



## Strategies to Address Racial/Ethnic Disparities in Prosecutorial Outcomes

*District Attorneys' (DA) Offices across Colorado are taking action to reduce racial/ethnic disparities at points of prosecutorial discretion (see February 2023 [reports](#)). This brief highlights four strategies to consider in your jurisdiction.*

### Strategy 1: Host targeted community conversations to interpret and act on data.

#### What?

- Meet with representatives from relevant community groups, for example, groups made up of Hispanic individuals with lived experience in the justice system, to interpret data together and co-develop next steps.

#### Why?

- Support Offices in understanding why disparities may exist. Support community members in understanding the DAs' goals and help both groups avoid making assumptions. Co-develop solutions, including what the DAs Office can implement and how the Office can support community-driven strategies.

#### How?

- Identify existing or new partners. Check out this [list of organizations across Colorado serving Latino or Hispanic individuals](#), searchable by county and service provided.
- Facilitate dialogue. Ask questions to help identify how different groups experience and respond to justice processes.

### Strategy 2: Revisit deferred judgment and diversion eligibility criteria to identify opportunities for program expansion.

#### What?

- Examine eligibility criteria of alternative resolutions, considering why some individuals may be underrepresented. Implement expanded eligibility criteria, systematic referral processes, or program equity checklists. Identify and address barriers to program participation, such as costs.

#### Why?

- Support Offices in increasing the use of alternative resolutions and taking measures to incorporate a systems frame when considering diversion or deferral.

#### How?

- Apply practices to auto-trigger diversion eligibility.
- Implement a diversion program equity checklist and a mechanism to track why individuals were/were not diverted.
- Provide additional training for staff on what factors to consider/not consider. Require DAs to note why individuals are not referred. Spot checking cases.
- Expand alternative resolutions for specific offenses where disparities exist, for example individuals who lack a driver's license or insurance.
- Create clear guidelines for when specific offenses, such as DUI or sex offenses, are eligible for deferred judgment.

## Strategy 3: Explore opportunities for plea guidelines or prosecutorial checklists.

### What?

- Adopt strategies to slow down, consider mitigating or exculpatory factors, and place each decision in a systemic context to make more fair and consistent decisions.

### Why?

- Support line DAs in taking into account systemic factors to ensure person-centered case resolution, reduce racial disparities, and improve the consistency of decisions. Gather additional information about why decisions are made, to support Office leadership in continuously adapting and improving decision-making. Check out these ideas from R Street on [how a checklist could improve prosecution](#).

### How?

- Develop plea guidelines for specific offenses where disparities exist, such as motor vehicle theft, and target metrics to track progress over time.
- Develop guidelines for when to consider charge reduction for cases in specialty courts/diversion programs.
- Facilitate office/team-based discussion on how to use mitigation vs. the absence of that in their decision-making.
- Support staff in slowing down proceedings when DAs believe cultural differences are expediting the case to the detriment of just and equitable outcomes (expeditiously making plea offers and minimizing the disparity in pre-plea incarceration).

## Strategy 4: Collaborate with justice partners for systemic change.

### What?

- Identify what may be outside the DAs sphere of control and meet with partners—such as law enforcement, courts, and public defenders—about how they can reduce disparities.

### Why?

- Support partners in understanding their sphere of control and establishing a shared vision to tackle disparities in the justice system. Develop relationships of trust among partners for ongoing collaboration.

### How?

- Work with law enforcement to obtain more filing materials upfront to enhance case screenings. Strategize ways to streamline processes, facilitate faster access, ensure materials are processed quickly, and review filing timeframes with the courts.
- Work with judicial to ensure the availability of comprehensive translation, court interpreters, court navigators, and other culturally appropriate supports (see example of the [Latinx Taskforce In Larimer County](#)).
- Develop relationships of trust with defense attorneys to make appropriate offers quickly in order to reduce pretrial detention stays and improve case resolution timeliness.

A partnership of

