



OFFICE OF THE DISTRICT ATTORNEY  
TWENTIETH JUDICIAL DISTRICT

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For Immediate Release  
February 14, 2023

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## Press Release

The District Attorney's Office is pleased to announce that we have completed another groundbreaking step in our continued commitment to improving the justice system and addressing inequities. On February 15, 2023, we will be releasing an in-depth disparity analysis capturing disparities and disproportionality, or lack thereof, of prosecutorial decisions in the Boulder County DA's Office and the justice system. This work was done as part of our engagement with Prosecutor Performance Indicators (PPI) and the Colorado Evaluation and Action Lab at the University of Denver, along with seven (7) other District Attorney Offices. This effort is part of our continuing commitment to build a more transparent and equitable justice system and a continuation of the work that resulted in our release of data in September 2022 to our public data dashboard.

We have embraced the role of data in informing our work as prosecutors and how in better understanding our data, we can improve public safety while working to correct systemic inequity. We are proud to be at the forefront of this important advancement in modern prosecution. Colorado is on track to be the first state to have public data available statewide and we are honored to have led this charge. Racial disparities exist throughout the United States, and in our history; our office is strongly committed to doing everything we can to address it in our justice system. We are proud to be joined in these efforts by the seven other DA's Offices.

This disparity study, which includes data as recent as June 2022, shows positive trends of low disparity. While disproportionality exists in terms of who is referred by law enforcement to the DA's Office, once cases hit our office, they are largely treated similar. We will continue to monitor these numbers and continue to take steps as an office and as leaders in the state to improve disparities and disproportionality.

The disparity study can be accessed on February 15<sup>th</sup> on our public data dashboard at <https://data.dacolorado.org/20th/>.

The analysis highlighted five data points, which are consistent with trends at other DA's Offices in Colorado, that we will examine:

- Black defendants receive deferred judgments at a lower rate and have an increased dismissal rate
- Hispanic defendants show smaller rates of charge reductions in plea bargaining and have a higher rate of incarceration.
- This data for our office is largely consistent with the data from the other seven (7) offices. That will prompt us to identify systemic drivers in Colorado.

We expect that the data will continue to improve as more of the 22 Judicial Districts in Colorado participate in and are added to the dashboard project. It is important to note that, for this analysis, criminal history was run only across the eight participating jurisdictions. Those eight jurisdictions do not include our neighboring counties of Weld and Broomfield. Given that areas in our community, such as Longmont and Erie, are split between two counties, we are interested to see how adding more jurisdictions might give us more accurate information on controlling for criminal history. While criminal history can exacerbate racial and ethnic disproportionality and disparities, we must consider criminal history in resolving cases as a defendant with no history and one with six prior felonies should be, and are, differentiated and treated differently.

We have engaged in this work since 2018 because we have seen how the justice system achieves different outcomes for different people, sometimes correlated with their race or ethnicity. As prosecutors we must appropriately evaluate each case on its own merits. While decisions in a particular case are unrelated to race, they may be influenced by systemic drivers that are correlated with a defendant's race/ethnicity. In our work at the District Attorney's Office, we must equitably protect community safety and well-being. As such, we have identified the following action steps in our ongoing efforts to address inequities in the system:

- In 2023, the DA's Office will train on systemic drivers of disproportionality and disparities and how our prosecutors should actively consider these when exercising their discretion.
- We are increasing adult diversion screening of cases, improving screening processes, and plan to capture diversion data better. We have seen through our juvenile diversion screening process that broader screening of cases results in more equitable outcomes in referrals for diversion.
- We will seek to hire an in-house data analyst and launch a crime strategies unit. Having a data analyst and launching a crime strategies unit will allow us to better monitor trends over time and to continue digging into disparities and disproportionalities.
- We will continue our efforts to improve data collection and data entry accuracy, such as better collection of race and ethnicity data and entry of reasons for dismissal. Tracking reasons for dismissals will allow us to track trends to understand how and why prosecutors are exercising their discretion.

District Attorney Michael Dougherty stated, "Our office is committed to this important and transformative work. I am especially grateful to Christian Gardner-Wood, Elaina Shively, and all our staff for their hard work in moving this effort forward. Colorado is moving to become the first state to embrace data dashboards for all the District Attorney's Offices. Together, we are working hard to build a more transparent and equitable justice system for victims and defendants. The data continues to inform the concrete action steps already underway with the expansion of our diversion programs, screening of cases coming into the office, and our ongoing collaboration with other criminal justice partners. Colorado is on forefront of this important work."