



2019 Annual Report

DENVER DISTRICT ATTORNEY'S OFFICE

201 W. Colfax Avenue, Dept. 801

Denver, CO 80202

720-913-9000



info@denverda.org

 @DenverDAsOffice

 @DenverDAsOffice



Letter from Beth

Before sharing our 2019 accomplishments, I first want to thank the more than 240 employees of the Denver District Attorney's Office for working hard every day to protect the public's safety and to administer justice in a fair and equitable manner. By collaborating with city agencies, the Denver Police Department, and County and District Courts, among others, we are playing an essential role in creating a positive impact in the lives of Denver residents.

Our office holds the power to influence how justice is administered and how it is perceived by the public. By advancing community-oriented and prevention approaches, I believe we can promote a smarter and more equitable system of justice for all Denver residents. The last words of our mission statement express what it means to be a modern prosecutor:

Prosecuting criminals, protecting the rights and interests of victims and seeking fair and equal justice for all.

What does it mean to be a modern prosecutor? The days of the “tough-on-crime” prosecutor resulted in mass incarcerations and were specifically harmful to communities of color. A modern prosecutor treats people with mental illness with humanity instead of confinement, helps those who are drug or alcohol dependent choose a better path, gives a second chance to low-level criminals, provides juveniles the opportunity to make better life choices, and, above all, is fair and impartial to people of all races and socio-economic backgrounds.

This annual report summarizes the numbers and types of cases filed in the City and County of Denver in 2019 and describes the new initiatives we have developed to address the core issues of crime and focus on the more serious offenders. I will continue to work with all stakeholders in the criminal justice system to take a broader look at and implement the best means of preventing crime and reducing recidivism.

While we continue to make great strides in keeping Denver safe and in strengthening community trust, there is always more to accomplish. I look forward to continuing this important work in 2020 along with you and the entire Denver community. Together, we can keep our neighborhoods safe, support victims of crime, and provide alternatives to the criminal justice system.

A handwritten signature in black ink that reads "Beth McLan".

A WORD OF THANKS



Every day, the entire staff of the Denver District Attorney's Office works to be of service to the people in our city. Behind the thousands of cases we handle are dedicated public servants who take pride in their commitment to the safety and well-being of every person in Denver.

The intake chief and team who determine whether there is enough evidence in a case for a jury to return a guilty verdict so that it can be filed with the courts;

The legal secretaries who manage the details of each case;

The investigators, who hit the streets tracking down defendants, interviewing witnesses and piecing together crime details;

The victim advocates who work with each victim/survivor, helping them navigate the criminal justice system, providing emotional support and guidance as they navigate the process;

"I am deeply indebted to the hard working members of the Denver District Attorney's Office for their incredible commitment to the very hard work that we do."

-Beth McCann

The victim compensation team who ensures that, when appropriate, things like medical bills, home repair costs and burial expenses are available for victims,

The DAs who handle the cases from first appearances through pleas or trials and sentencing;

The grant staff who continue to find funding for our work;

The many others within the specialized programs and units who:

Work to combat human trafficking and find alternatives for those who have been trafficked,

Defend the elder population from abuse,

Focus on violent family crimes and sexual assault cases,

Collaborate to find alternatives to how the system responds to sexual abuse,

Protect residents from the devastation of economic crimes and scams,

Provide diversion programs for juvenile offenders, and

Combat felony crimes that are gang related or gang motivated.

The staff within the information services team are building an enhanced data system to track, report and evaluate cases, the front desk people, who, with grace under pressure field hundreds of calls and visitors each day and the team who manages the day-to-day logistics of ensuring the office is fully operational and running smoothly.

BY THE NUMBERS

COUNTY COURT

Misdemeanor cases, including third degree assault, domestic violence, drug-related and state-level traffic cases such as alcohol-drug related driving offences, careless driving and driving without a license or insurance are prosecuted in County Court. The deputy district attorneys in this division are responsible for prosecutions in six County Court courtrooms.

DISTRICT COURT

Adult felony cases, except those routed to specialized crime units, are prosecuted in District Court. The deputy district attorneys are responsible for prosecutions in ten District Court courtrooms.

JUVENILE COURT

Prosecutors screen and file cases in which the defendant is between the age of 10 and 18 in Juvenile Court. Prosecutors also determine whether juvenile diversion (an alternative to formal court proceedings) is appropriate for a non-violent juvenile offender.

CASES FILED

DISTRICT COURT

COUNTY COURT

JUVENILE COURT

2017	7,085	12,268	603
2018	8,029	12,120	622
2019	8,035	10,052	580

CASES FILED BY CHARGE TYPE

A singular case may have multiple types of charges.

532 ASSAULTS	431 DOMESTIC VIOLENCE	3608 DRUGS	517 BURGLARIES
552 FINANCIAL CRIMES			92 HOMICIDES
844 MISC.	552 MOTOR VEHICLE THEFTS	302 ROBBERIES	128 SEXUAL ASSAULTS



We look at the criminal justice system through a wider lens than just how many convictions we win.

We recognize that our office holds the power to influence how justice is administered and how it is received by the public.

-District Attorney Beth McCann



2019 NEW INITIATIVES

Each year, we develop new and evaluate existing programs and procedures, all with an eye toward finding alternatives to incarceration, aiding those who are mentally ill or drug addicted and keeping violent offenders accountable and off the streets. We form collaborations knowing that together with city, state and not for profit agencies, we can accomplish so much toward ending violence and crime in Denver.

The following programs are those that launched in 2019.



[DV FIREARMS
RELINQUISHMENT
PROGRAM](#)

[YOUNG
ADULT
DIVERSION](#)

[RESTORATIVE
JUSTICE](#)

[EDUCATION
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[TURN OVER
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ASSISTED
DIVERSION](#)

DOMESTIC VIOLENCE FIREARMS RELINQUISHMENT PROGRAM

A deadly intersection exists between intimate partner violence and firearms. The Domestic Violence Firearms Relinquishment Program helps ensure the safety of the victim, the defendant and the community after a case comes into the criminal justice system.

At the time a defendant is charged with a domestic violence offense and a protection order is entered, the defendant is legally required to relinquish all firearms and ammunition in his or her possession for temporary safe-keeping. Defendants may relinquish their weapons to the DPD, a licensed firearms dealer, or a family member who has passed a background check. As a Colorado representative, DA McCann sponsored a bill to create the law. As the Elected District Attorney, DA McCann has found a way to strengthen enforcement of the law through implementation of the Domestic Violence Firearms Relinquishment Program.

Domestic violence victims are significantly more likely to be killed if their abuser has access to a gun. One of the most effective interventions is removing firearms from known domestic abusers. Research indicates that abusers do not use alternative weapons to kill when they do not have access to guns. Thus, ensuring firearms are removed as soon as a victim seeks help is critical. Defendants subject to the DV protection order are told at first advisement that they are statutorily prohibited from possessing or purchasing any firearms, and that they must relinquish any guns in their possession. However, a vast majority of defendants refuse to make any affirmative statements, claiming that to do so would violate their Fifth Amendment rights. Because defendants cannot be compelled to admit to gun ownership, we started looking for alternate ways to determine whether an offender subject to a mandatory DV protection order possesses or has access to firearms. This included reviewing witness statements, officer reports, body-worn camera footage, 9-11 calls, neighborhood surveys, social media, pawn shop records and other databases, etc. Recognizing this kind of investigation required a full-time investigator, DA McCann went to City Council to get budget approval to hire a firearms relinquishment investigator.

The Firearms Relinquishment Investigator is responsible for collection of information relating to firearm possession by DV offenders, with the goal of removing firearms from their control as soon as possible in order to ensure victim safety. The Denver DA's Office is currently the only jurisdiction in the state – and one of only a few in the country – that has a dedicated investigator focusing on firearms relinquishment. The investigator is housed at the Rose Andom Center (a collaboration of community based organizations and government agencies providing DV services under one roof) and works closely with a senior deputy district attorney and the Denver Police domestic violence unit. Frequently, it is the victim or a family member who assists in identifying the presence and location of weapons and ammunition in the home.



In one case, the investigator confiscated 19 guns from one home and in another more than 6,000 rounds of ammunition.

YOUNG ADULT DIVERSION

DA McCann started a pre-file Young Adult Diversion program for first-time offenders who are traditionally at a high risk to re-offend without intervention and supervision services in place. According to the Justice Policy Institute (2016), young adults are overrepresented in the justice system, including prison and jails. Data shows that while the 18-26 year-olds comprise only 9.9% of the U.S. population; they represent 12% of the prison population, 26% of the probation population, and 21% of prison admissions.

The mission of the program is to deter these young offenders from committing additional criminal acts by providing them with supervision, appropriate consequences for poor choices and referrals to community resources. The program is designed to interrupt a young person's potential life-long

participation in criminal activity and ultimately ensure the public's safety.

Those accepted to the program meet and maintain strict eligibility conditions, are non-violent offenders and have no prior felony convictions. If the offender satisfactorily completes the program, the case, having been held in abeyance, is not filed with the court, and the offense will not be on record.

In 2019, the Young Adult Diversion program accepted 53 cases with 42 successful graduates. The program continues to demonstrate that diversion is much more successful than probation, which does not include the individualized attention, life management skills, and other elements that the Young Adult Diversion program provides.



I've grown to see my own light.



-Graduate of the Young Adult Diversion Program

RESTORATIVE JUSTICE

People hurt by crime deserve a process that will help them heal. Restorative justice seeks to restore victims, perpetrators, and communities.

Colorado statute defines restorative justice as a practice that “emphasizes repairing the harm to the victim and the community caused by criminal acts.” Restorative practices, which are voluntary for both the victim and defendant, seek rehabilitation for the defendant (rather than incarceration) and healing for the victim (rather than continued trauma and suffering).

“It was really great experience. It’s something that’s definitely needed in this community. It’s just that we have too many people going to jail and we can’t support that.”

– A Victim Participant



DA McCann has long believed in the power of restorative justice, which is why she launched Restorative Denver in late 2019. The goal of the program is to respond to low-level crime in a way that focuses on and addresses repairing the harm to the victim and community. It connects the crime and offender with the consequence, focuses on making things right for the victim, and reintegrates defendants back into the community with the skills and awareness to prevent future crime.

Two critical pieces were required to launch a successful program: funding for a program coordinator and identifying a committed, experienced restorative justice partner. DA McCann was successful in securing funding for a position to develop and implement the program. The office was fortunate to hire an experienced former public defender to develop and implement the program.

In mid-2019, the program received a \$20,000 micro-grant from the [Colorado Restorative Justice Council](#) to fund the initial launch of the program. Our office partnered with [The Conflict Center](#), a community-based nonprofit organization involved in conflict transformation and restorative practices programming for more than 30 years.

Currently, the program focuses only on misdemeanor crimes and requires that both the offender and the victim voluntarily agree to participate. Once determined eligible, the case is referred to The Conflict Center whose trained facilitators conduct face-to-face meetings between the defendant and the victim to resolve the harm caused by a crime. Along with victims and offenders, representatives of the community participate in the conference to present how the crime affected the broader community.

At the end of the conference, the parties develop a written agreement of how the defendant can repair the harm done to the victim and the community, and the Conflict Center monitors compliance. The case is sealed and dismissed once the offender has satisfactorily resolved the issues outlined in the agreement.

Early results show:

6 of 9 cases showed an increase in defendants' awareness of how their actions harmed the victim

5 of 9 cases showed an increase in defendants' awareness of how their actions harmed the community

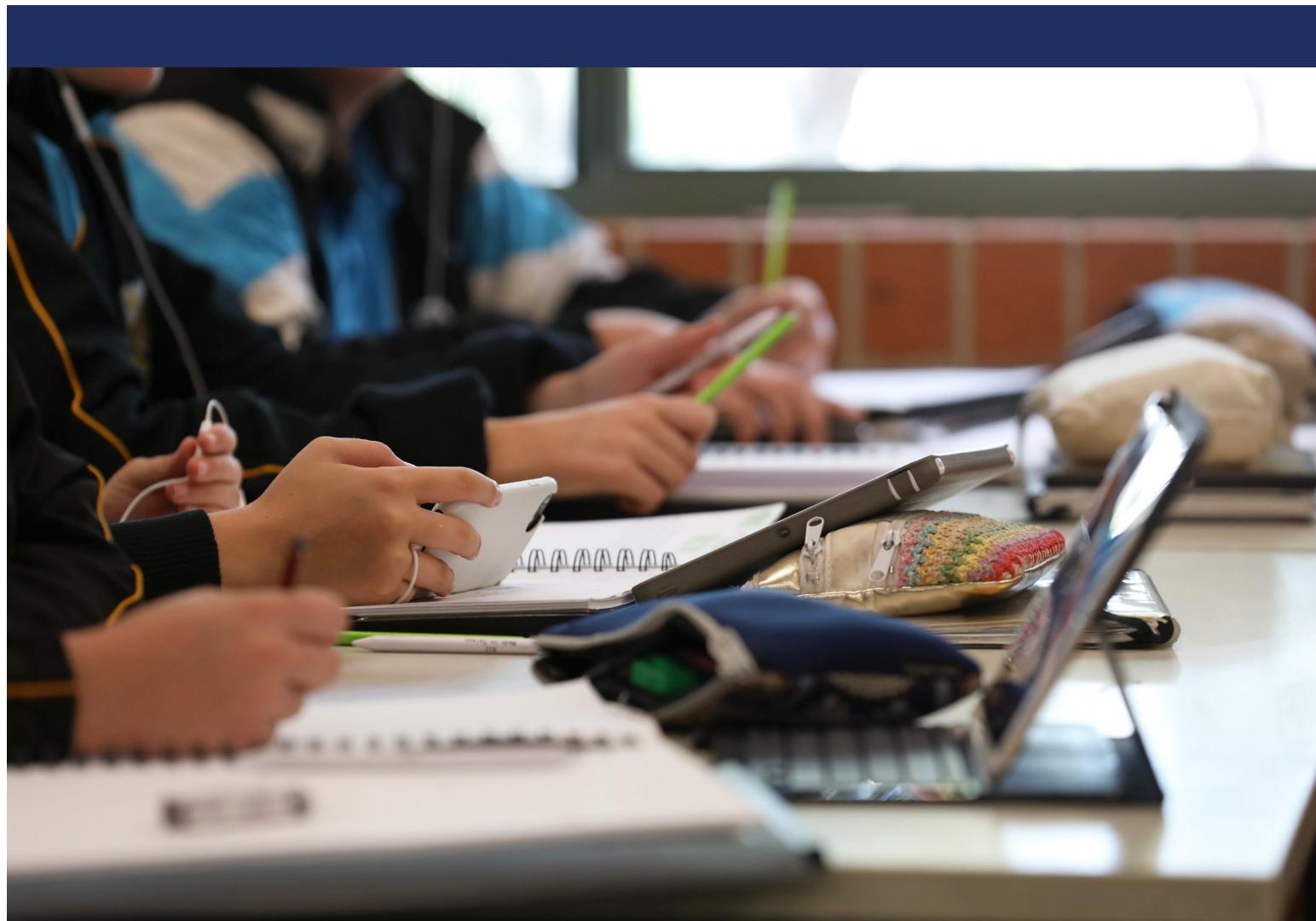
5 of 9 cases showed an increase in how defendants felt about themselves

EDUCATION INITIATIVE

Every day, students navigate social challenges and make critical life choices. DA McCann is committed to helping young people understand how the choices they make now may affect them later in life. Our diversion programs are proof that young adults can find themselves on the wrong side of the judicial system because of one poor decision.

Few teenagers realize that there are significant legal ramifications for participating in bullying, cyber-bullying or sexting among other common youth behaviors. Realizing the potential harm for youth, DA McCann formed a team to develop and launch the Education Initiative, a program taught by our DAs to Denver middle and high school students. The goal, to provide students with the information and resources to deter engaging in these social choices and behaviors, to provide victims with support resources, and overall enhance teenagers' general understanding of our criminal justice system.

Launched at the beginning of the 2019-2020 school year, three DAs spoke about the consequences of sexting to more than 350 incoming freshman at Thomas Jefferson High School. The presentations are free to schools, which easily dovetail with individual teachers' lesson plans and course work.



TURN OVER A NEW LEAF (TONL)



DENVER'S TURN OVER A NEW LEAF PROGRAM

**EXPUNGE LOW-LEVEL MARIJUANA CRIMES
FROM YOUR RECORD**

“Given the fact that possession of a small amount of marijuana is now legal in Denver, I have decided, in the interest of justice and fairness, that my office will assist individuals convicted of a marijuana offense which would now be legal in getting their convictions dismissed and expunged.”

-District Attorney Beth McCann

People convicted of low-level marijuana offenses that occurred before the passage of recreational-use laws are able to have those crimes expunged from their record through the city’s “Turn Over a New Leaf” program. Because the state legislature has yet to enact laws that would automatically vacate low-level marijuana offenses, individuals can obtain relief only by filing motions in each case. The city’s program makes that process simple and easy. Five clinics were held at various locations around Denver to accommodate applicants who were affected.

EQUITY IN JUSTICE

DA McCann is committed to addressing the issues of race and bias in the criminal justice system. Eliminating racial disparities within the system is critical to ensure fair and equal justice. It is also critical to be transparent in how our office responds to crimes and cases surrounding racial inequity for black and brown Denver residents.

DA McCann, a progressive and modern-day district attorney, is looking at the prosecutor's role in the criminal justice system. Instead of always seeking the stiffest penalties for crimes, her focus is on reducing incarceration when appropriate, addressing racial disparities, and reducing recidivism by developing alternative programs for defendants.

**"Injustice anywhere
is a threat to
justice
everywhere."**

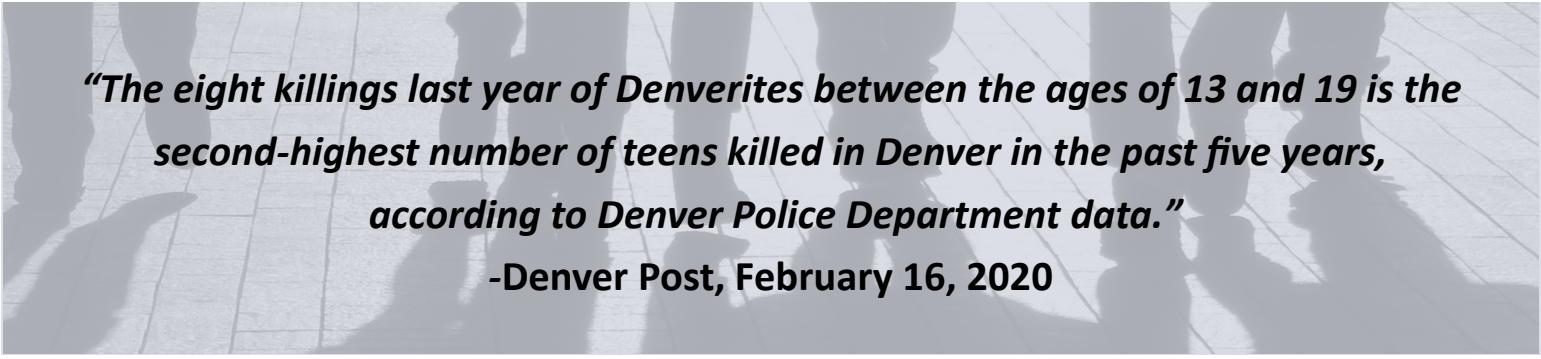
-Martin Luther King, Jr.



The first step toward improving the prosecutorial outcome for persons of color began as a collaboration with our office and The University of Colorado Denver and The University of Denver. Known as the Race and Justice Project, we are researching all adult felony cases filed by our office from July 2017 to June 2018. The research looks at the data as it relates to race and ethnicity to examine whether there was any implicit bias involved in filing or disposition decisions. The goals of the Race and Justice Project are to ensure fair prosecutorial decisions, enhance data transparency, and build community trust in the Denver District Attorney's Office.

While it is too early in the project to come to any conclusions about the data, a working group has formed to dig deeper into the specifics within the cases.

REGIONAL ANTI-VIOLENCE NETWORK (RAVEN)



"The eight killings last year of Denverites between the ages of 13 and 19 is the second-highest number of teens killed in Denver in the past five years, according to Denver Police Department data."

-Denver Post, February 16, 2020

In 2018, Denver experienced the highest murder rate in 14 years. In 2019 gang violence, domestic violence, teens killing teens contributed to 67 homicides. In response to these alarming statistics, 18 law enforcement agencies including the Denver Police Department, Aurora Police Department Arapahoe County Sheriff's Office, the U.S. Attorney's Office District of Colorado, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Denver DA's Office among others, united to form a regional task force, RAVEN. The mission of the task force is to quickly remove guns from Denver streets and arrest those pulling the trigger.

The collaboration of multiple agencies ensures that information and evidence is swiftly and efficiently shared across Denver's neighboring city boundaries to solve crimes.

The RAVEN task force uses science, crime labs, ShotSpotter and shared databases such as National Integrated Ballistics Information Network (NIBIN), to enhance what was the previous work of the metro-gang task force. The team focuses on the micro-level single incident crimes rather than on larger organized gangs. The result is a more expedient removal of firearms and shooters.



"Our goal...is to get shooters, people who are creating harm to our metro area, off the street in hours and days, not weeks and months. "

-Chief Paul Pazen, Denver Police Department

LAW ENFORCEMENT ASSISTED DIVERSION (LEAD)

Currently a pilot program, LEAD officially launched in 2019 as a pre-booking diversion program that aims to improve public health and to end the cycle of recidivism. Following an arrest for low-level substance misuse or prostitution, instead of being charged and booked, at the point of contact, the arresting officer exercises discretionary authority to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs.

If an arrestee is identified as a potential LEAD participant and agrees to the program, he/she is subsequently put in touch with a case manager who connects the individual with resources such as housing and substance use treatment services, or enrolls the participant in vocational training courses.



LEAD is a grant-funded partnership between local law enforcement, treatment providers, community stakeholders, the Denver City Attorney's office and our office. The goals of LEAD are to increase public safety, decrease recidivism, reduce justice system cost, decrease harm for participants, increase access to services and transform the criminal justice system for these individuals.

IN THE COMMUNITY

Community involvement, promoting public safety, and connecting directly with Denver residents is a priority of DA McCann's. From educating young people, to participating in neighborhood meetings and senior citizen informational gatherings, our office places a high value on interaction with all residents of Denver. Involvement such as this helps build and strengthen relationships between the community and the District Attorney's Office to increase confidence in the criminal justice system.

NEIGHBORHOOD MEETINGS

Deputy district attorneys attend neighborhood meetings to hear concerns and respond to questions from community members. Leading by example, DA McCann also attends numerous community meetings, informational and issues forums, and roundtables.

EDUCATION

Taught by DAs and office staff, the curriculum incorporates mock trials to teach Denver Public School fifth-graders about the criminal justice process and help young people develop sound decision-making skills and understand their role as good citizens.



48 NEIGHBORHOOD MEETINGS



70 AT-RISK ADULT SEMINARS



46 COMMUNITY EVENTS



**27 EDUCATION PROGRAMS
IN 10 SCHOOLS**



300 STUDENTS

COURTROOMS TO CLASSROOMS



47 FRAUD SEMINARS

COMMUNITY OUTREACH

ADVISORY COUNCILS

Upon taking office, DA McCann established four community advisory councils, which meet monthly. DA McCann attends all of the meetings in which members discuss matters of interest to the community, legislation, various programs and community outreach. The four councils are:

LAW ENFORCEMENT & COMMUNITY RELATIONS

Members of this council represent Denver's diversity and neighborhoods. Discussions center on issues of importance to the community and ways to improve relationships with law enforcement and criminal justice in general.



IMMIGRATION

This council consists of immigration attorneys and those involved in providing services to immigrants. Participants are involved in dynamic discussions on how to improve our responses to immigration issues in criminal cases.

MENTAL HEALTH

Members of this council are from various segments of the mental health community including system participants, service providers, and people with lived experience. The group has information about the many aspects of mental health treatment and the intersection with the criminal justice system.



YOUTH ADVISORY COUNCIL

Students ages 12-18 years old apply and are selected to the council based on academic achievement, their desire to be involved with and participate in discussions concerning issues facing young people in the Denver community.

COMMUNITY OUTREACH

LAW ENFORCEMENT TRAINING

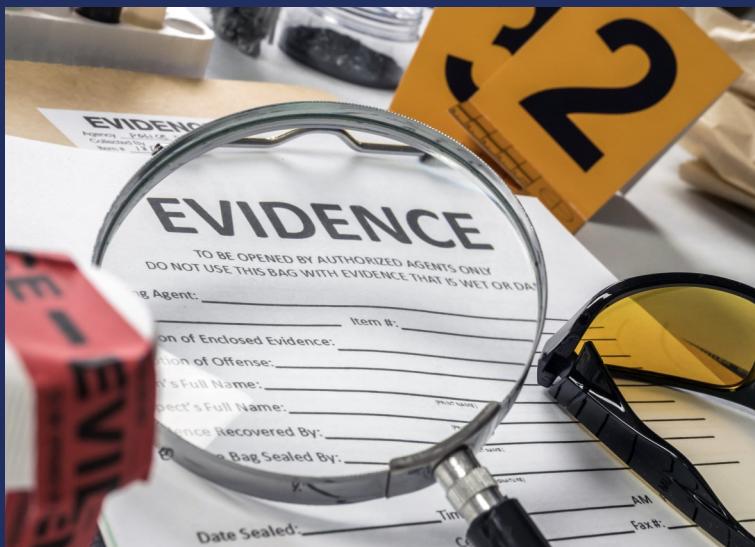
The Office provides ongoing trainings for the Denver Police Department covering a wide range of topics, new policies and procedures, and best practices on how, for example to interact with at-risk risk adults, persons with addiction issues, etc. These sessions are most often held at the Denver Police Academy.

OFFICER INVOLVED SHOOTINGS

When a peace officer shoots and kills a person in Denver and no charges are filed, DA McCann holds public meetings with interested community members to discuss the legal analysis and conclusions she reached in determining whether or not the shooting was legally justified and if criminal charges are warranted against the officer. These reviews and community meetings provide residents with an understanding of the case as well as the criminal justice process. In 2019, three such meetings were held.



For information regarding
public, officer involved shooting
meetings, please visit
DenverDA.org.



CITY ATTORNEY

COMMUNITY OUTREACH

GENERAL PRESENTATIONS

Representatives of the DA's office are available to speak at schools, faith-based groups and community and neighborhood groups. Qualified speakers inform the community about various subjects, such as crime trends and solutions, the workings of the criminal justice system, victims' rights, consumer protection issues and the role of the DA's Office. We also provide presentations on fraud and scams aimed at helping our senior community identify scams. All presentations are free to the public.



2019
Citizens Academy
Attendees

CITIZENS' ACADEMY

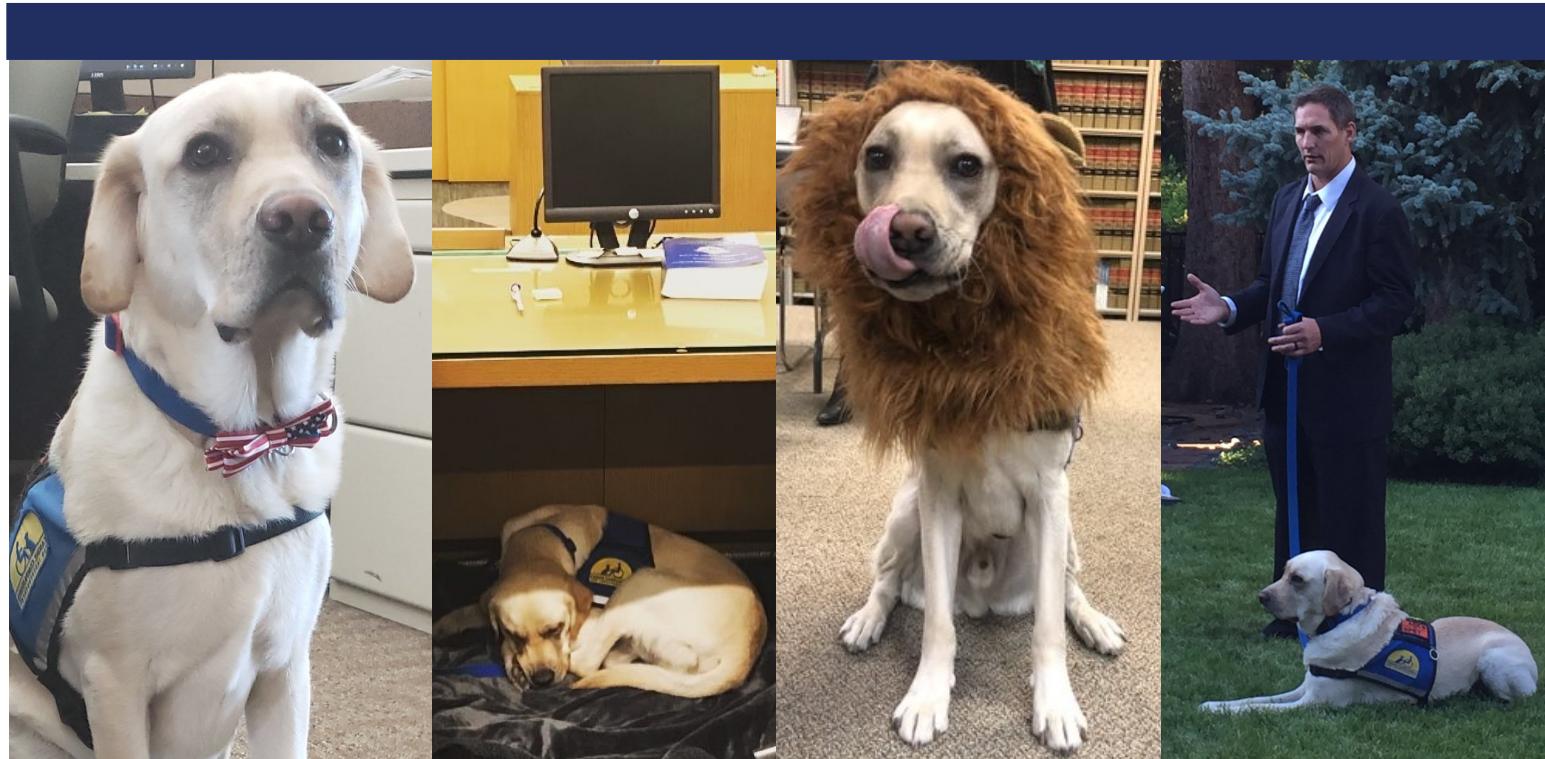
The Denver District Attorney's Office Citizens' Academy, offers Denver residents an opportunity to learn about our office and the judicial system in general. The academy creates a platform to understand the practices and structure of the judicial process and allows participants the opportunity to engage in open dialogue with prosecutors and other community members. Participants leave with a deeper understanding of how a case moves from the Denver Police Department or grand jury to our office, how a case proceeds through the courts, how diversion programs help rehabilitate offenders and reduce the rate of recidivism, what a victim advocate is and how they help victims of crime.

A FUR-MILIAR FACE

Last year, we introduced you to Rylan, our trained service dog. Rylan provides emotional support for a victim, witness, suspect, defendant, or family towards the goal of seeking truth and full disclosure as an investigative tool during the investigative and court processes of the judicial system. The calming presence of a qualified canine creates a more humane and efficient avenue that enables staff in the criminal justice system to accomplish their work in a more positive and constructive manner.

Rylan has been accepted by the court and participated during the testimony of witnesses in the following matters in Court or worked in the Courthouse in a support capacity:

- ◆ People v. Daniel Miranda, 17CR02725 (Sentencing Hearing High school age victim of Sexual Assault on a Child)
- ◆ People v. Pizaro-Perez, 18JD0532 (Sentencing Hearing Elementary school age victim of Sexual Assault on a Child)
- ◆ People v. Druce 17CR04966 (Not Guilty by Reason of Insanity Hearing. Adult female domestic violence victim of Attempted Murder and First Degree Assault)
- ◆ People v. Nuttell 18CR05571 (Preliminary Hearing Detective Beauvais testimony Sexual Assault)
- ◆ People v. Lopez-Hernandez, 18M6474 (with 7 year old witness at witness stand during testimony re: child abuse)
- ◆ People v. Hernandez, 18CR5357 (present with developmentally – delayed juvenile victim of sexual assault)
- ◆ People v. Al Kinani, 18CR8312 worked with homicide defendant in jail to get him more communicative with his attorney
- ◆ People v Zamora-Ramirez, 18JD00803 worked with victim for trial preparation (plead prior to trial)
- ◆ People v. Hernandez, 18CR5357 present with victim for sentencing on kidnapping and SAOC conviction
- ◆ People v. Coronado, 18M9815 present with 6 year old victim during testimony.



A LOOK FORWARD

My hope is that having read this report, you have learned about our new initiatives and programs and the ongoing important prosecution of criminal cases. It is a challenging and significant time to serve as Denver's elected district attorney. I am proud that my vision of creating a more fair and equitable criminal justice system is taking shape. There are now meaningful alternatives to incarceration for those with substance misuse and behavioral health issues and young people now have alternatives for reform so that one misstep does not lead to a life behind bars.

Moving forward, we must be willing to have the difficult but honest conversations about the system's lack of equity and balance for all people. The inequity has been the norm for far too long. As you have read within this report, I have taken the first step to look inward and research how our office handles cases that involve people of color. If we find bias, we will act on that research.

Finally, we will continue to look at the criminal justice system through a broader lens and address the injustices of mass incarceration to ensure that every person is treated with dignity, respect and equality.

