



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

Office of the 2nd Judicial District 2017 Annual Report



Dear Fellow Denver Residents:

I was sworn in as the newly-elected district attorney for the 2nd Judicial District in January 2017, as Denver's first female District Attorney.

The District Attorney's Office seeks to provide equal justice for all involved in the criminal justice system. The office prosecutes criminal cases, seeks justice for victims, works with the community to prevent crime, and protects public safety. We strive to act at all times with professionalism, compassion, transparency, and community engagement.

This is a dynamic and important office for the people of Denver. The prosecutors and staff of the DA's office are a hard-working and dedicated group of people, from the chief deputies to deputy district attorneys, investigators, victim advocates, legal secretaries, and administrative staff. They are doing this work for the right reasons, and they are committed to keeping our city safe and healthy. I am very fortunate to have such a talented and diligent staff who believe in the mission and who work hard every day on behalf of the residents of Denver.

This report highlights the work, initiatives, and achievements of the Denver District Attorney's Office in 2017.

Beth McCann
Denver District Attorney



Office Overview

There are 22 judicial districts that make up the Judicial Branch of Colorado state government. Each judicial district is served by a locally elected District Attorney. The City and County of Denver comprises the 2nd Judicial District.

The Denver District Attorney is the chief law enforcement officer in the City and County of Denver. The District Attorney's Office prosecutes state misdemeanor and felony cases in Denver's County and District Courts, provides assistance to witnesses and victims of crime, and maintains an active community education and crime prevention program. The Office provides training for police officers and sheriff's deputies regarding legal issues in criminal justice.

The Denver District Attorney's Office employs approximately 220 people working on behalf of the citizens of Denver. In addition to the District Attorney and the Assistant District Attorney, the office includes:

- Approximately 85 prosecutors—senior chief and chief deputies who, in addition to their heavy caseloads, assist in the management of the office and lead special units, and deputy district attorneys, who handle heavy caseloads in the County, Juvenile and District Courts. Prosecutors may have over 100 open cases at any given time.
- Criminal Investigators—licensed officers who conduct investigations and gather additional evidence, locate and interview witnesses, subpoena witnesses when necessary, prepare documents for trial, and provide vital trial support.
- Victim Advocates—specialists who contact and provide assistance and support to crime victims, survivors, their families, and to other witnesses throughout the criminal justice process. This work is demanding and emotionally draining, and the advocates are vital to the District Attorney's Office in fulfilling its obligations to victims of criminal behavior.
- Legal Secretaries—the backbone of the criminal justice process, administrative professionals are responsible for keeping the courtroom dockets running on time, arranging and ensuring the production of discovery, and providing other support for all the cases assigned to the prosecutors.

- Administration and Program Staff & Directors—Information technology and services staff who operate the many complex computer, database and e-file systems; multi-media specialists who provide evidence support, records reproduction services, and create the trial exhibits and other office presentations; special program directors and staff; community education and outreach specialists; front office, discovery, and case intake staff who provide critical public response and case management services; and the public communications and office spokesperson.
- Administrative Assistants—staff who provide equipment, supplies, mail, logistical, technical and other support to the whole office.

The Denver DA's general fund budget for 2017 was \$24,133,899, a 6.1% increase over the 2016 budget. The 2017 budget included funding for four new deputy district attorney positions, one additional legal secretary, and an additional senior investigator, as well as two new restitution clerk positions and a data analyst for the office. A supplemental appropriation of \$415,000 was requested near year's end due to leave accrual payouts for five employees who were long-serving employees and executive level managers, as well as the prior District Attorney.

The office received over \$4 million in federal, state and local grants for the years 2016-2018, funding the personnel costs for 11.5 FTEs in 2017.

The primary work of the Denver DA's Office is the prosecution of criminal offenders and support of the victims of those crimes.

The office manages a large caseload in furtherance of this core function. In 2016, for example, the office filed 12,105 new misdemeanor and 6,808 new felony cases. In 2017, the office filed 12,268 new misdemeanor and 7,085 new felony cases in Denver County and District Courts.

To accomplish its work, the Denver DA's Office has several divisions, units and special programs.



GENERAL PROSECUTION DIVISIONS

The vast majority of the cases prosecuted by the Denver DA's Office are handled by the chief deputies and deputy district attorneys assigned to the County and District courtrooms.

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

District Court Division prosecutes all adult felony cases except those routed to the office's specialized crime units (see below). The deputy district attorneys in this division are responsible for prosecutions in eight District Court courtrooms.

SPECIAL PROSECUTION UNITS

Some criminal prosecutions benefit from a specialized team approach because of the issues involved with certain types of crime. Special prosecution unit cases are prosecuted mostly in Denver District Court.

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

Family Violence Unit screens and prosecutes cases involving all aspects of domestic violence, including spouse and intimate partner abuse, child abuse, and child sexual assault.

Sexual Assault Unit/Sex Assault Specialist oversees prosecutions handled throughout the office involving sexual assaults, including college campus sexual assaults, date rape, and sexual assaults on the elderly or disabled. The oversight is intended to ensure consistency and expertise in determining whether and what kind of charges are to be filed in cases referred to the DA's office by Denver police.

Economic Crime Unit investigates and prosecutes organized criminal activity, complex financial crimes, identity theft, theft, forgery, credit and debit card fraud, securities fraud, computer crime, embezzlement, public corruption, and election fraud. This unit also presents cases to the Denver Grand Jury.

Gang Unit prosecutes cases that involve gang-related crime such as gang membership or rivalry elements, cases in which the defendant, victim and/or witnesses are known gang members, especially those that are gang leaders, and cases in which the defendant has previously been prosecuted by the unit.

Behavioral Health Unit has four main areas of responsibility. First and second, it screens and prosecutes felony drug possession and alcohol- and drug-related traffic offenders eligible for participation in Denver District Court's Drug Court (and specialty dockets: Mental Health, Veterans, HOPE and Triumph) and the DUI RESTART programs, as well as County Court's Sobriety Court for misdemeanor DUI offenders, all of which involve swift prosecution and tightly supervised mandated treatment of offenders. Third, unit prosecutors respond to all traffic fatalities in Denver that may ultimately result in a criminal filing. Fourth, unit prosecutors represent the office at first and second advisements, the first two court appearances for offenders arrested for, and later charged with, felony offenses. This unit also participates in efforts to reduce jail population for offenders with mental health and substance abuse issues.

Elder and At-Risk Adult Abuse Unit prosecutes physical abuse, neglect and financial exploitation crimes committed against adults over 70 and adults with intellectual and developmental disabilities. The unit works in conjunction with the Denver Police Department's detective unit dedicated to investigating these crimes. The unit works closely with Adult Protective Services to identify elders who need special assistance and unit staff makes educational elder fraud and protection presentations to community groups and agency and law enforcement partners.

Cold Case Unit specializes in prosecuting previously unsolved murders and rapes, often using DNA technology.

Human Trafficking Unit prosecutes cases involving commercial sexual exploitation and labor trafficking, working closely with law enforcement and community partners regarding prosecution of exploiters and traffickers, but also to assist survivors in accessing services.



APPELLATE DIVISION

Appellate Division handles appeals in the Colorado Court of Appeals and the Colorado Supreme Court, provides legal research and assistance to trial deputies, handles extradition requests, reviews requests for documents under Colorado's open records laws, assists law enforcement with investigative matters, and provides training on legal issues affecting law enforcement and /or trial deputies.

PROGRAMS

The Denver District Attorney's Office has established a variety of programs to meet the needs of citizens that go beyond prosecuting criminals. These programs support the prosecution process, victims, and witnesses and provide community awareness and education opportunities about the criminal justice process.

Juvenile Diversion is an intervention program that works with eligible juvenile offenders to divert them from the criminal legal system. Diversion provides various behavioral, family and community services designed to greatly reduce the chance that the juvenile will re-offend.

Victim Services and Advocacy Network is a collaborative network housed and supported by the Denver District Attorney's Office that works to ensure the seamless integration of services for victims of crime, help educate the community about victim issues and public policy advocacy. Network participants include leaders from law enforcement, criminal justice, and victim-service agencies.

Denver Anti-Trafficking Alliance (DATA) is a collaborative network housed and supported by the Denver District Attorney's Office that works to create a victim-centered, multi-disciplinary response to human trafficking in Denver through victim services, collaborative investigation and prosecution, education and awareness, and public policy advocacy. DATA participants include law enforcement, children's advocacy organizations, government service agencies, victim assistance organizations, private therapists, faith based organizations, and others involved in fighting human trafficking.

Victim Compensation screens requests from victims for compensation and administers funds for this purpose. Requests can vary from counseling services to burial assistance. Compensation determination is decided by a Victim Compensation Board using state-mandated criteria to make compensation decisions.

Victim Assistance and Law Enforcement (VALE) is a program established by state law that generates funds in each of the state's 22 judicial districts to provide programs and services for crime victims and to assist law enforcement. VALE is funded from fines paid by those convicted of crimes. Per state law, each judicial district fund is administered by the District Attorney's Office and governed by a five-member board, appointed by the Chief Judge of the District Court. The Denver VALE Board has been instrumental in the start-up of over 20 victim assistance programs.





Witness Protection Program provides assistance in response to threats to victims and witnesses in criminal cases, combatting intimidation through tactical witness protection strategies and victim/witness assistance services.

Communities Against Senior Exploitation (CASE) is a consumer fraud prevention program. Presentations are free to any group or organization, and provide citizens with information to better protect them from fraud, identity theft and scams.

Courtrooms to Classrooms is a program sponsored by the Denver District Attorney's Office that places deputy district attorneys into Denver Public Schools 5th grade classrooms to teach young students how laws affect daily life. The curriculum is designed to provide positive role models and teach problem-solving and decision-making techniques.

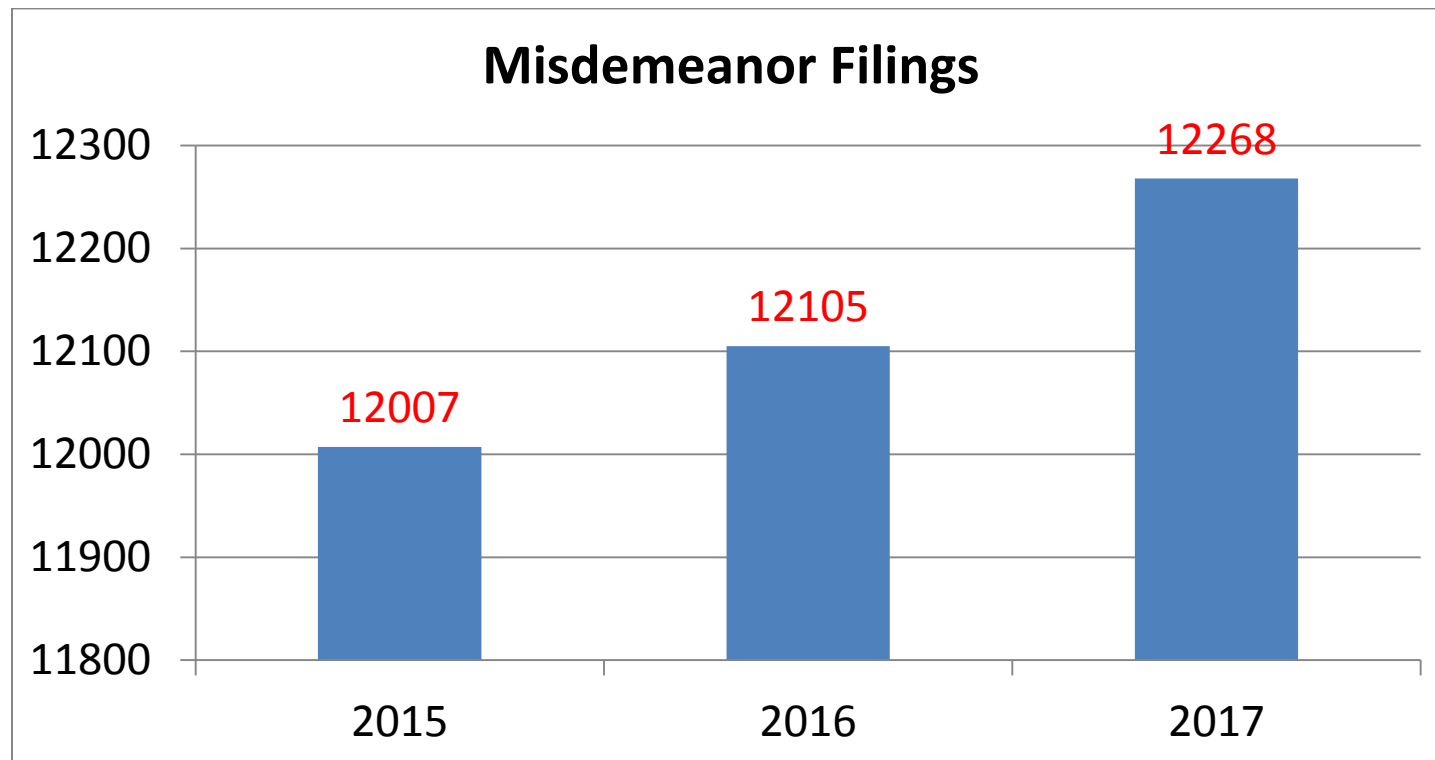
Confiscations administers funds from criminally-obtained assets and handles the requests for the use of those funds by law enforcement. By statute, assets confiscated from criminals can be used for law enforcement equipment and training.

ADMINISTRATION

Administration manages the operational and financial functions of the office, including policy development and direction, establishment of agency goals and objectives, media relations and public information, grants, information technology and services, and police liaison duties.

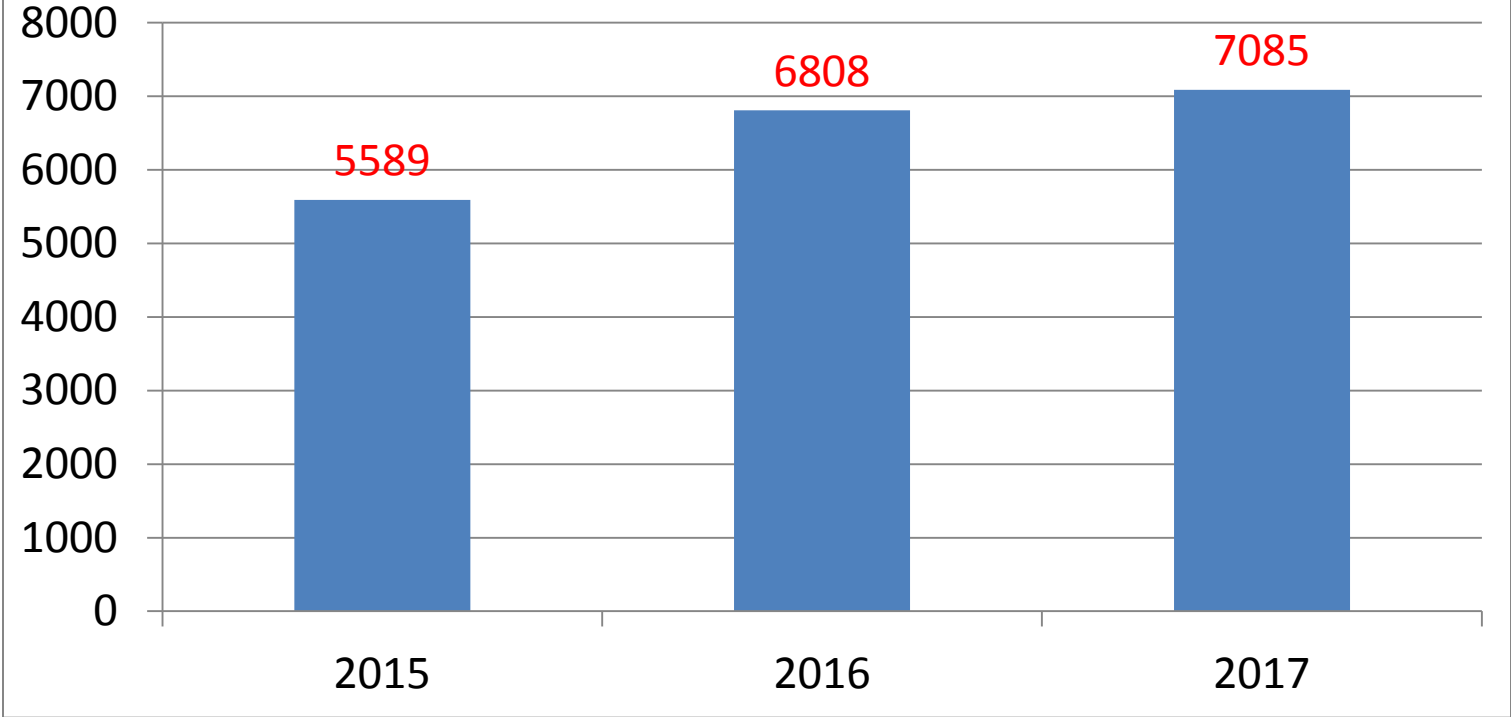


By The Numbers



New Cases Filed	2015	2016	2017
Misdemeanor/Traffic	12,007	12,105	12,268
Assault	154	163	162
Careless Driving	2,123	2,316	2,249
Child Abuse	113	104	123
Criminal Mischief	38	42	58
Domestic Violence	722	652	598
DUR (Restraint)	5,167	5,241	5,649
DUI	2,358	2,008	1,715
DWAI	79	56	25
Drug Offenses	127	125	134
Hit/Run-Leaving Scene	10	26	15
Indecent Exposure	31	35	57
Liquor	74	142	133
Miscellaneous	220	235	313
Miscellaneous Traffic	347	433	478
No Proof of Insurance	71	80	63
Sex Assault	36	48	67
Theft	91	114	120
Trespassing	33	28	43
Violate Restraining Order	40	43	49
Weapon Violation	77	94	111

Felony Filings



New Cases Filed	2015	2016	2017
Felony	5,589	6,808	7,085
Murder 1	22	27	29
Felony Murder	4	1	14*
Murder 2	1	1	0
Manslaughter	1	0	5
Vehicular Homicide	8	6	8
Child Abuse/Death	5	0	(now incl. above)
Juvenile Direct File	8	10	11
Felony DUI	-	105	72
Burglary	423	502	373
Robbery	267	251	298
Sex Assault (Adult)	73	86	60
Sex Assault (Child)	88	83	81
Assault	590	779	928
Drug	2,090	2,700	2,892
Escape**	256	256	258
(New Sub-Categories)	(previously counted in	other general categories)	
Strangulation		154	363
Child Abuse			131
Motor Vehicle Theft			408
Theft from Vehicle			81
Financial Crimes			466
Arson			26
At-Risk Victims			81
Bias Motivated Crime			8

*Four homicides resulted in felony murder charges against 14 people

**Escape refers to parole, DOC, probation, and NYC violations

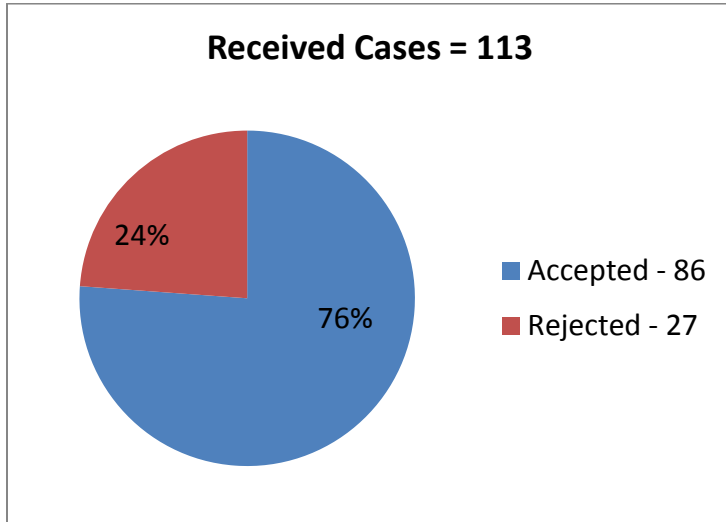
Juvenile Filings

2015	2016	2017
680	733	640

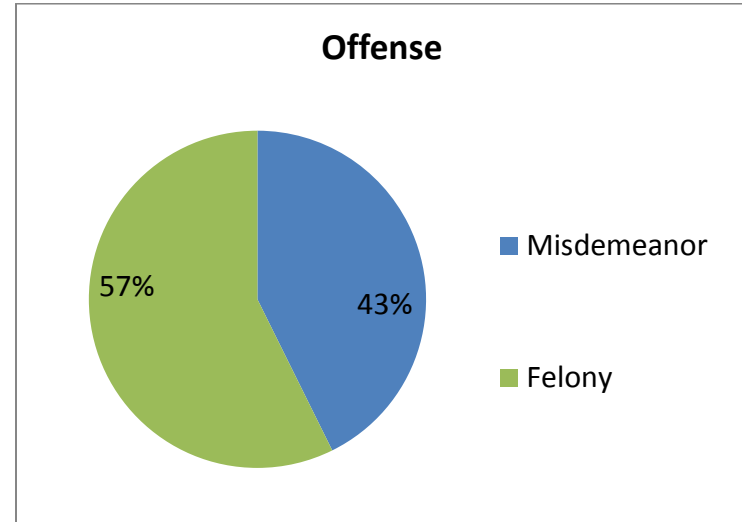
Juvenile Diversion

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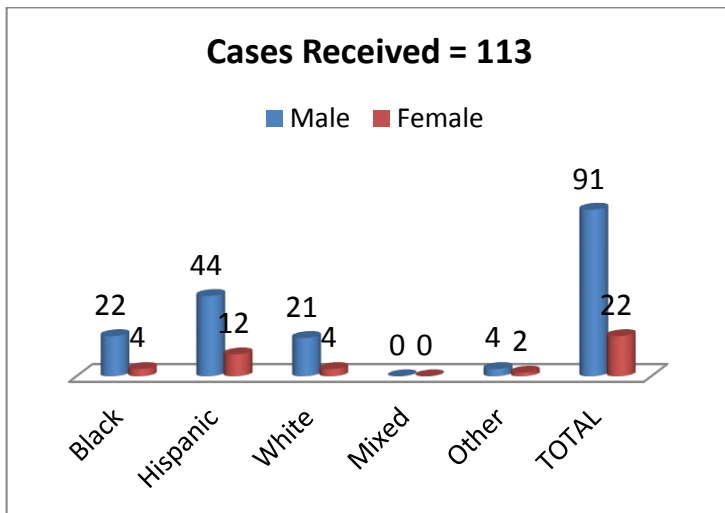
Cases



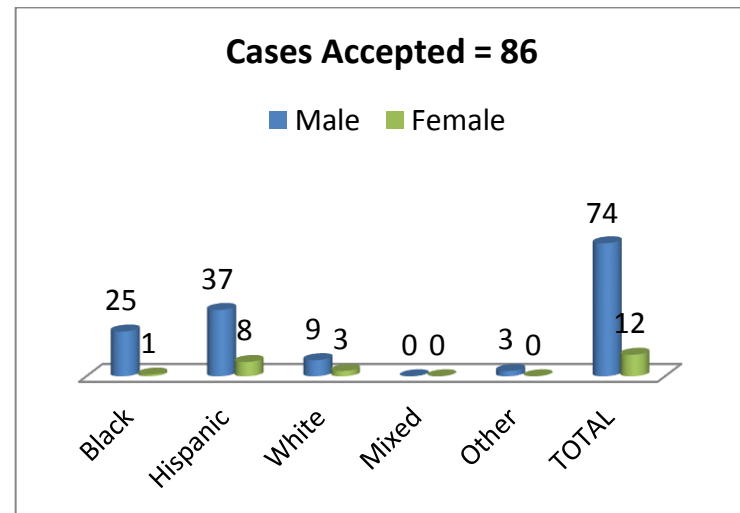
Classification



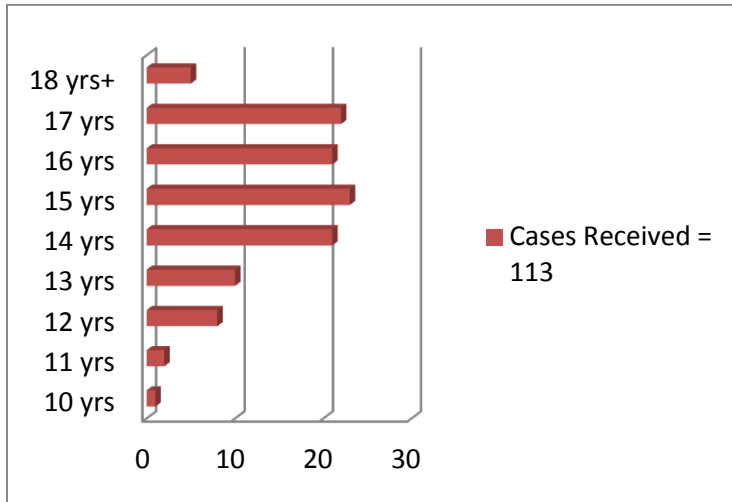
Ethnicity/Gender



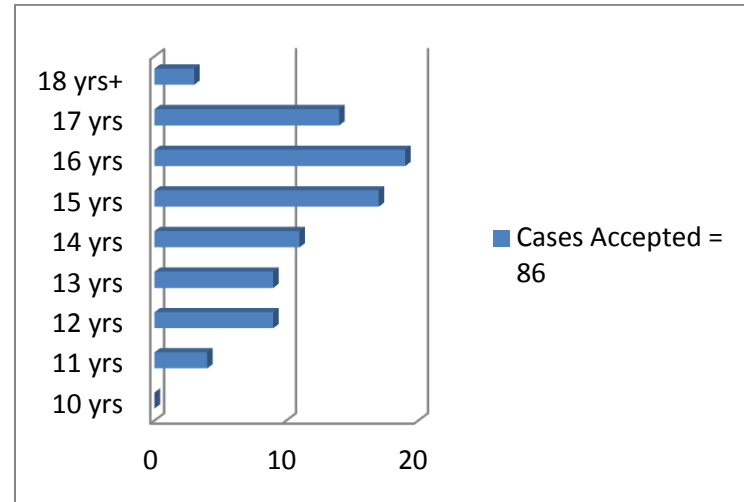
Ethnicity/Gender



Age



Age



Restitution Paid: \$18,463.65 (work programs, arts sales, money orders)

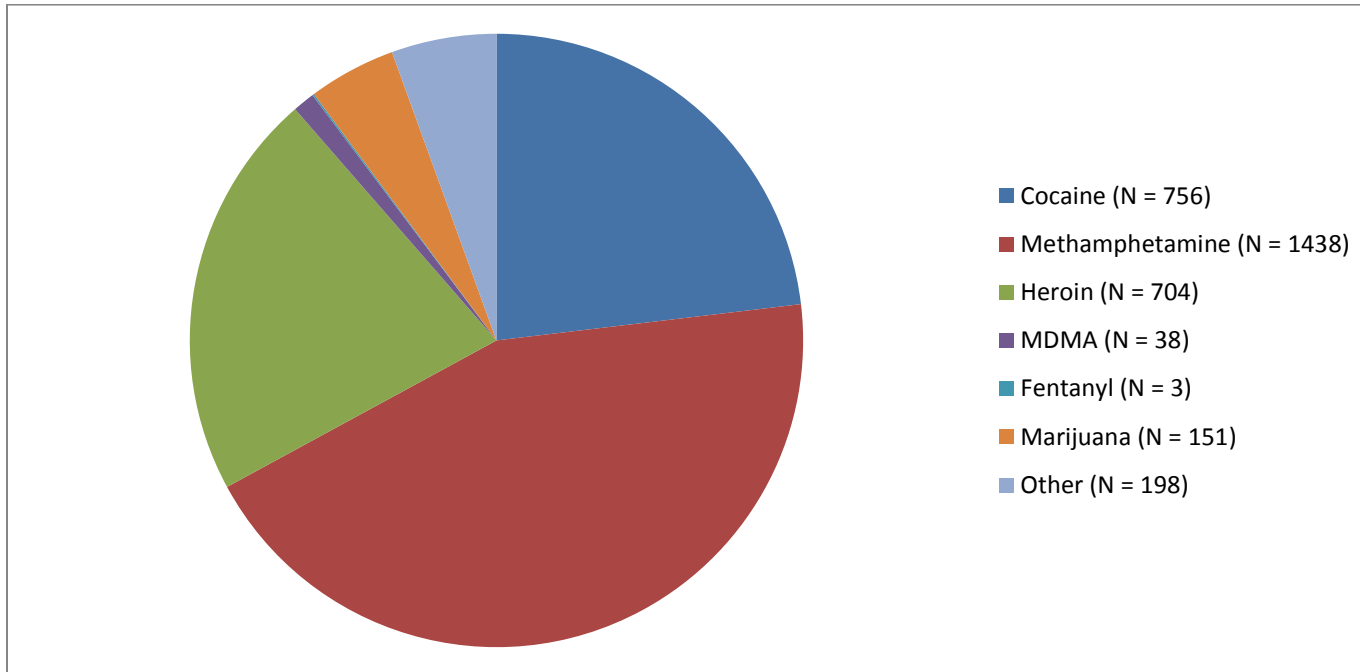
Intake fees collected: \$8,890.71



Felony Level Drug Offenses

Drug felonies constituted approximately 24% of all felony cases filed in Denver in 2017. Reflecting a statewide trend, the number of drug filings from 2016 to 2017 increased by 7% to 2,892 individual drug cases. Methamphetamine constitutes the biggest category of drug type.

Although fentanyl only appeared in 3 cases, it is likely that it is present in many more cases, but presumptive drug testing, the method used to initially determine drug type for filing purposes, will not generally identify fentanyl.



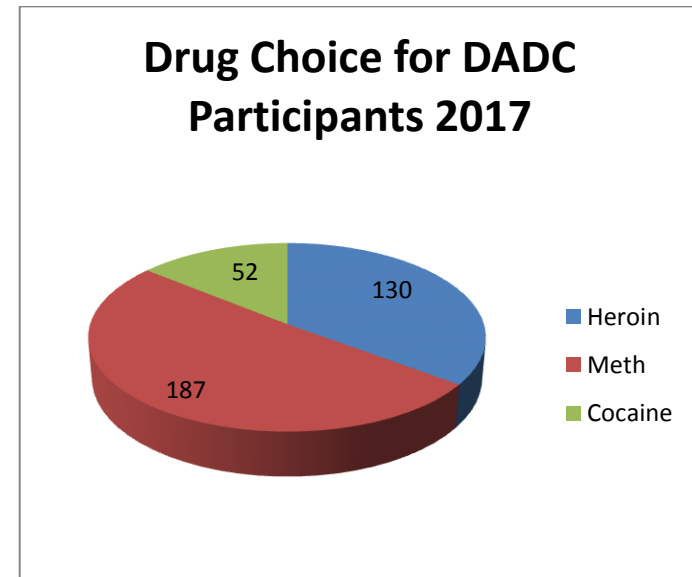
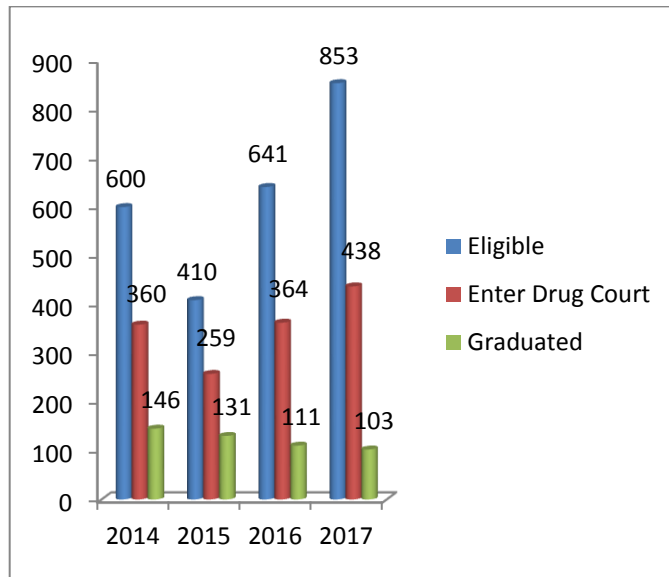
Denver Drug Court

The Denver Adult Drug Court (DADC) serves offenders charged with felony level crimes who have a demonstrated need for substance use treatment. The program integrates substance use treatment, probation supervision, and judicial oversight to promote community safety and individual responsibility. Treatment courts have been shown to reduce crime, and improve outcomes for participants.

The DADC follows a post-plea probation model whereby participants plead guilty to a misdemeanor, felony, or deferred judgment to a felony and are then placed on probation. The minimum time that someone could spend in the program is 12 months; however the average length of time in the program is 2 years. The DADC also serves various specialized groups of high-risk/high-need offenders, including veterans, offenders with traumatic brain injury or developmental disabilities, severe mental health disorders, and people suffering from sexual trauma.

Participants promptly enter the program after they are determined eligible, ideally within less than 30 days from the initial arrest. A member of the BHU makes the initial determination of program eligibility based on criminal history, need for substance use treatment, and facts of the current offense. Generally, all non-violent offenders charged with possession of a controlled substance or other crimes where there is drug-motivated or drug-seeking behavior are determined to be initially eligible to participate in drug court.

Recidivism rates of program participants are low. The rate of recidivism for program graduates is approximately 16% over a three year period following graduation from the program and the rates of recidivism for program failures is approximately 40% over a three year period following their termination from the program.



RESTART Court

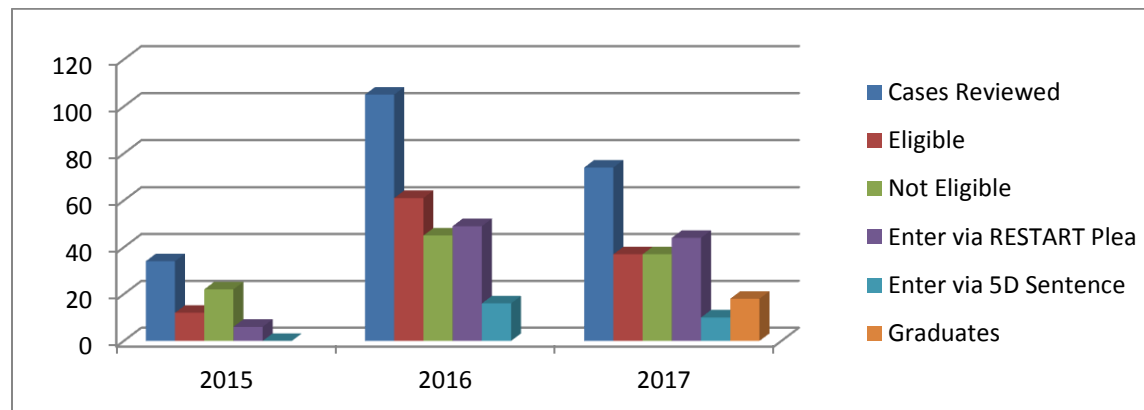
Recognizing and Establishing Smart Treatment Alternatives for Recovery and Transition. RESTART court is designed for individuals who are criminally charged in accordance with the felony DUI law that took effect in August 2015. Anyone who has three prior convictions nationwide of DUI, DUI Per Se, or DWAI, and is charged with their fourth, or subsequent, alcohol related driving offense will be screened for program eligibility. RESTART court is about breaking the cycle of addiction to drugs and alcohol, driving while under the influence, and other related criminal behavior. This is accomplished through intensive treatment programs.

The Denver RESTART Court is a division of the DADC, and is a voluntary program by way of accepting a plea agreement into the program. Depending on a defendant's criminal history, eligibility is determined, and can include plea bargain offers including a minimum jail sentence, to be served in Recovery in a Secured Environment (RISE) program within the Denver County Jail, RESTART probation, and potentially a deferred judgment and sentence on the original felony DUI charge. Defendants are all expected to complete three years of RESTART probation, to include at least 18 months of supervision by the full RESTART Team, court dates every 2-5 weeks, monitored sobriety, useful public service, and at least 180 hours of individual-based therapy hours, as determined by the treatment agencies. After this phase of probation is completed successfully, defendants move to a less-intensive probation, while still being monitored by their probation officers, and still completing UA testing.

RESTART graduations began taking place in 2017. To date, 18 individuals have graduated from the supervised portion of the RESTART program, and are all still currently supervised by the probation department.

In addition to offering defendants plea bargains to enter the RESTART program, the RESTART Team supervises some defendants who have either initially screened as ineligible, or who rejected the RESTART offer at the outset. This is accomplished through the Judge in Courtroom 5D sentencing offenders to the RESTART program as an alternative to a prison sentence.

The RESTART Team is comprised of court staff, probation officers, district attorneys, public defenders, and therapists from treatment facilities. After a defendant enters a plea into the RESTART program, the team meets prior to each court date to staff all of the cases for that day, discussing progress of each defendant, and determining whether sanctions or incentives are appropriate routes to take to help ensure compliance.

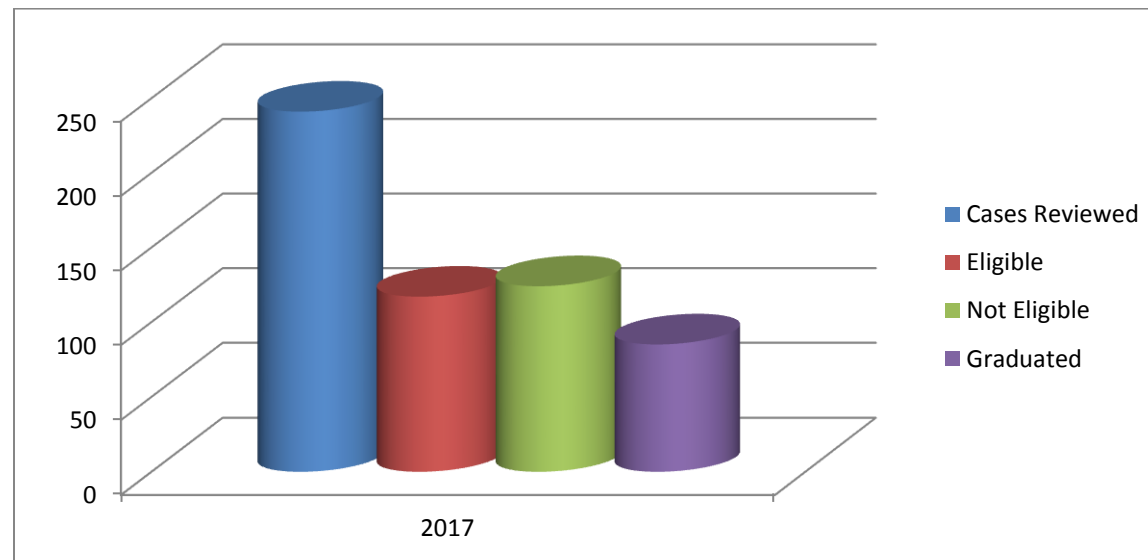


Denver County Sobriety Court

As with the RESTART Court program, Sobriety Court is focused on providing an efficient, judicially supervised, accountable, and systematic process to address addiction, offender success and recovery. The program is voluntary and eligibility is based on legal and clinical screening. There are five phases to the program, which lasts approximately 14 to 24 months.

Sobriety Court is designed for offenders who need a structured and intensive program, and have a willingness to receive treatment for their addiction in order to avoid a lengthy jail sentence. In November 2017, the eligibility requirements shifted away from more stringent legal exclusions into considerations surrounding a more inclusive pre-plea Risk and Needs Tool, specific to DUI offenders. Offenders with one or more prior DUI offenses will be offered the opportunity to complete the RANT-DUI evaluation to determine their levels of risk for recidivism and criminogenic needs. Those individuals who return at a high risk and high need level will receive a Sobriety Court offer. These offers meet (and often exceed) the minimum jail requirements, and include a 2-year Sobriety Court Probation term. In all Sobriety Court cases, offenders plead guilty to the DUI, as charged, and are not offered deferred judgments, or any other significant sentencing concessions.

In order to successfully complete this program, offenders must appear at regular court review dates, complete all treatment as recommended by probation and treatment providers, comply with monitored sobriety, complete useful public service, and show maintained sobriety prior to being able to graduate probation. After graduation from the Sobriety Court program, offenders move to a less intensive probation.



Behavioral Health Unit

The members of BHU touch 1,000s of lives a year, either through the recommendation of a bond amount, the filing of a drug case, the referral to a problem solving court or the determination of whether criminal charges should be filed in a traffic fatality. In order to best serve the residents of Denver, the BHU team routinely meets with and/or collaborates with a variety of agencies and organizations. These include, but are not limited to:

- The Bill Daniels Veteran Services Center
- Community recovery groups, such as the Phoenix
- Denver City Attorney's Office
- Denver County Court Bench
- Denver County Court Probation
- Denver District Court Bench
- Denver Health and Hospitals
- Denver Office of Behavioral Health
- The Denver Police Department, including the Victim's Assistance Unit
- Denver Pretrial Services
- The Denver Public Defender's Office
- The Denver Sheriff's Department
- District Court Probation
- Harm Reduction Action Center
- Mental Health Corporation of Denver
- Treatment Agencies, such as ARTS, IDEA, Mile High Behavioral Healthcare and the National Institute for Change

Family Violence Unit

- The largest of the DA Office specialized prosecution units.
- 23% of the felony cases that went to trial in 2017 were FVU cases.
- Additionally, 457 FVU cases resulted in guilty pleas.

Gang Unit

- 415 cases were filed by this unit in 2017, an increase of 107 cases from 2016 (a 34.75% increase), mostly attributable to the felony strangulation cases (93) resulting from the domestic violence strangulation law that went into effect in mid-2016. These cases are not gang-related but some were assigned to the unit to help with the overall caseload increase resulting from the new law.
- 12% increase in gang/firearm cases
- 157 "POWPO" (possession of a weapon by a previous offender) cases, an increase of 18%
- Gang member narcotics cases remained nearly static from 2016 (35) to 2017 (39)

Denver Grand Jury

- 12 complex crime cases were presented to the Denver Grand Jury, resulting in 10 indictments.

Cold Case Unit

- Tried and convicted three cold sexual assault cases
- Re-opened and filed a 1978 homicide case unsolved for almost 40 years. The defendant died before the case went to trial but the victim's family was very grateful for the closure.
- Re-opened a 1977 homicide case, resulting in the arrest of the defendant in Texas. He was brought back to Denver for trial, which remained pending at year's end.

Confiscation

- Through the judicial process known as civil asset forfeiture, assets of criminals derived from criminal activities or used to commit crime are able to be confiscated.
- In 2017, the DA's Office confiscated \$831,981, in cash, 1 vehicle, 1 motorcycle, and 1 real property from 94 asset forfeiture cases.

Crime Victim Compensation

- In 2017 the CVC program received 969 *new* claims. There are generally close to 1,000 ongoing claims as well.
- The Crime Victim Compensation Board paid out \$2,300,174 for crime victims' out-of-pocket expenses.
- The Board averaged 282 payments a month.
- Totals for CVC primary categories of expenditure:

Medical:	\$783,406
Mental Health:	\$608,858
Funeral /Burial:	\$458,800
Economic Support:	\$420,626*



*Includes lost wages when injury from a crime prevents a person from returning to work, limited household support in DV cases when the defendant contributed to the household, loss of support to dependents in cases of a fatality. This benefit is subject to specific guidelines, documentation and financial caps.

Officer-Involved Shootings

- Officer- involved shooting incidents (involving Denver Police, RTD personnel, non-Denver law enforcement officers): 7
- Denver District Attorney decision letters issued: 5 (1 involving 2016 incident)

U-Visas

- Reviewed and completed 115 U-Visa certification requests from cooperating victims of crime

Cases Involving Homeless Victims and Witnesses

- The Office filed an alarming number of cases in which a homeless person was a victim or witness. Investigators in the DA's Office were relentless in locating these individuals, even when Denver police were unable to locate them, in order to successfully prosecute cases. There were several prosecutions in 2017.

Commutation & Clemency Requests

- Received, researched, and responded to 23 requests for review of cases from the Governor's Office.



Lindsey-Flanigan Courthouse



Downtown Detention Center (City Jail)



District Attorney Initiatives and Programs

As Denver's new District Attorney, Beth McCann established as the missions of Denver DA's Office the following:

"Our mission is to professionally and competently prosecute crimes and investigate criminal activity on behalf of the people of the State of Colorado and to seek equal justice for all in the criminal justice system. Our mission includes the prevention and deterrence of crimes, support of the well-being of victims, participation in the community, transparency, accountability, and improvement of the criminal justice system to provide fair alternatives to incarceration in appropriate cases."

To help achieve these goals, DA McCann launched a number of office organization, policies and action plans to set a course for the DA's office, complementing or expanding its core work and responsibilities. The following are highlights of these efforts undertaken in 2017.

Priorities

- ⌘ Juvenile Justice
- ⌘ Behavioral Health
 - ⌘ Mental Health/substance abuse
- ⌘ Elder Abuse
- ⌘ Human Trafficking
- ⌘ First Advisements
- ⌘ Pre-filing and Adult Diversion
- ⌘ Crime Intelligence Data
- ⌘ Mass Incarceration
- ⌘ Community Advisory Panels
- ⌘ Bias/Hate Motivated Crimes
- ⌘ National Progressive District Attorney Gatherings

Juvenile Justice – DA McCann established a separate Juvenile Court Unit to focus exclusively on juvenile justice in the office, with dedicated, experienced, and diligent attorneys who have committed to staying in the unit and working with the community and our court system to provide alternatives for youth who are beginning to get involved in criminal activity. Additionally, the juvenile diversion program was expanded to include restorative justice circles which involve volunteer community members. The office is planning a pre-filing pilot project to expand the diversion program to young adults, ages 18-26, starting with a pilot program of 50 individuals, and is pursuing pre-filing diversion for youth.

Behavioral Health Unit – DA McCann created this new unit out of existing but separate units to better address substance abuse and mental health disorders within the criminal justice system, and to more swiftly and effectively identify those persons who are at high risk to re-offend and those who can be safely supervised in the community, thereby increasing public safety and decreasing unnecessary incarceration. All courtrooms report increases in cases involving people with mental health needs. BHU members are actively involved in Denver’s efforts to address the opioid and substance abuse crisis, and in examining ways to break the cycle of arrest and incarceration. For example, the DA’s office, through the BHU, Denver Pre-Trial Services, and Volunteers of America/Bill Daniels Veteran Services Center joined together to create a pre-trial services referral program for veterans who find themselves defendants in the criminal justice system, but who really need mental health counseling, housing, or other basic services to enable them to get out of the criminal justice system and lead productive lives. This unit is also involved in finding alternatives for offenders identified early as those who are high need and high risk.

Elder and At-Risk Abuse - DA McCann established a new Elder and At-Risk Adults Unit in the office to handle the increasing number of crimes against this vulnerable population. The office was able to hire a nationally known and respected expert in elder abuse to oversee this new priority. The unit works in conjunction with the Denver Police Department, which established its own new detective unit dedicated to investigating these crimes.

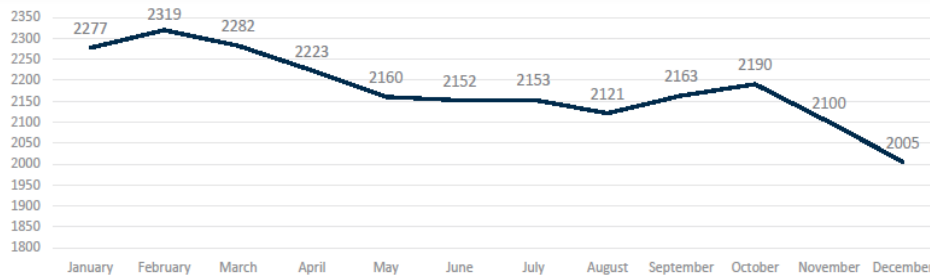


DA McCann and Denver Police announcing new elder/at-risk adult abuse units

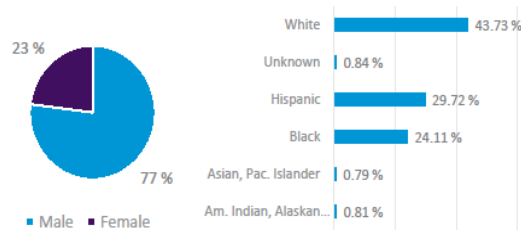
Human Trafficking – DA McCann has made prosecution of these cases a priority. She appointed a full-time senior deputy district attorney to work exclusively on and build these cases. In addition, the office has a grant-funded position for a non-attorney expert in human trafficking who is coordinating community outreach and education. The office is working with the Denver Police Department to increase enforcement in this area.

First Advisement/Bond Hearings – Prior to 2017, deputy district attorneys did not appear at first advisements for suspects being held in jail for investigation of criminal activity. This is a critical stage in criminal proceedings because this is when a suspect is advised as to the basis for his/her arrest and when bond conditions are set. Office prosecutors are now required for the first time to appear at first advisements (which take place 7 days a week) and to review the cases before the offenders appear in court. Working in conjunction with the courts and with pre-trial services, risk assessments are being used at an earlier time in the criminal justice process to better identify those who do not need to be held in jail (and those that do), enabling the release of qualified persons, when appropriate, on Personal Recognizance bonds, which do not require payment of funds. Data from the Sheriff's Office confirms a sharp reduction in Denver's overcrowded city jail (Downtown Detention Center) population following the launch of this program. One of the goals of this group is to establish preventative detention and the reduction in the use of money bonds.

SMART Pre-Trial – This joint effort among the County Courts, Probation Department, Public Defender's Office, Pre-Trial Services, and the District Attorney's office was well under way before 2017 and, in combination with the work of the DA's new BHU, has resulted in a much smarter way to handle pre-trial services, with fewer individuals waiting in jail for their cases to be concluded.



- Approx. 12% decrease from January 2017
- Approx. 7% decrease from June 2017
- 2017 ADP = 2,178
- 2016 ADP = 2,221



“The addition of a representative of the District Attorney’s Office has enriched this process, helping to ensure an informed, risk-based release decision.”—Denver Pretrial Services Program 2017 Annual Report.

Crime Intelligence Data – The Denver DA’s office works in close cooperation with the ATF and DPD investigators using a sophisticated tracking system that tracks shell casings nationally and matches them to guns used in criminal activity. Denver police officers are able to recover many shell casings through Shot Spotter. Denver is recognized as a national leader in solving cases through the use of this technology. The DA’s office secured a grant-filled position for data collection and analysis in gun-related investigations and prosecutions to assist in targeting those involved in violence.

Sexual Assault – The prosecution of sexual assault cases is a priority of DA McCann. Statistically among the toughest of cases to bring to prosecution, locally and nationally, the DA’s office has a grant that enables it to have one deputy DA focus on the intake of sexual assault cases to ensure consistency and to provide advice to Denver Police sexual assault detectives. The office participates in a campus sexual assault working group and has applied for a grant to expand work regarding sexual assault on campuses.

Domestic Violence – This issue remains a priority for the office. The office has one dedicated prosecutor who reviews all the cases for filing and provides advice to the police detectives. This prosecutor lectures frequently nationally and locally on this topic and is working on a plan to enforce the law DA McCann sponsored and passed as a state legislator to require domestic violence offenders to relinquish guns. Additionally, the chief deputy in County Court has designated a domestic violence-specific investigator, which has contributed substantially to successful prosecution of domestic violence misdemeanor cases. The chief deputy will designate two deputy DAs to specialize in these challenging cases.

Fatal Traffic Investigations – Office prosecutors now respond on a 24/7 basis to traffic fatalities that may result in criminal filing to provide legal guidance to responding police personnel. Previously, the office was notified of such incidents, but the deputy district attorneys were not actively involved on-scene.

LEAD Grant - DA McCann joined fellow prosecutors from around the country in Seattle to gather information about that city’s drug diversion program, the Law Enforcement Assisted Diversion (LEAD) program—an alternative to prosecuting lower level drug crimes—in order to establish a similar program in Denver. LEAD allows police officers to divert low-level possession, non-violent drug offenders into community-based programs for treatment, rather than arresting them and initiating a criminal case. The Denver DA’s office joined in the city of Denver’s year-end (successful) application for LEAD grant funds from the state and is working with city officials to implement this program. With the funding, the Behavioral Health Unit will work with Denver Police to select those eligible for the program.

With LEAD Participant in Seattle



Community Engagement – At the beginning of her term, DA McCann recruited deputy district attorneys to attend neighborhood meetings to hear concerns and questions from community members, a first for the office. Leading by example, DA McCann herself attended well over 100 community meetings, informational and issues forums, and roundtables in 2017. Fulfilling another pledge, DA McCann held a public meeting with interested community members to discuss the legal analysis and conclusion reached when a Denver police officer-involved fatal shooting occurred and no charges were filed. She will continue to honor that promise.

Public Communications – The Denver DA’s website, www.denverda.org, was comprehensively revised and updated for the first time in over 13 years, and the office Twitter (@DenverDAsOffice) and Facebook (Denver District Attorney’s Office) social media accounts re-activated and frequent postings resumed.

Community Advisory Councils – Fulfilling a campaign pledge, DA McCann organized three community advisory councils to provide input and feedback on community issues on these topics: police/community relations, immigration, and mental health. These councils meet on a monthly basis and are discussing these timely topics. The members provide advice and community input for the District Attorney.

Mass Incarceration, particularly of people of color – DA McCann is troubled by the impact of the criminal justice system on communities of color. She distributed the book, *The New Jim Crow*, by Michelle Alexander, to every member of her staff to encourage discussion and thought as to who and how the office prosecutes lower-level crimes in Denver. She brought in a professor from DU Law School to facilitate internal discussions about this book with her staff. Another DU Law professor conducted cultural competency training for the office. McCann also initiated a project to create a first-ever database within the office to track racial and ethnic data of defendants, enlisting the aid of a professor from UCD to analyze the data, to help ensure that justice is being fairly administered. The creation of that database and its analysis is ongoing.

Immigration – DA McCann joined other city officials in signing a letter asking ICE not to arrest people in Denver’s courthouses in order allow law enforcement and prosecutors to do their jobs and enforce and prosecute crimes committed in Denver as a matter of safety and justice for the crime victims and the community. She met with the Mexican Consul General to discuss issues facing non-citizens in Denver. The DA’s office now signs U-Visa certifications for those who cooperate with law enforcement in the prosecution of cases. DA McCann also signed two national *amicus* briefs objecting to the possible refusal to provide federal funds wholly unrelated to federal civil enforcement of immigration laws to cities that are perceived by the federal administration to be “sanctuary cities.” DA McCann is developing a policy to encourage office prosecutors to consider collateral consequences when offering pleas to undocumented defendants.



Bias/Hate Motivated Crimes – DA McCann established a team of attorneys to specialize in the filing and prosecution of these cases. She has participated in various presentations regarding the importance of reporting and prosecuting these vicious crimes, including participation by invitation at the international LGBTQ hate crimes summit in Berlin, Germany.

Marvin Booker Case – DA McCann opened a grand jury investigation into allegations surrounding the disposition of evidence following the 2010 death of Marvin Booker in the Denver city jail.

Marion Jetton Case – DA McCann was able to formulate a fair resolution of this case in which an offender was sentenced in 2004 under the habitual criminal statute to almost 100 years in prison for leading a small-time ring of forgers to steal almost \$9,000 in forged checks—a punishment even the sentencing judge questioned. The judge was amenable to re-sentencing Mr. Jetton pursuant to a creative solution proposed by the DA’s office.

Internal Improvements – DA McCann developed first-ever performance reviews for all attorneys in the office. She and her top staff met with every attorney to discuss goals and feedback. She has also appointed a lead victim advocate to provide this important group of staff members a point person to raise and address their issues.

Vertical Prosecution in Homicides – Chief deputies have always responded to homicides that occur throughout the city. The office now pairs a younger deputy district attorney with a chief deputy in responding on-site. The responding attorneys advise Denver police regarding search and arrest warrants and now stay on the cases they respond to instead of the former practice of the cases being randomly reassigned when received from the Denver Police Department.

Grants – DA McCann was instrumental in securing grants for the office to assist in prosecution. One grant allows for the use of restorative justice in appropriate juvenile cases. Another allows for the use of adult diversion in selected cases. Her office, in cooperation with several other city agencies, has discussed an effort to receive a large state grant to establish a juvenile assessment center to include housing for youth who should not be placed in detention but who cannot return home – a desperately needed facility – which will be modeled on successful facilities in surrounding communities.



Colorado District Attorneys Council – At DA McCann’s direction, the Denver DA’s office, once a recognized leader among the Council, rejoined this statewide association of Colorado’s 22 district attorney offices after a 10-year hiatus. Rejoining the Council enables Denver to share information, ideas, training and technology that is provided through CDAC. It also allows the office to participate in lobbying efforts at the State Capitol through CDAC’s experts. As a member of CDAC, the office is also a member of the National District Attorneys Council which sponsors numerous trainings and national meetings.

Bar Association Memberships – DA McCann was able to include in her budget funding for every prosecutor in the office to be a member of a bar association with the dues paid by the office. She believes it important for the deputy district attorneys to be included in civic and bar activities.

National Criminal Justice Reform – DA McCann was honored to be invited to join a small group of progressive major city district attorneys from throughout the country who are examining ways to improve our criminal justice system. She was also asked to participate in “The Executive Session” which is sponsored by the John Jay College of Law and consists of selected district

attorneys and experts in the criminal justice field. This group meets twice a year and is looking at ways to improve criminal justice from bail reform to alternatives to incarceration. McCann is a contributing member of other national groups, including the Association of Prosecuting Attorneys, and Prosecutors Against Gun Violence.



Notable Prosecutions in 2017

First Degree Murder & Assault of a Peace Officer

Darius Ratcliff sentenced to life in prison without parole + 128 years

In November 2015, Ratcliff opened fire on a group of individuals who were asked to leave a house party which he was attending. One man was killed and three others wounded in the shooting. In December 2017 he was convicted after a four-day jury trial and sentenced to life in prison without parole for the murder conviction, and to 48 years in prison for each of two attempted murder convictions. Additionally, in July 2016, Denver police officers attempted a traffic stop on a vehicle driven by Ratcliff which matched the description of a vehicle involved in a drive-by shooting earlier that evening. Ratcliff eluded officers and fled the vehicle. When located, he fired shots at the police officers, and was himself wounded by return police fire. In June 2017, Ratcliff was convicted of first-degree assault of a peace officer in connection with that incident and was sentenced to 32 years in prison, the sentence to run consecutively with the other two sentences.

Road Rage Murder

David Garcia sentenced to 48 years in prison

In November 2016, Garcia shot and killed a 28-year-old man after a brief dispute at a stop sign. Garcia drove up alongside the victim and shot him after the victim had displayed his middle finger to Garcia in traffic. He pleaded guilty to 2nd degree murder in November 2017 and was sentenced to 48 years in prison.

Robbery

Lawrence Evans and Jamal Bullock each sentenced to 20 years in prison; Tania Ordonez-Perez sentenced to 26 years in prison

In January 2017, Evans and Bullock robbed two restaurants two days apart. Bullock pleaded guilty in August and Evans pleaded guilty in October to both robberies, and each sentenced to 20 years in prison. A third person charged in both robberies, Tania Ordonez-Perez, was found guilty after a five-day jury trial in early 2018 of 19 counts of kidnapping and robbery of one of the restaurants, and was sentenced to a total of 26 years in prison.

Assault & Burglary

Joseph Moreno sentenced to 42 years in prison

Moreno broke into a home on Super Bowl Sunday, 2017. As he was dragging some of the property out of the house to his waiting getaway truck, a neighbor in the back yard saw and asked him what was going on. Moreno pulled out a sawed-off shotgun and shot the neighbor, who survived. After a four-day trial in August 2017, Moreno was convicted of first degree assault and burglary and sentenced to 32 years in prison for the assault and 10 years for the burglary, the sentences to run consecutively.

Sexual Assault

Roberto Valenzuela sentenced to 16 years in prison

In November 1999, Valenzuela offered a ride to a pregnant woman. He drove her to a church parking lot, hit her in the face and sexually assaulted her in his car. He then transported her to a second location where he committed a second sexual assault. The victim managed to escape later when Valenzuela stopped at a stop sign. Valenzuela was finally identified as a suspect through the work of Denver's Cold Case Project, and was arrested and charged in September 2016. He pled guilty in August 2017 to assault and attempted sexual assault and sentenced in December to 16 years in prison.

First Degree Murder

Kenneth Banks sentenced to two life sentences in prison without parole

In November 2015, Banks shot and killed 20-year old Joel Gomez-Chavez as the victim was in his own bedroom, and was charged with first degree murder in December 2016. Just a few days after killing Mr. Gomez-Chavez, Banks shot and killed 20 year-old D'Andre Mayfield in a drive-by shooting as the victim was in his own vehicle. He was charged with murder in that case in March 2016. Banks pled guilty to both murders in October 2017 and sentenced to two life sentences in prison without the possibility of parole.

Robbery & Attempted Sexual Assault

Demaricus Bookhart sentenced to 30 years in prison

In August 2016, Bookhart assaulted two women in separate attacks along the High Line Canal Trail. He pleaded guilty in July 2017 to aggravated robbery, attempt to commit sexual assault, and menacing and sentenced to 30 years in prison.

Kidnap & Sexual Assault

Albert Matthews sentenced to 160 years-to life in prison

In October 1999, Matthews invited a 44-year-old woman estranged from her abusive husband to stay with him. While walking her to his home, however, he attacked the victim, forcing her through an alley into a backyard where he sexually assaulted her. The case was unsolved until 2015, when the defendant was identified by Denver Police as a suspect based on a DNA match linking him to the 1999 sexual assault. Further investigation by Denver's Cold Case Unit resulted in Matthews' arrest and the filing of charges in July 2016. In August 2017, a jury convicted him of kidnapping and sexual assault, he was subsequently adjudicated a habitual criminal and sentenced to 96-years in prison for the kidnapping charge, and to 64-years-to-life in prison for the sexual assault charge, the sentences to run consecutively.

Kidnap & Sexual Assault

John Kennedy sentenced to 9 years-to-indeterminate in prison

In November 2015, Kennedy sexually assaulted a fellow University of Colorado-Denver student in his dorm room while she was unconscious following a night of celebrating Halloween. After waiting until other students had left a shared hallway, the defendant carried the unconscious victim from one apartment—where she had been placed for safety by friends—to his apartment, where he sexually assaulted her. After a seven-day jury trial in June 2017, Kennedy was convicted of kidnapping and sexual assault and sentenced to nine-years-to-indeterminate in prison.

Second Degree Murder

Keith Hammock sentenced to 80 years in prison

In October 2016, Keith Hammock fired at two teens who had jumped over a fence into his backyard, where he was conducting an illegal marijuana grow operation. A 15-year-old boy was killed and a 14-year-old boy was wounded. He was convicted by a Denver jury in July 2017 of second-degree murder, attempted second-degree murder, assault, and illegal manufacture and cultivation of marijuana. He was sentenced to 80 years in prison, the maximum combined sentence for the murder and assault convictions.

First Degree Murder & Arson

Brian Pattison sentenced to life in prison without parole +24 years

In 2016 Pattison shot and killed 29-year-old Shane Richardson, then set fire to Mr. Richardson's apartment above a street-level deli, which was also damaged in the fire. The victim's body was discovered after firefighters extinguished the fire. Pattison, a tattooist from Colorado Springs, ostensibly went to Mr. Richardson's apartment for a "tattoo party" to finish a tattoo he had started on the victim. He was found guilty after a seven-day trial in August 2017 of first degree murder and first degree arson. He was sentenced to life in prison without parole for the murder, and to 24 years in prison for the arson, the sentences to run consecutively, or life + 24 years.

Attempted Robbery & Second Degree Murder

Christian Willis sentenced to 32 years in prison; Nicholas McKinney sentenced to 25 years in prison; Dasean Perry sentenced to 48 years in prison

In September 2015, Willis, McKinney and Dasean Perry attempted to carry out a robbery scheme against an unsuspecting taxi driver, 49-year-old Darren Bloomquist, resulting in the victim's shooting death. Willis, a juvenile at the time, made the call for a taxi as part of the scheme, McKinney was the lookout in the robbery, and Perry was the shooter. Willis pleaded guilty in July 2017 to aggravated robbery and was sentenced to 32 years in prison. McKinney pleaded guilty in March 2017 to aggravated robbery and was sentenced to 25 years in prison. Perry pleaded guilty in 2016 to second degree murder and aggravated robbery and was sentenced to 48 years in prison.

Domestic Violence-First Degree Murder

Angel Chavez sentenced to two life sentences in prison without parole

In July 2016, Chavez fatally stabbed the mother of his two children, Maira Cordero, and her mother, Raquel Cordero, in their home. He fled the scene but was arrested shortly thereafter. At the time of the murder Chavez was on parole for a 2008 child abuse conviction involving one of his children, and had a warrant out for his arrest for violating a protection order. He was convicted in August 2017 after a six-day jury trial of two counts of first degree murder and immediately sentenced to two consecutive life terms in prison without possibility of parole.

Second Degree Murder

Salvador Vargas was sentenced to 48 years in prison

In November 2016, Vargas shot and killed 54-year-old Rufino Perez after a dispute erupted between the two men at a home party. Vargas was shot and slightly wounded during the initial confrontation. Several minutes later Vargas used a gun he took from his wife's person to shoot numerous times and ultimately kill Mr. Perez in retaliation. He was convicted in June 2017 after a four-day jury trial of second degree murder and sentenced to 48 years in prison.

Second Degree Murder

Jamaal Edwards sentenced to 42 years in prison

In January 2015, Edwards was involved in an altercation with two men in an apartment and fatally stabbed 42-years-old James Clyde Brown and 53-year-old John Shoeboot. Edwards made a 911 call claiming he saw someone murdered, but was subsequently arrested as a suspect after police confronted Edwards with inconsistencies in his version of events. He was found guilty in April 2017 after a seven-day jury trial of second degree murder for the death of Mr. Shoeboot and sentenced to 42 years in prison. A mistrial was declared as to the death of Mr. Brown, but in June 2017, Edwards pleaded guilty to manslaughter in the death of Mr. Brown and sentenced to 12 years in prison, both sentences to run concurrently.

Fake Doctor

Carlos Hernandez Fernandez sentenced to 6 years in prison; \$189,222 in restitution

Since at least January 2015, Hernandez Fernandez portrayed himself as a licensed doctor, performing plastic surgery and other medical procedures without a license at a clinic he operated in Denver. Over 50 victims came forward after the initial investigation. He pleaded guilty in April 2017 to second degree assault, criminal impersonation, and unauthorized practice of physician and was sentenced to 6 years in prison and ordered to pay \$189,222 in restitution.

First Degree Murder

Jesse Oliver sentenced to life in prison without parole + 32 years

In September 2015, Oliver fatally shot 34-year-old Bobby Brown and wounded a teenage girl outside an apartment building. He was found guilty in February 2017 after a six-day jury trial of murder in the first degree and first degree assault. He was sentenced to life in prison without the possibility of parole for Mr. Brown's murder, and to 32 years in prison for the wounding of the girls, the sentences to run consecutively, or life +32 years.

Sexual Assault & Drugs Possession

Jeffrey Rodocker sentenced to 60 years-to life in prison

Rodocker was a drug dealer who kept two young females under his control by providing them narcotics. He was arrested in December 2015 after one female victim escaped from his house in the early morning hours and banged on neighbors' doors for help after twice being sexually assaulted. The other female victim was assaulted in October 2014. Rodocker was found guilty in February 2017 after a six-day jury trial of sexual assault, kidnapping, menacing, possession with intent to manufacture or distribute marijuana, and possession of a controlled substance (psilocin and methadone) and sentenced to 60-years-to-life in prison.

Racketeering & Burglary

Ringleaders Mamadou Diallo, Mohamed Tagir, Emanuel Makoi, Mohammed Arbab sentenced to 15-17 years in prison

28 people were indicted in 2016 in connection with a prolific home burglary and auto theft ring that victimized more than 50 people over a period of more than two years, causing more than \$400,000 in losses to victims, more than \$23,000 in property damage, and more than \$70,000 in car theft losses. Six of the 7 ringleaders, those charged with violation of the Colorado Organized Crime Control Act (racketeering), pleaded guilty in 2017 and sentenced to prison, and ordered to pay restitution: Mamadou Diallo, 15 years; Mohamed Tagir, 17 years; Emanuel Makoi, 17 years; Baidy Dia, 8 years; Gallo Dia (burglary plea), 2 years' probation; Mohammed Arbab, 15 years.

Second Degree Murder

Richard Kirk sentenced to 30 years in prison

In April 2014, Kirk shot and killed his wife, 44-year-old Kristine Anne Kirk, inside their home. He was charged with first degree murder and claimed he was under the influence of a marijuana edible candy, but pleaded guilty in February 2017 to second degree murder and sentenced to 30 years in prison.

Felony Murder

Kentrall Hines sentenced to life in prison without parole

In February 2017, Hines and a co-defendant were in a car with 19-year-old Randy Canister, intending to rob the victim, when Mr. Canister was shot and his body left on the side of the street. Hines was convicted in March 2017 after an 11-day jury trial of felony murder, attempt to commit aggravated robbery, and conspiracy to commit aggravated robbery. He was sentenced to life in prison without parole. The co-defendant was acquitted of all charges by the jury.

Assault of a Peace Officer

Steven Hamper sentenced to 66 years in prison

In 2014, a Denver police officer responded to reports of a man wandering into traffic and washing his clothes in a storm drain near the Downing Street and I-25 southbound ramp. As the officer attempted to secure him for his own safety, Hamper assaulted the officer, broke away from the officer, but then returned and continued to assault the officer, knocking her to the ground, where he attempted to seize her weapon. Passersby who saw the attack stopped to help the officer and subdue the attacker. Hamper told police, "If I would have gotten her gun, I would have killed her." He was found guilty in March 2017 after a jury trial of assault, assault against a peace officer, attempt to disarm a peace officer, and assault of a peace officer while in custody. He was subsequently adjudicated a habitual criminal and sentenced to 66 years in prison.

Official Misconduct—Police Officer

Julian Archuleta sentenced to 18 months' probation; resigned from police force

In October 2016, Archuleta was on-duty assisting at a crime scene when he stole \$1,200 in cash from a suspect's vehicle at the scene of an accident. The theft was caught on the officer's body worn camera. In February 2017 Archuleta pleaded guilty to official misconduct and second degree theft and immediately resigned from the police force.

Kidnap & Sexual Assault

Larry Buckner sentenced to 15 years to life in prison

In September 2015, Buckner dragged his neighbor into his apartment and violently raped her over the course of 5-7 hours. The victim's 6-year-old daughter was asleep in her apartment upstairs while the victim was trapped in Buckner's apartment. The case first went to trial in 2016 but resulted in a hung jury. The victim was consulted and was brave enough to agree to go through a trial a second time. In February 2017 a jury convicted the defendant of kidnap and sexual assault and he was sentenced to 15 years in prison for the kidnap and 16 years to life in prison for the sexual assault, the sentences to run consecutively.

Appendix

How Adult Criminal Cases Work

Misdemeanor cases are filed and tried in Denver County Court.

Most felony cases begin in County Court but are tried in Denver District Court.

In some instances, instead of being considered first in County Court, the most serious felony charges are filed directly in District Court, or as the result of a grand jury indictment.

If misdemeanor and felony charges are both included in a case, and the case is bound over or direct-filed into District Court, all the charges are tried in District Court.

Crime

The criminal process begins with the crime, a violation of a criminal law, and the subsequent investigation or arrest of someone for that crime. It is the responsibility of local law enforcement (in Denver, the Denver Police Department) to investigate crimes and arrest suspects.

Arrest

Arrest is the taking into custody of a person in order to detain him or her to answer for a criminal charge. A police officer may arrest a person if the officer has an arrest warrant, or if the person committed a crime in the officer's presence, or the officer has probable cause to believe that the person has committed a crime.

A person who has been arrested is taken to the Denver City Jail (the Van Cise-Simonet Downtown Detention Center), where they are "booked" into the criminal legal system.

Charging Decision

"Charges" are legal allegations that a suspect has committed a specific criminal offense as defined by state law.

Criminal charges are filed against a defendant on behalf of "The People of the State of Colorado," not on behalf of a specific person, and the alleged criminal acts are considered "offenses against the peace and dignity of the People of the State of Colorado," not offenses against specific persons.

The decision whether to file and prosecute criminal charges, and what those charges should be, is the responsibility of the District Attorney, in accordance with the Colorado Constitution and state laws.

This decision-making process is guided by legal and ethical standards which require a reasonable belief that the charge or charges can be proved to a unanimous jury beyond a reasonable doubt, after considering reasonable defenses. The law requires the lower "probable cause" level of proof to make an arrest, but requires the higher "proof beyond a reasonable doubt" level of proof to file a formal charge.

Charges

There are two ways to file charges to start a criminal case.

No Arrest: A police officer serves someone with a misdemeanor “Summons and Complaint” listing the criminal charges, which the officer files directly with the Court. The first appearance of the defendant will be Arraignment and the court date to appear is listed on the Summons and Complaint.

Arrest: A person can be arrested for a misdemeanor or felony crime.

- In misdemeanor cases, a police officer arrests the person and serves them with a “Summons and Complaint” listing the criminal charges.
- In felony cases, the police can arrest a person on an “investigatory hold” and write a report summarizing the events leading up to the arrest, and send their report and investigation to the District Attorney’s Office for consideration of filing of charges. The District Attorney’s Office then decides whether to file criminal charges, and what those charges should be. The charges filed by the District Attorney are listed in a written statement filed with a court, called a “Complaint and Information,” “Complaint,” or “Information.”

Advisement/County Court

If a person is arrested for a misdemeanor or felony, the defendant will appear for Advisement in the County Courtrooms at the City Jail (Van Cise-Simonet Downtown Detention Center).

- “1st Advisement” is the first time an arrested person is brought to court and takes place very soon after an arrest. The District Attorney’s Office has typically not yet filed charges. This is a short hearing in which the judge advises a suspect of the charges for which the suspect is being investigated. The judge sets bond at this time.
- “2nd Advisement” occurs after the District Attorney’s Office files charges. During this hearing, the judge advises the defendant of the formal charges filed against them. The judge may also hear arguments to change the bond.

Arraignment (aka Advisement) for Non-Arrest Misdemeanors/County Court

If there is no arrest and a person receives a misdemeanor Summons and Complaint, the defendant appears in court for the first time for Arraignment (not to be confused with Arraignment in felony cases). At Arraignment, the judge informs the defendant what the charges are, what their constitutional rights are, what possible penalties they face if convicted, and the right to apply for a public defender, if eligible.

Plea and Setting/County Court

In misdemeanor cases, this is a hearing in County Court after Arraignment at which a defendant pleads guilty or not guilty and the judge schedules further proceedings.

Disposition Hearing/County Court

After charges are filed, and a defendant has pleaded not guilty, a disposition hearing is typically scheduled at which the judge and lawyers may talk about how the case can be resolved without going to trial, and at which the defendant may change their plea to guilty or no contest through a plea agreement.

Preliminary Hearing/County Court

With some felony charges, the next court date after Advisement may be a preliminary hearing. With few exceptions, only persons charged with a class 1, 2, or 3 felony, or who are in jail on a class 4, 5, or 6 felony, are entitled to this hearing. The defendant may waive a preliminary hearing.

At the preliminary hearing, the prosecutor is required to present sufficient evidence to prove that it is more likely than not that the defendant committed the charged crime, allowing the case to move forward in the criminal justice process. If the judge determines sufficient evidence exists, the felony case will be “bound over” to District Court for arraignment.

Felony Preliminary and Disposition hearings are often combined into one hearing when scheduled in County Court.

(Note on Direct File Cases and Grand Jury Indictments)

If a case is filed directly in District Court, or by Grand Jury indictment, the County Court series of hearings are bypassed and the defendant will have advisement, arraignment, preliminary and disposition hearings in District Court.

Arraignment for Felonies/District Court

If a felony case is bound over from County Court, the first hearing in District Court is Arraignment. At Arraignment, the judge again informs the defendant what the charges are, what his or her constitutional rights are, what all the possible penalties are, and the right to a public defender, if eligible. At Arraignment, the defendant enters a plea of guilty or not guilty, or enters a guilty plea to an agreed upon plea bargain.

Disposition & Motion Hearings/District Court

While disposition hearings for many felony cases are held (often in conjunction with the preliminary hearing) in County Court after charges are filed, a disposition hearing can also be scheduled in District Court after arraignment. Motion hearings, at which a court will hear arguments on oral or written requests for a ruling on a particular legal point or issue related to the criminal case, are also scheduled prior to trial.

Trial

If the defendant pleads not guilty, and the case is not otherwise resolved by dismissal, guilty plea, or plea bargain, the next step in the process is a jury trial or trial to the court (bench trial). A defendant has the right to demand a jury trial.

A trial may result in a conviction by the judge or jury on the original charges, only a portion of the charges, or on any lesser included offense.

If the defendant is found not guilty (“acquitted”) the case is dismissed and the defendant is free. A finding of not guilty is not the same as a finding of innocence. It simply means that the judge or jury was not convinced that the defendant was guilty beyond a reasonable doubt.

If a jury is unable to reach a verdict (called a “hung jury”) and a mistrial is declared by the judge, the case may be re-tried.

Sentencing

If a defendant is convicted, the next step is sentencing. Sentencing can occur immediately but is usually scheduled for another date several weeks later. It is a judge's responsibility to sentence the defendant, and requiring the defendant return for sentencing at a later date allows the judge to gather additional information through a Pre-Sentencing Investigation (PSI) before the sentencing decision is made. Crime victims and their family members may speak at the sentencing hearing.



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