


# DENVER SAFETY: AN IMPROVED FUTURE



DA BETH MCCANN

MONDAY, DECEMBER 6<sup>TH</sup>, 2021



“ As people who have our whole lives ahead of us, the children of Black men and women, grandchildren of immigrants, we recognize that the world is not as they hoped it would be for us. However, these changes will help quell the fears of our ancestors, our parents, our family, our friends, and even our own. For that to happen, however, we have to center the measurements for what defines community healing and community harm, and their fine line. ”

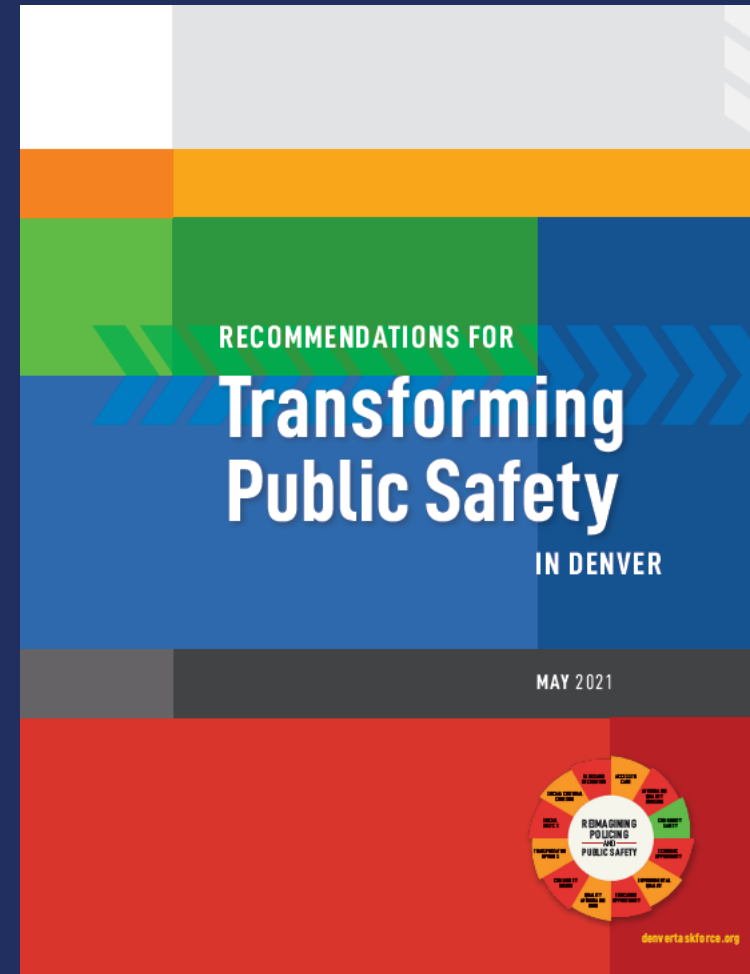
The youth of the Community Healing Subgroup  
&  
The Task Force to Reimagine Policing and Public Safety



# PUBLIC SAFETY & THE DENVER DA'S OFFICE

Public safety ensures that all members of the community decide how to organize a social environment that provides the freedom to live and thrive with the protection and support of social, physical, mental and economic well-being. Safety is not a function of armed paramilitary forces with a proven track record of racism and violence. **Public safety prevents, reduces, and heals harm.**

- Task Force created
- Eight Month in-depth review
- 112 recommendations



# STRATEGY 1: EMPOWER THE COMMUNITY WITH RESOURCES TO ADEQUATELY ADDRESS SOCIOECONOMIC NEEDS AND PROVIDE FOR THEIR OWN SAFETY.

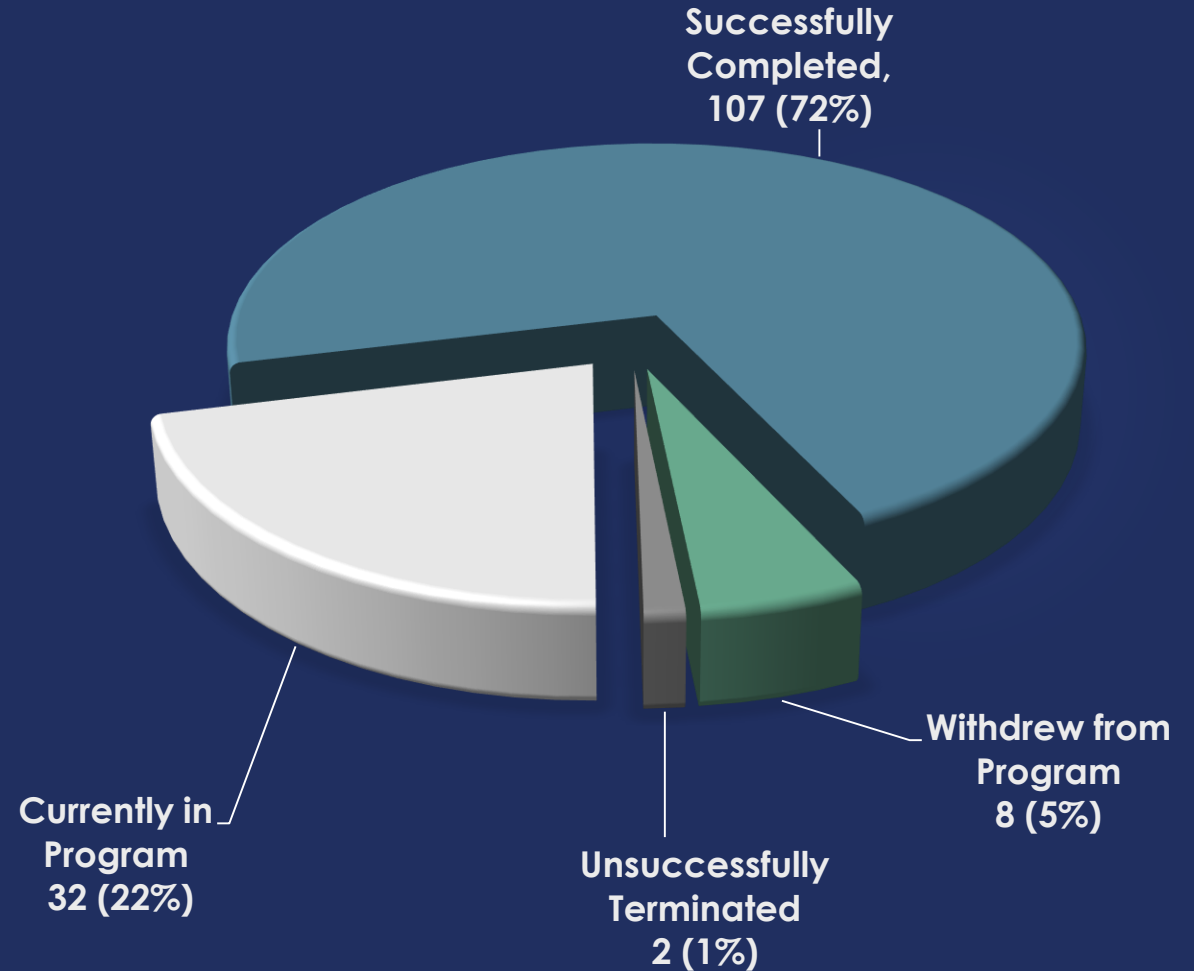
» 29 Decentralize and fund courts embedded in communities that are based in restorative practices, transformative justice, and conflict resolution, with community input into judicial assignments through evaluations of procedural justice.

What is in place?

- ▶ Restorative Justice
- ▶ Adult Diversion
- ▶ Juvenile Diversion

# RESTORATIVE JUSTICE

- ▶ Response to crime that focuses on addressing and repairing harm
- ▶ Emphasizes:
  - ▶ Making things right for victim
  - ▶ Defendant taking responsibility
  - ▶ Reintegrating defendant back into community with skills & awareness to prevent future crime
- ▶ Opportunity for victim and community to have a significant voice in the justice process
- ▶ **Recidivism rate: 1%**



# DIVERSION (ADULT & JUVENILE)

The Denver District Attorney's Diversion Programs provide culturally competent services that repair the harm caused by crime to victims and the community, increase social competency skills of offenders and reduce the likelihood of further involvement in the court system.

## Adult Diversion

- ▶ 156 Pending Referrals
- ▶ 122 Currently Active
- ▶ 7 Unsuccessfully Terminated
- ▶ 25 Successfully Terminated

## Juvenile Diversion

- ▶ 12 Pending Referrals
- ▶ 51 Currently Active
- ▶ 6 Unsuccessfully Terminated
- ▶ 25 Successfully Terminated

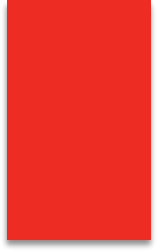




Mental Health Center of Denver



FRONT RANGE CLINIC



# DIVERSION COMMUNITY PARTNERS

(15+ AGENCIES IN NETWORK)



**DENVER DA**

Beth McCann District Attorney

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.

» **30** Ensure sufficient investment in both inpatient and outpatient treatment and services for mental health and substance abuse disorders.

- ▶ **DIVERT Drug Treatment Court**
  - ▶ Alternative to incarceration by providing a court-supervised probation program for substance-dependent, high-risk, high-need offenders.
  - ▶ Sentences to RISE program in Denver County Jail for 90 days
  - ▶ Placed on probation for minimum of three years
  - ▶ Total Referrals: 165
  - ▶ Current Participants: 67
- ▶ **HEM (Helping, Encouraging, and Motivating) Court**
  - ▶ Operates under Denver County Court
  - ▶ Drug Misdemeanor 1 (DM1) Charges

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.

» **38** Develop, expand and fully fund pre-arrest and pre-bookings diversion programs in coordination with law enforcement and community providers, using decentralized, cross-functional teams to coordinate behavioral health assessments and connections to community-based systems of care as well as offering restorative practices and transformative justice options.

- ▶ **Denver DA Adult Diversion began as a Pre-file program now accepts pre- and post-file cases**
- ▶ **Pre-bookings program:**
  - ▶ LEAD (Law Enforcement Assisted Diversion)
  - ▶ Case manager connects individual to resources
  - ▶ Housing, substance use treatment services, vocational training courses, etc.
- ▶ **Pre-arrest program:**
  - ▶ STAR(Support Team Assisted Response)
  - ▶ Emergency Medical Technicians and Behavioral Health Clinicians
  - ▶ Mental health issues, poverty, homelessness, and substance abuse

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.

» 45 Create regular amnesty events to clear warrants for failures to appear or unpaid fines, and expungement clinics for eligible offenses.

### Denver Outreach Court

- ▶ Conducted every other week by magistrate
- ▶ Clears warrants
- ▶ Focus is on city cases
- ▶ Reviewing opportunity to utilize for state crimes

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.

» **46** Automatically expunge past convictions for actions that are no longer illegal and automatically seal records for certain misdemeanors and low-level felonies.

### Clean Slate Legislation

- ▶ HB19-1275 passed in 2019
- ▶ Revised and expanded eligibility for criminal record sealing
- ▶ Individuals may petition court to seal most misdemeanor and felony conviction records
  - ▶ Must complete all terms of their sentence
  - ▶ May not have any pending criminal cases
- ▶ 2022 Proposed Clean Slate Legislation would automatically seal records once eligible

### Chekr

- ▶ Notify individual if records qualify for an expungement
- ▶ No cost to individual
- ▶ Available only in CA at this time

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.

»59 End cash bail for all defendants accused of serious crimes unless it is proven by clear and convincing evidence that the defendant is a flight risk or violent threat to the community. Maintain pretrial jail population at lower levels attained during the pandemic.

- ▶ Courts set bond with two goals in mind:
  1. Reasonably ensure the appearance of a person
  2. Protect the safety of any person or the community
- ▶ “The purpose of bail is to ensure the defendant’s presence at the time of trial, **not to punish a defendant before he has been convicted**” *Lucero v. District Court of 12<sup>th</sup> Judicial District*, 532 P.2d 955, 957 (Colo. 1975)
- ▶ The traditional right to bail “permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction.” US Supreme Court in *Stack v. Boyle*
- ▶ Without an effective pre-trial detention system, cannot support eliminating cash bonds at this time.

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.

»61 Use text messages to notify individuals of deadlines for court and make court appearances possible via free virtual platform.

- ▶ Denver District Court has a text messaging notification system that defendants can opt into
- ▶ Denver County Court eliminated its text messaging system

## STRATEGY 2: MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY.


» **62** Reduce supervision and probation check-ins for nonviolent crimes and eliminate technical violations and bench warrants that result in more jail or prison time.

- ▶ Denver DA's Office does not have authority over probation
- ▶ Challenges when eliminating technical violations
  - ▶ Jail vs. no consequence
  - ▶ Need accountability for probation violations

**STRATEGY 3:  
SUPPORT  
SUCCESSFUL  
COMMUNITY  
REENTRY OF  
FORMERLY  
INCARCERATED  
PEOPLE AND  
REMOVE SYSTEMIC  
BARRIERS TO  
REINTEGRATION.**

» **70** Create a centralized secure mental health facility for assessments, treatment, and management by psychiatric staff of mentally ill people within 24 hours after incarceration.

- ▶ Intended to be one location where individuals would receive treatment and necessary resources
- ▶ I support this proposal and encourage City Council to pursue funding for such a facility where individuals could be assessed and receive treatment
- ▶ Solutions Center established through DHS for police officers to take those suffering from mental health issues



“Justice is not only the  
absence of oppression, it is  
the presence of opportunity.”

~Barack Obama





“ The only genuine, long-range solution...lies in an attack- mounted at every level-upon the conditions that breed despair and violence.

All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions-not because we are frightened by conflict, but because we are fired by conscience. We should attack them because there is simply no other way to achieve a decent and orderly society in America.

~Lyndon B. Johnson

”



# THANK YOU!



201 West Colfax, Dept. 801  
Denver, CO 80201  
720-913-9000  
[www.denverda.org](http://www.denverda.org)



@denverDAsOffice



Denver District Attorney's Office



@denverDAsOffice

