

A rural prosecutor pledged reform. Critics say he delivered disaster.

By [Karin Brulliard](#)

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ALAMOSA, Colo. — Alonzo Payne was an unlikely candidate in rural southern Colorado, where potatoes and cattle are pillars of the economy and politics lean red. His 2020 bid for district attorney featured vows that had swept in a wave of progressive prosecutors nationwide — no more cash bail, no more trying minor offenses and no more “criminalization of poverty.”

But the windswept and impoverished San Luis Valley, which had [the state’s highest incarceration rates](#) and stubborn drug-related crime, proved fertile terrain for his message, and Payne won handily.

Eighteen months later, Payne is struggling to keep his job.

His radical approach — coupled with limited resources and, critics say, serious mismanagement — has led to plea deals and dismissals for violent and other serious crimes. Dozens of narcotics distribution and animal cruelty cases have gone untried, city officials say, and accused murderers have been allowed to walk free.

Payne is now under [investigation](#) by Colorado’s attorney general for violating victims’ rights. He has been [cited for contempt of court](#) in one county, where a judge accused him of lying that a domestic-violence victim was unwilling to testify. And volunteers began collecting signatures Wednesday for a recall election initiated by crime victims and backed by the city of Alamosa, which has devoted council meetings and a [section of its website](#) to what it sees as Payne’s failings.

The turmoil in the 12th Judicial District reflects the broad reverberations of the nationwide reckoning over criminal justice and echoes the [backlash](#) against progressive prosecutors in bigger and bluer places such as [San Francisco](#) and [Los Angeles](#), where liberal district attorneys are facing recalls amid rising crime. But while Payne says he is fighting the same opposition to change as those counterparts, critics here say the problem is not his philosophical approach. It’s that he’s taken it much too far.

“For minor offenses like misdemeanors, I think there was a need for reform. There’s really no need to be sending

people to jail for shoplifting to feed their families,” said Alamosa Mayor Ty Coleman. “But when you come to serious offenses like assault, domestic violence, burglary and things like that? I think the current DA, he really cannot tell the difference between the two.”

In an interview at his office above a brewery in Alamosa’s quaint downtown, Payne acknowledged that he had “made some mistakes” in dealing with victims, which he attributed in part to being understaffed, and said he was working with the attorney general to rectify problems. He denied lying to a court. But Payne, the first Latino district attorney for a district that is about 40 percent Latino, said he also detected hints of racism in the recall effort, as well as resistance to change.

“They do not like the way that I am prosecuting, period ... I’m dismissing the case when it’s crap, and I’m not going to have somebody wait in jail just because I can,” Payne said. “They know that I have compassion for the defendant.”

Alamosa officials scoff at that. The city, they noted, recently invested in a diversion program for low-level offenders and decriminalized most municipal violations. It is preparing to launch a co-responder program under which a social worker will accompany police to calls relating to substance abuse or mental health. The City Council — headed by Coleman, who is Black and an independent — is politically and ethnically diverse.

If anything, some officials and others who work with the justice system said, the danger is that Payne’s performance will actually empower arguments against reform.

“We don’t want this to turn into a broad stroke of, ‘You gotta be tougher on crime,’” said Heather Brooks, the manager of this city of about 10,000, the Valley’s largest. But, she added: “We are sending a message that crime is okay, which is putting our community more at risk.”

The opioid epidemic has hit the San Luis Valley hard, and related crime has followed, Brooks said. That is especially true in Alamosa, which functions as the regional hub and gateway to Great Sand Dunes National Park. At recent City Council meetings, crime victims and other residents and community leaders lined up to complain about drug houses in their neighborhoods, hypodermic needles on their streets and their perceived inaction at the district attorney’s office.

The council, in response, last month approved an ordinance allowing city funds to be used to aid the recall effort — a move Payne has said he will challenge. The city’s chamber of commerce, Alamosa County and at least three other Valley towns have expressed support for a recall.

At those meetings, Alamosa Police Chief Ken Anderson has outlined evidence against Payne: Over 11 months, he says, his force has carried out nearly 50 drug busts requiring multiple officers or SWAT teams — including a half-dozen at one house that police say is a base for distribution — but no one has been tried. In December, Anderson said, he learned that 20 arrest warrants for serious crimes had been awaiting action on Payne’s desk for weeks.

“They had not even been looked at, which is a problem, because every one of these cases has a victim,” Anderson said in an interview. “I’m running out of responses for the community.”

And then there have been the pleas in violent-crime cases. In one, an Alamosa resident allegedly killed a man in 2020, buried the victim under his house — across the street from the mayor’s — and booby-trapped the house with explosives; he pleaded guilty to the nonviolent crime of tampering with a corpse and will be eligible for parole after three years. In another, a couple accused of murder and child abuse in the death of their 16-month-old son pleaded guilty to lower-level offenses that resulted in no prison sentences.

By his own account, Payne is an atypical prosecutor. Born and raised in what he called the projects of the tiny town

of San Luis, he said his parents died in a murder-suicide when he was 5, giving him a personal connection to violence. While many of his classmates' paths led them to prison, Payne said, he managed to rise out of poverty to attend law school in Denver. After mostly working in politics and health care, Payne, frustrated by what he viewed as harsh sentences for minor crimes, ran for district attorney "on a whim," he said.

He defeated the incumbent in the 2020 Democratic primary, then ran unopposed in the general election, bolstered by an endorsement from Bernie Sanders.

"I was very honest during my campaign that I intended to empty the jails," Payne said, at times weeping as he described offenders he views as lacking the life skills necessary to avoid lawbreaking. "It's a mark against society when somebody is in custody. We failed."

Payne's six-county district is nearly the size of New Jersey, and he oversees just three attorneys, though he has the budget for six-and-a-half. That shortage — stemming from the challenge of recruiting attorneys to rural Colorado — is one reason he failed to process arrest warrants or consult with victims, he said. Payne says he has offered pleas he is confident will lead to more time behind bars, and he points to a murderer sentenced to 50 years as evidence that he's willing to seek stiff penalties when necessary.

As for the 50 narcotics operations?

"I plead out drug offenses. I do. I give them opportunities for rehabilitation," he said. "We haven't come across kingpins."

And the parents of the murdered baby?

"They got into drugs, and, you know, horrible things happened," Payne said. "If they're going to be rehabilitated, they can be rehabilitated on probation."

Local progressives have not rushed to Payne's defense; a few have joined the chorus of grievances at City Council meetings. But some observers say they are reserving judgment.

Henry Solano, a former U.S. attorney who is now the top prosecutor in the district east of Payne's, said based on his analysis of the 12th District's caseload, Payne's office should have 11 prosecutors. "At a certain level, the capacity to be able to handle everything ethically and professionally is compromised, and compromised severely," Solano said.

And while mistakes can have serious implications, so do recalls, said Taylor Pendergrass, director of advocacy at the ACLU of Colorado.

"The goal of reforming these systems is a years-long, if not decades-long project," he said. "The bar should be incredibly high to recall an elected official, to overturn the will of voters."

To Kazi Houston, legal director for the Rocky Mountain Victim Law Center in Denver, that bar has been easily met. The center began receiving complaints from victims in the San Luis Valley — over Payne's office failing to consult them about cases or plea offers, as is required under state law — soon after Payne took over. For the first time in 30 years, a state advisory board referred several of the complaints to Gov. Jared Polis (D), which prompted the attorney general's investigation.

"We've never seen such an egregious pattern of violations of those rights," Houston said. "The victims we work with are terrified about their own safety."

Among those victims is Lani Welch, who in June 2020 reported to the Alamosa County Sheriff's Office that she had been badly beaten and repeatedly threatened by her then-fiancé, a man the law center said had at least five

prior domestic violence convictions. He was charged with assault and stalking but was not taken into custody until Payne was in office.

Welch said she felt Payne never took her seriously. He informed her about a plea offer an hour before a hearing, triggering a panic attack, she said. Payne later accepted an even lower plea, to telephone obstruction, which she said could mean her abuser is released by this summer — a terrifying prospect.

Last year, Welch formed a group to push for a recall election. She recently ordered yard signs. Now she is helping to collect signatures, aiming for 6,000 from throughout the valley.

“I have always been this quiet person,” she said. “But too many people are hurt.”