



NEWS RELEASE –

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Contact: Carolyn Tyler, Communications Director
720-913-9025, carolyn.tyler@denverda.org

Study Identifies Additional Opportunities for Denver DA’s Office to Ensure Fair Justice for All

No Pervasive Issues of Racism or Bias Found

DENVER—The results of a years-long study were announced today by Denver DA Beth McCann. When DA McCann took office, she noted the troubling issue of disproportionate representation of people of color in the criminal justice system. Two important goals were to ensure fair justice for all and to build public trust through transparency. She contracted with an outside researcher, Professor Stacey Bosick (then at the University of Colorado Denver) to undertake a study of cases handled by the Denver DA’s Office to examine the impact of race and ethnicity. The study was funded by the [Colorado Evaluation and Action Lab located at the University of Denver](#), a strategic research partner for government, and is being released to the public today.

DA McCann commissioned the study, *Racial Disparities in Prosecutorial Outcomes; An analysis of felony cases accepted for prosecution in the City and County of Denver*.

The study found no racial or ethnic disparities in general plea bargaining. Likewise, the study did not find any pervasive issues of racism, bias, or implicit bias in the Denver District Attorney’s Office. The study pointed out some areas in which people of various racial or ethnic backgrounds experienced different case outcomes and recommended further review of these areas.

“For the public to trust that we are ethical public servants, committed to equity and fairness, it is essential that we be transparent in our work,” said District Attorney McCann. “I am pleased, but not surprised, that the report did not find racial or ethnic disparities in our overall plea bargaining and resolution of cases. The report makes recommendations that I am committed to pursue and some of which were already underway prior to the report’s release. I look forward to further review of the areas noted.”

This study sought to explore the presence and extent of racial and ethnic differences in case outcomes within the Denver District Attorney’s Office. Drawing on case file data for adult felony cases accepted for prosecution between July 1, 2017 and June 30, 2018, and interviews with Denver prosecutors, the study examined the results of resolutions of these cases.

“Driving equitable outcomes for Coloradans involved in the criminal justice system begins with understanding where we are now and what are the opportunities to improve,” said Dr. Elysia Clemens, Deputy Director and COO, Colorado Evaluation and Action Lab at the University of



Denver. “It is an honor to support the Denver DA’s Office and researcher Dr. Stacey Bosick in their work to dig into the case data, learn from prosecutors’ experiences, and generate strategies that can be used to advance equity in Denver - and hopefully other jurisdictions as well.”

Review of case files and administrative data showed no differences between Black, Hispanic and White defendants in general plea dispositions of cases. However, the study pointed out some specific areas in which differences were present. Specifically:

- Cases involving Black defendants were more likely than cases involving White defendants to be dismissed during prosecution. Cases involving Hispanic defendants were equally likely to be dismissed as cases involving White defendants.
- Among cases that were not dismissed, cases involving White defendants were more than twice as likely to be deferred than cases involving either Black or Hispanic defendants.
- Drug felony cases involving White defendants were more likely to be handled in drug court rather than handled in district court or by some other unit, compared to drug felony cases involving Black and Hispanic defendants.

Denver prosecutors were interviewed for additional insight and overall shared a common concern about the overrepresentation of people of color in the criminal justice system and identified the system itself as contributing to racial disparities. When considering the role of prosecution in ameliorating or exacerbating these disparities, prosecutors:

- Felt that prosecutors are unable to correct for social inequalities that may serve as the underlying causes of offending given the stage at which prosecutors encounter individuals.
- Did not agree about prosecutors' role in ameliorating disparities caused by policing.
- Described using tangible and subjective factors in making plea offers, some of which they acknowledged may be influenced by race and ethnicity.

This study represents an important first step in understanding racial and ethnic differences in case outcomes. The recommendations to further evaluate case refusals and dismissals, review eligibility requirements to support equitable outcomes, increase processes to support cultural awareness and racial justice, and improve ongoing data collection and review may have national application and will be shared with all of Colorado’s district attorneys.

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