight convictions, he added.

"I don't spend a lot of time thinking about the causes, because I can't control that. There's nothing I can do about that. But I do have to think about 'What are we going to do, what's going to be our response?'" Hotsenpiller said.

"One thing we know is that ... relatively few offenders account for the majority of criminal acts," said the DA.

"We have to start reinvigorating our efforts to hold repeat offenders accountable. This requires a renewed collaboration with our law enforcement partners ... and together formulating plans for how we can effectively deal with that."

Agencies and the District Attorney's Office must of course still follow the evidence; Hotsenpiller said the idea is to make sure information is shared, especially when offenders may be committing crimes in more than one community.

"We have to follow the evidence. It's about making sure information is shared," Hotsenpiller said. "... We have to do a better job of highlighting the harm that is caused by this (criminal) conduct. I think that's going to lead to better results."

The harm isn't always visible. Prosecuting a theft case may bring a conviction and an order for restitution — but the amount of time it takes adversely affects the victim. A small business that loses money through embezzlement, for instance, can be waiting a long time before there is a result in the system, and then, potentially, years before it begins receiving restitution, Hotsenpiller said.

"That's real harm. That has a real impact," he said — and that's in cases in which an offender has been identified, prosecuted and held accountable. "I think sometimes, even we forget the impact of non-violent crimes. We've got to do a better job at highlighting harm."

Crime also can exact a physical toll, depending on the nature of the offense, and an emotional one.

To get a better handle on the harm crime causes, there needs to be more community involvement. Law enforcement officers who tell the court about what they saw and how the crime affected them also provide an important voice, per the DA.

Hotsenpiller also said he sees the need to confront the system's shortcomings.

The court system is supposed to be fair, but is not intended as a strictly level playing field: prosecutors have the burden of proof and any mistakes they or law enforcement make benefit the defendant, while the reverse — for instance, if a defense attorney misses a deadline — is not true, Hotsenpiller explained. Exposing those shortcomings to judges, as well as to victims, the public and legislators, is vital in holding people accountable, he indicated.

"We're the only ones in the courtroom responsible for the truth," he said. As well, prosecutors have to ensure defendants receive a fair trial and make sure victims' voices are heard.

Velarde's neighbors were not considered direct victims under Colorado law, but they were affected by what happened.

Velarde sold drugs and substances she passed off as drugs to task force agents in a series of four controlled buys, the DA and his deputy prosecutor said. Because of her conduct, the neighborhood dealt with traffic at odd hours, intimidation, alleged vandalism and safety concerns, said Hotsenpiller.

Hotsenpiller said his office and the Montrose Police Department reached out to the neighbors for the bond hearing. His staff kept in regular contact with several affected neighbors, apprising about 11 people of major developments. He did not identify the people, but said the outreach had been based on the community's response.

"They really assisted our level of awareness, not only in our office, but in law enforcement," DA's Office spokeswoman Sherry McKenzie said.

The outreach required significant commitment and coordination on the part of the DA's Office staff, Hotsenpiller said — and he hopes to be able to repeat such outreach as needed.

"Let us know. Call us," Hotsenpiller said, referring to cases being prosecuted. People who suspect a crime is being committed should contact law enforcement.

Of course, sending Velarde to prison didn't halt all of the neighborhood's woes. Hotsenpiller said the Montrose

Police Department is maintaining its focus there, as problems remain.

“This isn’t a one-person fix. Convicting one person is not going to make all the difference,” the DA said. But, highlighting the harm proved effective in the Velarde case, he reiterated.

All residents can take steps to curb crime, too.

“I also urge people to realize that in fact we can reduce the number of crimes by making them difficult to commit,” Hotsenpiller said. “ ... We do need to be aware these serious crimes are happening in our community.”

The basics apply: Lock your doors; lock your cars; routinely check your storage units; and work together. Although it can be uncomfortable or inconvenient, people who witness a crime should report it and also be willing to testify throughout the judicial process, Hotsenpiller said.

“The sky is not falling. Our communities are still safe communities, compared to other communities in Colorado, but I want them to be safer,” he said.

“This is what we’re going to do on our part to make them safer communities.”

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