

SUMMARY: Report on the C.L.E.A.R. Act: Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

*Presented to the House and Senate Judiciary Committees of
the Colorado General Assembly*

October 2017



Colorado Department of Public Safety

Division of Criminal Justice

Office of Research and Statistics

700 Kipling St., Denver, Colorado 80215

<https://www.colorado.gov/pacific/dcj-ors>

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The corresponding web-based interactive data dashboard is located here:

colorado.gov/dcj-ors/ors-SB185

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Preface

In 2015, the General Assembly passed Senate Bill 185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice (DCJ) annually analyze and report data provided by law enforcement agencies, the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender. This study presents information for calendar year 2016.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. In 2017, following the publication of the first CLEAR Act report,¹ the findings from the statewide analysis were presented to the Colorado Commission on Criminal and Juvenile Justice.² At the conclusion of the presentation, the Commission voted unanimously to request that the next analyses disaggregate the data by judicial district so that local stakeholders could examine if and where disparities exist, and develop strategies to address them.

This report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs**, **Other**, **Property** and **Violent** crimes. The details by offense type, and by judicial district, are presented in the corresponding web-based interactive dashboard available at: colorado.gov/dcj-ors/ors-SB185.

These two reporting mechanisms—this report and the data dashboard—should be viewed together since only the report contains information regarding the data sets used in the report and in the dashboard, and because the analysis of the four broad categories of crime allows for summary discussion of patterns of events.

¹ This report is available at <http://cdpsdocs.state.co.us/ors/docs/reports/2016-SB15-185-Rpt.pdf>.

² For more information about the Commission, see <https://www.colorado.gov/pacific/ccjj>.

Executive Summary

Background. In 2015, the General Assembly passed Senate Bill 185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice (DCJ) annually analyze and report data provided by law enforcement agencies,³ the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender. This study presents information for calendar year 2016.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. Because it is difficult to identify patterns in analyses that involve many categories,⁴ this report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type are presented in the corresponding web-based interactive dashboard available at: colorado.gov/dcj-ors/ors-SB185

These two reporting mechanisms—this report and the data dashboard—should be viewed together since only the report contains information regarding the data sets used in the report and in the dashboard, and because the analysis of the four broad categories of crime allows for summary discussion of patterns of events.

The state Demographer's Office estimates that in 2016, the Colorado population was 5,538,576. The adult population was comprised as follows: White, 72%; Black, 4%; Hispanic, 19%; and Other, 5%. The juvenile population was comprised as follows: White, 57%, Black, 5%, Hispanic 33%, and other 5%. Males made up 50% of the state population and females made up the other half of the population.

An important note about race/ethnicity. The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch's ICON data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly undercounted in the Hispanic category. For example, in 2016 Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON.

To improve upon the accuracy of the race/ethnicity designation in court data in this analysis, court cases were matched to the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) arrest data, which contains both race and ethnicity. To obtain ethnicity information, the defendant's name and date of birth in the court record was matched to arrest data and the ethnicity was extracted for all arrests. If the ethnicity recorded for any arrest was found to be Hispanic, then the race/ethnicity was set to Hispanic. Otherwise, the original race/ethnicity designation from the court record was used.

³ Local law enforcement agencies submit offense and arrest data to the Colorado Bureau of Investigation. The data used for this report was extracted from CBI's National Incident Based Reporting System (NIBRS).

⁴ The arrest information includes 17 offense categories summarized from more than 40, and the court data includes 24 offense categories summarized from more than 1500 statutes.

Law enforcement data. In 2016, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 16% of arrests/summonses, and the remainder of arrests/summonses (63%) fell into the Other crime category. Blacks represented 4% of the state population in 2016, but accounted for 12% of arrests/summonses. Males represent about 50% of the state population and 70-80% of arrests. Females were much more likely to be involved in Property offenses than the other offense categories. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of 111,010 case filings in county, district, and juvenile courts combined found that while Blacks represented 4% to 5% of the state population and 12% of the arrests/summonses in 2016, they accounted for 11% of district court filings. In juvenile court, Blacks represented 15% of cases, compared to 5% Black juveniles in the population. Hispanic adults make up 19% of the adult population but had 28% of district court filings in 2016. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property crimes (30% compared to 25%, respectively) and slightly less to be involved in Violent offenses (32% compared to 36%, respectively). Only 1% of cases completed a trial in county and district court; 2% of juvenile court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

All offenses presented in the analysis of court data include attempts, solicitations, and conspiracies.

Court case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 31% of cases in county court were dismissed, as were 14% of cases in district court and 25% of cases in juvenile court. One-third (33%) of county court cases were convicted as charged compared to 24% in district court and 37% in juvenile court. One-quarter (24%) of county court cases were convicted of a different charge, as were almost half (46%) of district court cases, and 26% of juvenile court cases. Black youth in juvenile court were somewhat less likely to be convicted as charged (30% compared to 37% overall), and were almost twice as likely to have a case falling into the not yet resolved category (21% compared to 12% overall).

Initial court sentences. The analyses presented here reflect the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, in 2016, 18% of county court cases, 356% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to

concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

Women were significantly more likely than men to receive a deferred judgment in county court (32% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (25% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (31% compared to 25% for women) in county court. Hispanics were considerably less likely than the other race/ethnicity groups to receive a deferred judgment.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 29% of Other cases, 15% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. One-quarter (25%) of initial sentences for Blacks were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. Deferred judgments were initially granted in 10% of district court cases overall, and were most likely to be imposed in Property cases (14%) and least likely to be imposed in Drug cases (5%). Overall in district court, Blacks and Hispanics were more likely than the other race/ethnicity categories to receive initial sentences to the Department of Corrections and less likely to receive probation or a deferred judgment.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court. Drug cases were slightly more likely than other offenses to receive a deferred judgment (39%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Across race/ethnicity categories, Blacks and Hispanics in juvenile court were considerably less likely to receive a deferred judgment and more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations. Cases sentenced in 2016 to probation or a deferred judgment that received a revocation are included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In 2016, across all court types and for those with a probation or a deferred judgment sentence, 49% of cases with a revocation were reinstated, 44% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 19% of county court cases receiving a probation/deferred judgment in 2016 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (16% compared to 19%, respectively).

In district court, 30% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Blacks and Hispanics were revoked at a rate of 40% and 42%, respectively. Women in adult district court were slightly more likely than men to get revoked (33% compared to 29%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked (40% compared to 38%, respectively).

In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2016 were revoked. Blacks and Hispanics were most likely to be revoked (27% and 29%, respectively). Females were revoked at a rate of 22% compared to 26% for males. Comparing across crime types, females with Drug crimes were most likely to be revoked (26%) and males with Property cases were most likely to be revoked (29%).

Adult Parole Board data. The Parole Board conducted 17,758 parole application hearings in 2016. In terms of gender, 11% were women and 89% were men. Of those application hearings, 49% involved White inmates, while 16% were Black, and 31% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred). In discretionary hearings in 2016, 54% of women were released and 43% of men were released. Conversely, 46% of women were deferred as were 57% of men. Across race/ethnicity categories, 56% of offenders were deferred and 44% were released. White offenders had the highest release rates in 2016 at 46%, compared to 43% for both Blacks and Hispanics, and 42% for both Asian Americans and Native Americans.

Additional analyses. To better understand the disparity across race/ethnicity in initial sentences, a statistical technique called logistic regression was employed in an attempt to account for circumstances that may impact decision making at this point in the process. These additional analyses allow for the examination of the impact of concurrent and prior cases, including current and prior violent offenses,⁵ may have on those decisions. After controlling for the additional factors, Blacks and Hispanics were statistically significantly more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Blacks and Hispanics were statistically significantly less likely than Whites to receive a deferred judgment. Finally, after controlling for the additional factors, Black and Hispanic youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black and Hispanic defendants.

Overall summary. In 2016, Blacks represented 4% of the adult state population but accounted for 11% of adult district court filings, and 10% of cases sentenced. Hispanic adults represented 19% of the population and 28% of district court filings and 29% of cases sentenced. In juvenile

⁵ The violent crimes included in these additional analyses are as follows: C.R.S. 18-3-102, 1st degree homicide; 18-3-103, 2nd degree homicide; 18-3-202, 1st degree assault; 18-3-203, 2nd degree assault; 18-3-301, 1st degree kidnapping; 18-3-302, 2nd degree kidnapping; 18-3-402, sex assault (felony); 18-3-404, unlawful sexual contact (felony); 18-3-405, sex assault on a child; 18-3-405.3, sex assault on a child position of trust; 18-4-302, aggravated robbery; 18-4-102, 1st degree arson; 18-3.5-103, 1st degree unlawful termination of pregnancy; 18-3.5-104, 2nd degree unlawful termination of a pregnancy.

court, Blacks represented 15% of cases, compared to 5% of Black juveniles in the population; Hispanic youth were 33% of the population and 31% of cases filed.

In county court, Blacks and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to the other two race/ethnicity categories. In adult district court, 25% of initial sentences for Blacks and 21% of initial sentences for Hispanics were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. When the offense was violent, Blacks were sentenced to prison in 32% of cases compared to 18% of Whites. In juvenile court, for each of the four crime types, Blacks and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment and much more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 30% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, Drug cases compared to the other offense categories, were the most likely to be revoked. Blacks and Hispanics with Drug cases were revoked at a rate of 40% and 42%, respectively. Hispanics with Violent offenses were more likely to be revoked (42%) than those in the other race/ethnicity categories with Violent cases. In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2016 were revoked. Blacks and Hispanic youth were most likely to be revoked for Property offenses and Other crimes (29% and 28%, respectively).

In terms of decisions made by the Parole Board, according to data provided by the Department of Corrections, 56% of offenders were deferred and 44% were released in 2016. White offenders had the highest release rates in 2016 at 46%, compared to 43% for both Blacks and Hispanics, and 42% for both Asian Americans and Native Americans.⁶

Additional analyses. Finally, because of the disparities in initial sentences for Black and Hispanic cases compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases or prior history, Blacks and Hispanics—adults and youth—were still more likely not to receive a deferred judgment. A deferred judgment is an opportunity to avoid a criminal record. Likewise, accounting for concurrent cases and prior cases, Blacks and Hispanics were more likely to receive sentences to the Department of Corrections. It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black and Hispanic defendants.

⁶ Chi square analyses show that the differences in the discretionary release rate between Whites and Blacks, and between Whites and Hispanics, were both statistically significant; $p < .05$.

Section 1: Introduction

Background and overview

In 2015, the General Assembly passed Senate Bill 15-185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice annually analyze and report data provided by law enforcement agencies,⁷ the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender. This study presents information for calendar year 2016, including the following:

- Arrest information by offense type disaggregated by summons, custody/warrant arrest, and on view/probable cause arrest;
- Misdemeanor and felony charges filed by offense type;
- The dispositions of charges filed by offense type;
- Sentence by offense type;
- Revocations for probation and deferred judgments, and
- Adult parole hearings and release decisions.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. Because it is difficult to identify patterns in analyses that involve many categories (the arrest information includes 17 offense categories [summarized from more than 40], and the court data includes 24 offense categories [summarized from more than 1500 statutes]), this report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type are presented in the corresponding web-based interactive dashboard available at: colorado.gov/dcj-ors/ors-SB185.

In 2017, following the publication of the first CLEAR Act report,⁸ the findings from the statewide analysis were presented to the Colorado Commission on Criminal and Juvenile Justice.⁹ At the conclusion of the presentation, the Commission voted unanimously to request that the next analyses disaggregate the data by judicial district so that local stakeholders could examine if and where disparities exist, and develop strategies to address them. Information by judicial district is available and details by offense type may be found at the interactive dashboard available at colorado.gov/dcj-ors/ors-SB185.

This report is presented to the Judiciary Committees of the General Assembly in tandem with the data dashboard that provides information by offense type, and includes a feature that shows the initial sentence by number of prior cases. These two reporting mechanisms—this report and the data dashboard—should be viewed together since only the report contains information regarding the data sets used in the report and in the dashboard, and because the analysis of the four broad categories of crime allows for summary discussion of patterns of events.

⁷ Local law enforcement agencies submit offense and arrest data to the Colorado Bureau of Investigation. The data used for this report was extracted from CBI's National Incident Based Reporting System (NIBRS).

⁸ This report is available at <http://cdpsdocs.state.co.us/ors/docs/reports/2016-SB15-185-Rpt.pdf>.

⁹ For more information about the Commission, see <https://www.colorado.gov/pacific/ccjj>.

An important note about race/ethnicity. The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch’s ICON data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly undercounted in the Hispanic category. For example, in 2016 Hispanics represented 22% of the Colorado population, but only 6% of cases were classified as Hispanic in ICON.

To improve upon the accuracy of the race/ethnicity designation in court data in this analysis, court cases were matched to the Colorado Bureau of Investigation’s National Incident Based Reporting System (NIBRS) arrest data, which contains both race and ethnicity. To obtain ethnicity information, the defendant’s name and date of birth in the court record was matched to arrest data and the ethnicity was extracted for all arrests. If the ethnicity recorded for any arrest was found to be Hispanic, then the race/ethnicity was set to Hispanic. Otherwise, the original race/ethnicity designation from the court record was used.

The NIBRS arrest data contained all arrests from 2011 to 2016. Matching involved finding an exact match on name and date of birth between the data sets. For the analysis of *charges*, no match was found for 15% of cases. For the analysis of *sentences*, no match was found for 13% of cases. The lack of a match was due primarily to differences in the spelling of names and differences in dates of birth.

Finally, the Colorado Department of Local Affairs, Office of the State Demographer, estimates that the state population for 2016 was 5,538,576 and was comprised as follows:

Table 1-1. Colorado race/ethnicity estimates, 2016

| Age Group | Race/ethnicity | % | N |
|-----------------|----------------|-------------|------------------|
| Adult | | 77% | 4,243,862 |
| | Black | 4% | 167,408 |
| | Hispanic | 19% | 824,246 |
| | Other | 5% | 191,159 |
| | White | 72% | 3,061,049 |
| Juvenile | | 23% | 1,294,714 |
| | Black | 5% | 64,718 |
| | Hispanic | 33% | 424,835 |
| | Other | 5% | 66,384 |
| | White | 57% | 738,777 |
| All | | 100% | 5,538,576 |

Data source: Office of the demographer, <https://demography.dola.colorado.gov/population/data/race-estimate/#county-race-by-age-estimates>.

Males made up 50% of the state population and females made up the other half of the population.

Organization of this report: This report is organized into five sections. This section provides an overview of the study and important information about the data sources. Section Two presents the findings from the law enforcement arrest/summons analyses, breaking down the information into three categories as directed by S.B. 15-185: *on view/probable cause* (an arrest

without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). Section Three presents the findings from the analysis of data obtained from the Judicial Department, including filing charges, case outcomes, initial sentences, trials, and revocations for those sentenced to probation or a deferred judgment. The findings are presented by county, adult district and juvenile court. Section Four presents information obtained from the Department of Corrections regarding parole board decisions, and Section Five describes the findings from additional analyses undertaken to better understand the impact of concurrent cases and criminal history on the initial sentence.

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2016 and December 31, 2016 was obtained from the Colorado Bureau of Investigation’s National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests. NIBRS requires different details in the reporting of Group A and Group B offenses. Law enforcement must report both incidents and arrests for Group A offenses, and they must report only arrests for Group B offenses. NIBRS developers used the following criteria to determine if a crime should be designated as a Group A offense:

- The seriousness or significance of the offense;
- The frequency or volume of its occurrence;
- The seriousness or significance of the offense;
- The prevalence of the offense nationwide;
- The probability law enforcement becomes aware of the offense;
- The likelihood that law enforcement is the best source for collecting data regarding the offense;
- The burden placed on law enforcement in collecting data on the offense;
- The national statistical validity and usefulness of the collected data.

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into “Other.”¹⁰ Per the CLEAR Act, the data presented here includes information concerning arrests classified as *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). More than 220,000 NIBRS incidents were analyzed for calendar year 2016 (Table 1-2).

¹⁰ Group B crimes include bad checks, curfew/loitering/vagrancy, disorderly conduct, driving under the influence, drunkenness, family offenses (nonviolent), liquor law violations, voyeurism, runaway, trespass of real property, all other offenses.

Table 1-2. Arrests by type

| Arrest type | % | N |
|------------------------|-------------|----------------|
| Custody/warrant | 30% | 67,068 |
| On-view/probable cause | 36% | 81,148 |
| Summons | 34% | 74,967 |
| All | 100% | 223,183 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

The arrest data were reduced to 17 categories of offenses (see Appendix A) that can be viewed on the interactive data dashboard and, for this report, further collapsed into four categories of Drugs, Other, Property and Violent. Arrests can contain multiple charges. The arrest charge presented here represents the most serious charge on the arrest as selected by the law enforcement officer.

The NIBRS data contain both race and ethnicity information.

Judicial case processing data. ICON is the Colorado Judicial Branch's information management system, which contains county and district court adult and juvenile filings and case dispositions statewide, with the exception of Denver County Court.¹¹ County court contains both adult and juvenile misdemeanor cases. The data are presented by court type: County, Adult District, and Juvenile. Juveniles who were charged as adults are in Adult District Court. The number of cases analyzed by type of court is in Table 1-3.

Table 1-3. Court of case filing

| Court | % | N |
|----------------|-------------|----------------|
| Adult District | 42% | 46,987 |
| County | 51% | 56,439 |
| Juvenile | 7% | 7,594 |
| All | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Note that the information presented here reflects the analysis of more than 110,000 **cases not individuals**. Individuals may have multiple, concurrent cases,¹² and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories¹³ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.¹⁴ The analysis of the 24

¹¹ Denver County Court is not part of ICON and consequently this information is excluded from the information presented in this report and on the interactive web dashboard.

¹² This study found that in 2016 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

¹³ The 24 offense categories are summarized from more than 1500 statutes.

¹⁴ Note that all offenses include attempts, solicitations, and conspiracies.

offense categories is available on the interactive data dashboard. See Appendix B for the list of offenses that were combined into the four broad categories.

This analysis focused on the most serious charge as defined by felony or misdemeanor level. Traffic cases are not in this analysis unless they appeared in a district/county filing. Cases sentenced to probation or a deferred judgment that were revoked are reported, but those sentenced near the end of 2016 may not have had time to revoke.

As previously mentioned, Judicial systematically collects information about race but not ethnicity. This means that, when the data is disaggregated by race/ethnicity, most Hispanics are in the White category. For example, in 2016 Hispanics represented 22% of the Colorado population, but only 6% of cases were classified as Hispanic in ICON.

The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. To improve upon the accuracy of the race/ethnicity designation in court data in this analysis, court cases were matched to the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) arrest data, which contains both race and ethnicity. To obtain ethnicity information, the defendant's name and date of birth in the court record was matched to arrest data and the ethnicity was extracted for all arrests. If the ethnicity recorded for any arrest was found to be Hispanic, then the race/ethnicity was set to Hispanic. Otherwise, the original race/ethnicity designation from the court record was used.

The NIBRS arrest data contained all arrests from 2011 to 2016. Matching involved finding an exact match on name and date of birth between the data sets. For the analysis of *charges*, no match was found for 15% of cases. For the analysis of *sentences*, no match was found for 13% of cases. The lack of a match in the arrest data was due primarily to differences in the spelling of names, and differences in dates of birth.

Finally, 298 cases in the charges data and 107 cases in the sentences data were removed because gender was not specified.

Adult Parole Board decisions. The Department of Corrections, Office of Planning and Analysis, analyzed and provided the results of parole board decision making in calendar year 2016.

Finally, please note that the cases represented in the arrests, filings, sentences, and parole board sections are not necessarily the same cases. This is due to the fact that a lag exists between when an arrest results in a filing, when a filing results in a sentence, and when an offender is paroled. This report analyzes events (arrests, filings, sentences, parole decisions) that occurred in a single year.

Section 2: Law Enforcement Data

Arrest/summons

The findings presented in this report summarize multiple offense types into four broad categories of crime types: Drugs, Other, Property and Violent (Table 2-1) (see Appendix A for a list of crimes in each category). The interactive dashboard, at colorado.gov/dcj-ors/ors-SB185, provides information on 17 arrest offense types. The analysis of four broad categories allows for the identification of patterns that are difficult to discern when detailed information is presented. Additionally, some of the law enforcement findings are disaggregated, by adults, juveniles, and by gender. Finally, Senate Bill 15-185 mandates that arrest information be provided by arrest type and summons. The data represent all arrests/summons captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2016.

Table 2-1. Arrests/summons by offense, 2016

| Offense | % | N |
|------------|-------------|----------------|
| Drugs | 9% | 20,068 |
| Other | 63% | 141,489 |
| Property | 16% | 35,724 |
| Violent | 12% | 25,902 |
| All | 100% | 223,183 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-2 reflects over 220,000 arrests/summons captured in NIBRS for calendar year 2016, by race/ethnicity. Blacks represented 4% of the state population in 2016, but accounted for 12% of arrests/summons. Hispanics represented 23% of the state population and accounted for 23% of arrests. Other race/ethnicity categories represented 5% of the state population, and were underrepresented in arrests (3%), as were Whites which represented 67% of the state population and 62% of arrests/summons.

Table 2-2. Arrests/summons by race/ethnicity, 2016

| Race/ethnicity | % | N |
|----------------|-------------|----------------|
| Black | 12% | 26,673 |
| Hispanic | 23% | 51,423 |
| Other | 3% | 5,816 |
| White | 62% | 139,271 |
| All | 100% | 223,183 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-3 shows that juveniles accounted for 7% of on view/probable cause arrests, and that 18% of those arrests were for violent crimes, a proportion similar to adults (20%). Juveniles accounted for 9% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for almost one-fifth (18%) of summonsed cases (Table 2-5). Not surprisingly, violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

Table 2-3. Arrest type On-View/Probable Cause, by age group and offense

| Age Group | Offense | % | N |
|-----------------|----------|-------------|---------------|
| Adult | | 93% | 75,388 |
| | Drugs | 13% | 9,658 |
| | Other | 52% | 39,098 |
| | Property | 16% | 11,702 |
| | Violent | 20% | 14,930 |
| Juvenile | | 7% | 5,760 |
| | Drugs | 12% | 667 |
| | Other | 39% | 2,265 |
| | Property | 31% | 1,772 |
| | Violent | 18% | 1,056 |
| All | | 100% | 81,148 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-4. Arrest type Custody/Warrant, by age group and offense

| Age Group | Offense | % | N |
|-----------------|----------|-------------|---------------|
| Adult | | 91% | 61,027 |
| | Drugs | 3% | 2,122 |
| | Other | 81% | 49,317 |
| | Property | 7% | 4,531 |
| | Violent | 8% | 5,057 |
| Juvenile | | 9% | 6,041 |
| | Drugs | 2% | 117 |
| | Other | 86% | 5,193 |
| | Property | 7% | 397 |
| | Violent | 6% | 334 |
| All | | 100% | 67,068 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-5. Arrest type Summons, by age group and offense

| Age Group | Offense | % | N |
|-----------------|----------|-------------|---------------|
| Adult | | 82% | 61,763 |
| | Drugs | 8% | 4,840 |
| | Other | 63% | 39,101 |
| | Property | 23% | 14,421 |
| | Violent | 6% | 3,401 |
| Juvenile | | 18% | 13,204 |
| | Drugs | 20% | 2,664 |
| | Other | 49% | 6,515 |
| | Property | 22% | 2,901 |
| | Violent | 9% | 1,124 |
| All | | 100% | 74,967 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Combining juveniles and adults, the following three tables show type of arrest/summons by offense type, disaggregated by race/ethnicity. First, Table 2-6 shows that 13% of probable cause arrests were for Drug related offenses, 51% were for Other offenses, 17% for Property offenses, and 20% for Violent offenses. While Blacks make up 4% of the state population, Table 2-6 shows that they were arrested at three to five times that rate for probable cause arrests in 2016: 14% of Drug arrests were Blacks, 13% of arrests for Other offenses were Blacks, 18% of Property arrests were Blacks, and 19% of Violent arrests were Blacks.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Over 80% of these arrests involved an offense that fell into the Other category. While only 8% of these types of arrests involved a Violent offense, Blacks made up 15% of Violent crime arrests and Hispanics made up 27%, which is somewhat greater than the proportion of Hispanics in the state population (23%).

Table 2-8 shows that summons are less likely to be issued for Violent offenses (6%) compared to Other (61%) and Property (23%) and that, of those summons issued for Violent crimes, 13% went to Blacks. Whites were least likely to be summonsed for a Violent crime (60%) and most likely for Drugs (67%).

Table 2-6. Arrest type On-View/Probable Cause, by offense and race/ethnicity

| Offense | Race/ethnicity | % | N |
|-----------------|-----------------------|-------------|---------------|
| Drugs | | 13% | 10,325 |
| | Black | 14% | 1,395 |
| | Hispanic | 24% | 2,468 |
| | Other | 1% | 135 |
| | White | 61% | 6,327 |
| Other | | 51% | 41,363 |
| | Black | 13% | 5,477 |
| | Hispanic | 25% | 10,476 |
| | Other | 3% | 1,074 |
| | White | 59% | 24,336 |
| Property | | 17% | 13,474 |
| | Black | 18% | 2,402 |
| | Hispanic | 26% | 3,439 |
| | Other | 2% | 266 |
| | White | 55% | 7,367 |
| Violent | | 20% | 15,986 |
| | Black | 19% | 3,008 |
| | Hispanic | 23% | 3,622 |
| | Other | 3% | 415 |
| | White | 56% | 8,941 |
| All | | 100% | 81,148 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-7. Arrest type Custody/Warrant, by offense and race/ethnicity

| Offense | Race/ethnicity | % | N |
|-----------------|----------------|-------------|---------------|
| Drugs | | 3% | 2,239 |
| | Black | 5% | 112 |
| | Hispanic | 23% | 512 |
| | Other | 2% | 42 |
| | White | 70% | 1,573 |
| Other | | 81% | 54,510 |
| | Black | 11% | 5,825 |
| | Hispanic | 24% | 12,880 |
| | Other | 3% | 1,432 |
| | White | 63% | 34,373 |
| Property | | 7% | 4,928 |
| | Black | 10% | 500 |
| | Hispanic | 27% | 1,326 |
| | Other | 2% | 89 |
| | White | 61% | 3,013 |
| Violent | | 8% | 5,391 |
| | Black | 15% | 788 |
| | Hispanic | 27% | 1,456 |
| | Other | 2% | 129 |
| | White | 56% | 3,018 |
| All | | 100% | 67,068 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-8. Arrest type Summons, by offense and race/ethnicity

| Offense | Race/ethnicity | % | N |
|-----------------|----------------|-------------|---------------|
| Drugs | | 10% | 7,504 |
| | Black | 12% | 884 |
| | Hispanic | 20% | 1,482 |
| | Other | 2% | 136 |
| | White | 67% | 5,002 |
| Other | | 61% | 45,616 |
| | Black | 9% | 4,237 |
| | Hispanic | 20% | 9,264 |
| | Other | 3% | 1,567 |
| | White | 67% | 30,548 |
| Property | | 23% | 17,322 |
| | Black | 8% | 1,449 |
| | Hispanic | 20% | 3,401 |
| | Other | 2% | 426 |
| | White | 70% | 12,046 |
| Violent | | 6% | 4,525 |
| | Black | 13% | 596 |
| | Hispanic | 24% | 1,097 |
| | Other | 2% | 105 |
| | White | 60% | 2,727 |
| All | | 100% | 74,967 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

The following three tables show arrest/summons by broad offense category and gender. Although women make up half the Colorado population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 25-30% of arrests and 27-45% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were more likely to be involved in Property offenses compared with the other offense categories.

Table 2-9. Arrest type On-View/Probable Cause, by offense and gender

| Offense | Gender | % | N |
|-----------------|---------------|-------------|---------------|
| Drugs | | 13% | 10,325 |
| | Female | 27% | 2,836 |
| | Male | 73% | 7,489 |
| Other | | 51% | 41,363 |
| | Female | 24% | 10,018 |
| | Male | 76% | 31,345 |
| Property | | 17% | 13,474 |
| | Female | 32% | 4,344 |
| | Male | 68% | 9,130 |
| Violent | | 20% | 15,986 |
| | Female | 25% | 3,961 |
| | Male | 75% | 12,025 |
| All | | 100% | 81,148 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-10. Arrest type Custody/Warrant, by offense and gender

| Offense | Gender | % | N |
|-----------------|---------------|-------------|---------------|
| Drugs | | 3% | 2,239 |
| | Female | 31% | 685 |
| | Male | 69% | 1,554 |
| Other | | 81% | 54,510 |
| | Female | 29% | 15,816 |
| | Male | 71% | 38,694 |
| Property | | 7% | 4,928 |
| | Female | 31% | 1,552 |
| | Male | 69% | 3,376 |
| Violent | | 8% | 5,391 |
| | Female | 21% | 1,128 |
| | Male | 79% | 4,263 |
| All | | 100% | 67,068 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Table 2-11. Arrest type Summons, by offense and gender

| Offense | Gender | % | N |
|-----------------|--------|-------------|---------------|
| Drugs | | 10% | 7,504 |
| | Female | 27% | 2,002 |
| | Male | 73% | 5,502 |
| Other | | 61% | 45,616 |
| | Female | 28% | 12,936 |
| | Male | 72% | 32,680 |
| Property | | 23% | 17,322 |
| | Female | 45% | 7,796 |
| | Male | 55% | 9,526 |
| Violent | | 6% | 4,525 |
| | Female | 33% | 1,500 |
| | Male | 67% | 3,025 |
| All | | 100% | 74,967 |

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

Summary: Law enforcement data. In 2016 law enforcement made/issued over 220,000 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2016, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 16% of arrests/summonses, and the remainder of arrests/summonses (63%) fell into the Other crime category. Blacks represented 4% of the state population in 2016, but accounted for 12% of arrests/summonses. Males represent about 50% of the state population and 70-80% of arrests. Females were much more likely to be involved in Property offenses than the other offense categories. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide, with the exception of Denver County Court.¹⁵ County court contains both adult and juvenile misdemeanor cases. The data are presented here by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in adult district court.

Note that this analysis reflects **cases not individuals**. Individuals may have multiple, concurrent cases,¹⁶ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent. The analysis of the 24 offense categories, summarized from more than 1500 statutes, is available on the interactive data dashboard at colorado.gov/dcj-ors/ors-SB185. See Appendix B for the list of offenses that were combined into the four broad categories.

Additionally, all offenses presented in the analysis of court data include attempts, solicitations, and conspiracies.

This analysis focused on the most serious charge as defined by felony or misdemeanor level. Traffic cases are not in this analysis unless they appeared in a district/county court filing.

Finally, 298 cases in the charges data and 107 cases in the sentences data were removed because gender was not specified. Only cases with non-blank and non-error charges were selected from ICON.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 111,020 case filings in county, adult district, and juvenile courts combined. While Blacks represented 4% of the state population and 12% of the arrests/summonses in 2016, they accounted for 9% of court filings. Hispanics represented 23% of the population and 26% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

¹⁵ Denver County Court is not part of the statewide Judicial data management system.

¹⁶ This study found that in 2016, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

Table 3-1. Overall filings by race/ethnicity*

| Race/ethnicity | % | N |
|----------------|-------------|----------------|
| Black | 9% | 10,245 |
| Hispanic | 26% | 29,364 |
| Other | 2% | 2,715 |
| White | 62% | 68,696 |
| All | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Combining information across the three court types, Table 3-2 shows the race/ethnicity distribution for the four crime categories. Table 3-2 shows that Drug offenses were the most serious filing charge in 13% of cases, and Violent charges comprised the largest category at 34% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

Table 3-2. Most serious filing charge by race/ethnicity*

| Offense | Race/ethnicity | % | N |
|-----------------|----------------|-------------|----------------|
| Drugs | | 13% | 14,568 |
| | Black | 8% | 1,222 |
| | Hispanic | 26% | 3,810 |
| | Other | 2% | 273 |
| | White | 64% | 9,263 |
| Other | | 27% | 29,644 |
| | Black | 8% | 2,472 |
| | Hispanic | 26% | 7,668 |
| | Other | 3% | 807 |
| | White | 63% | 18,697 |
| Property | | 26% | 28,996 |
| | Black | 9% | 2,619 |
| | Hispanic | 27% | 7,882 |
| | Other | 2% | 626 |
| | White | 62% | 17,869 |
| Violent | | 34% | 37,812 |
| | Black | 10% | 3,932 |
| | Hispanic | 26% | 10,004 |
| | Other | 3% | 1,009 |
| | White | 60% | 22,867 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-3 depicts that, across all court types, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property crimes (30% compared to 25%, respectively) and slightly less to be involved in Violent offenses (32% compared to 35%, respectively).

Table 3-3. Most serious filing charge by gender

| Gender | Offense | % | N |
|---------------|----------|-------------|----------------|
| Female | | 26% | 28,466 |
| | Drugs | 15% | 4,176 |
| | Other | 24% | 6,829 |
| | Property | 30% | 8,401 |
| | Violent | 32% | 9,060 |
| Male | | 74% | 82,554 |
| | Drugs | 13% | 10,392 |
| | Other | 28% | 22,815 |
| | Property | 25% | 20,595 |
| | Violent | 35% | 28,752 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Court type

Table 3-4 breaks down race/ethnicity by the type of court. While county court had the most cases in 2016 (51% of the total), Blacks represented only 7% of county court cases filed compared to 11% in adult district court and 15% in juvenile court. Hispanic adults make up 19% of the adult population but had 28% of district court filings in 2016.

Table 3-1. Court of case filing, by race/ethnicity*

| Court | Race/ethnicity | % | N |
|-----------------------|----------------|-------------|----------------|
| Adult District | | 42% | 46,987 |
| | Black | 11% | 5,036 |
| | Hispanic | 28% | 13,173 |
| | Other | 2% | 995 |
| | White | 59% | 27,783 |
| County | | 51% | 56,439 |
| | Black | 7% | 4,047 |
| | Hispanic | 24% | 13,809 |
| | Other | 3% | 1,483 |
| | White | 66% | 37,100 |
| Juvenile | | 7% | 7,594 |
| | Black | 15% | 1,162 |
| | Hispanic | 31% | 2,382 |
| | Other | 3% | 237 |
| | White | 50% | 3,813 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-5 breaks down the type of offense by court type. Nearly half (45%) of county court cases are Violent offenses (primarily misdemeanor assault); Property offenses (31%) and Drug cases (25%) comprise the largest categories of cases in adult district court; and Property crimes (42%) make up nearly half of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (28%) compared to adult district court (23%) and juvenile court (23%).

Table 3-2. Court of case filing, by most serious filing charge

| Court | Offense | % | N |
|-----------------------|----------------|-------------|----------------|
| Adult District | | 42% | 46,987 |
| | Drugs | 25% | 11,678 |
| | Other | 23% | 10,716 |
| | Property | 31% | 14,648 |
| | Violent | 21% | 9,945 |
| County | | 51% | 56,439 |
| | Drugs | 4% | 2,438 |
| | Other | 31% | 17,461 |
| | Property | 20% | 11,179 |
| | Violent | 45% | 25,361 |
| Juvenile | | 7% | 7,594 |
| | Drugs | 6% | 452 |
| | Other | 19% | 1,467 |
| | Property | 42% | 3,169 |
| | Violent | 33% | 2,506 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Table 3-3. Court of case filing, by gender

| Court | Gender | % | N |
|-----------------------|---------------|-------------|----------------|
| Adult District | | 42% | 46,987 |
| | Female | 23% | 11,036 |
| | Male | 77% | 35,951 |
| County | | 51% | 56,439 |
| | Female | 28% | 15,713 |
| | Male | 72% | 40,726 |
| Juvenile | | 7% | 7,594 |
| | Female | 23% | 1,717 |
| | Male | 77% | 5,877 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial (1-2%). Table 3-8 combines information across court types and shows the number of trials completed by offense type. Cases with a Violent offense were most likely to complete a trial.

Table 3-7. Court of case filing, by trials completed

| Court | Completed Trial | % | N |
|-----------------------|-----------------|-------------|----------------|
| Adult District | | 42% | 46,987 |
| | No | 99% | 46,473 |
| | Yes | 1% | 514 |
| County | | 51% | 56,439 |
| | No | 99% | 55,881 |
| | Yes | 1% | 558 |
| Juvenile | | 7% | 7,594 |
| | No | 98% | 7,478 |
| | Yes | 2% | 116 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Table 3-8. Most serious filing charge, by trials completed

| Offense | Completed Trial | % | N |
|-----------------|-----------------|-------------|----------------|
| Drugs | | 13% | 14,568 |
| | No | 100% | 14,522 |
| | Yes | <1% | 46 |
| Other | | 27% | 29,644 |
| | No | 99% | 29,383 |
| | Yes | 1% | 261 |
| Property | | 26% | 28,996 |
| | No | 100% | 28,853 |
| | Yes | <1% | 143 |
| Violent | | 34% | 37,812 |
| | No | 98% | 37,074 |
| | Yes | 2% | 738 |
| All | | 100% | 111,020 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Summary: Filings. This study of 111,020 case filings in county, district, and juvenile courts combined found that while Blacks represented 4% to 5% of the state population and 12% of the arrests/summons in 2016, they accounted for 11% of district court filings. In juvenile court, Blacks represented 15% of cases, compared to 5% Black juveniles in the population. Hispanic adults make up 19% of the adult population but had 28% of district court filings in 2016. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely

than men to be involved in Property crimes (30% compared to 25%, respectively) and slightly less to be involved in Violent offenses (32% compared to 36%, respectively). Only 1% of cases completed a trial in county and district court; 2% of juvenile court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case Outcomes

The following three tables present the case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2016. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, overall, in nearly one-third (31%) of cases, all charges were dismissed in county court in 2016 (Table 3-9). Convicted as charged means the defendant was convicted of at least the most serious filing charge.

Table 3-9 reflects county court case outcomes, showing that 33% of cases were convicted as charged, and one-quarter (24%) were convicted of another crime. In adult district court (Table 3-10), 46% were convicted of another crime and one-fourth (24%) were convicted as charged. In juvenile court (Table 3-11), 26% were convicted of another offense and 37% were convicted as charged.

In county court (Table 3-9), case outcomes involving Violent charges were somewhat more likely to get dismissed, compared to the other crime categories. There were few differences across race/ethnicity in terms of case outcomes, except that Blacks were more likely to be involved in cases not yet resolved.

Table 3-9. County Court outcomes by race/ethnicity* and most serious filing charge

| Race/ethnicity | | Convicted as charged | Convicted other crime | Dismissed/not guilty | Not yet resolved/case closed | All | N |
|-----------------|----------|----------------------|-----------------------|----------------------|------------------------------|-------------|---------------|
| Black | | 31% | 22% | 33% | 14% | 100% | 4,047 |
| | Drugs | 36% | 13% | 39% | 13% | 100% | 111 |
| | Other | 31% | 25% | 25% | 19% | 100% | 1,189 |
| | Property | 37% | 19% | 29% | 15% | 100% | 769 |
| | Violent | 28% | 22% | 40% | 11% | 100% | 1,978 |
| Hispanic | | 35% | 26% | 27% | 12% | 100% | 13,809 |
| | Drugs | 38% | 21% | 29% | 13% | 100% | 554 |
| | Other | 37% | 29% | 19% | 14% | 100% | 4,201 |
| | Property | 36% | 25% | 25% | 13% | 100% | 2,634 |
| | Violent | 33% | 24% | 32% | 11% | 100% | 6,420 |
| Other | | 33% | 22% | 35% | 11% | 100% | 1,483 |
| | Drugs | 40% | 19% | 37% | 4% | 100% | 52 |
| | Other | 36% | 23% | 31% | 9% | 100% | 483 |
| | Property | 34% | 19% | 31% | 16% | 100% | 241 |
| | Violent | 29% | 22% | 38% | 11% | 100% | 707 |
| White | | 33% | 24% | 32% | 11% | 100% | 37,100 |
| | Drugs | 39% | 19% | 31% | 11% | 100% | 1,721 |
| | Other | 35% | 27% | 27% | 11% | 100% | 11,588 |
| | Property | 34% | 23% | 30% | 13% | 100% | 7,535 |
| | Violent | 30% | 24% | 36% | 10% | 100% | 16,256 |
| All | | 33% | 24% | 31% | 11% | 100% | 56,439 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-10 reflects case outcomes for district court in 2016. Fourteen percent (14%) of cases filed in district court had all charges dismissed (fewer than 1% of those in this category were not guilty). Cases falling into the Other race/ethnicity category were more likely to have charges dismissed, especially Other offenses. In fact, offenses falling in the Other crime category were more likely to get dismissed compared to the other offense types.

Table 3-10. Adult District Court outcomes by race/ethnicity* and most serious filing charge

| Race/ethnicity | | Convicted as charged | Convicted other crime | Dismissed/not guilty | Not yet resolved/case closed | All | N |
|-----------------|----------|----------------------|-----------------------|----------------------|------------------------------|-------------|---------------|
| Black | | 22% | 43% | 15% | 20% | 100% | 5,036 |
| | Drugs | 21% | 55% | 10% | 14% | 100% | 1,082 |
| | Other | 24% | 36% | 21% | 19% | 100% | 1,061 |
| | Property | 29% | 39% | 13% | 20% | 100% | 1,387 |
| | Violent | 15% | 44% | 15% | 25% | 100% | 1,506 |
| Hispanic | | 22% | 49% | 12% | 16% | 100% | 13,173 |
| | Drugs | 19% | 56% | 11% | 14% | 100% | 3,118 |
| | Other | 25% | 43% | 16% | 16% | 100% | 3,005 |
| | Property | 26% | 49% | 11% | 14% | 100% | 4,260 |
| | Violent | 19% | 49% | 12% | 20% | 100% | 2,790 |
| Other | | 21% | 40% | 17% | 22% | 100% | 995 |
| | Drugs | 18% | 48% | 13% | 21% | 100% | 210 |
| | Other | 22% | 24% | 28% | 26% | 100% | 271 |
| | Property | 24% | 42% | 14% | 20% | 100% | 279 |
| | Violent | 19% | 48% | 14% | 20% | 100% | 235 |
| White | | 25% | 46% | 14% | 15% | 100% | 27,783 |
| | Drugs | 23% | 52% | 11% | 14% | 100% | 7,268 |
| | Other | 26% | 38% | 21% | 15% | 100% | 6,379 |
| | Property | 28% | 45% | 12% | 15% | 100% | 8,722 |
| | Violent | 21% | 47% | 14% | 19% | 100% | 5,414 |
| All | | 24% | 46% | 14% | 16% | 100% | 46,987 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-11 presents case outcomes for juvenile court. All charges were dismissed for 25% of cases filed, while 37% of cases were convicted as charged and 26% were convicted of a different crime. Blacks were somewhat less likely to be convicted as charged (30% compared to 37% overall), and Blacks were nearly twice as likely to have a case falling into the not yet resolved category (21% compared to 12% overall).

Table 3-11. Juvenile Court outcomes by race/ethnicity* and most serious filing charge

| Race/ethnicity | | Convicted as charged | Convicted other crime | Dismissed/not guilty | Not yet resolved/case closed | All | N |
|-----------------|----------|----------------------|-----------------------|----------------------|------------------------------|-------------|--------------|
| Black | | 30% | 23% | 25% | 21% | 100% | 1,162 |
| | Drugs | 24% | 59% | 10% | 7% | 100% | 29 |
| | Other | 37% | 17% | 27% | 18% | 100% | 222 |
| | Property | 30% | 24% | 26% | 20% | 100% | 463 |
| | Violent | 28% | 24% | 25% | 24% | 100% | 448 |
| Hispanic | | 39% | 29% | 21% | 11% | 100% | 2,382 |
| | Drugs | 25% | 45% | 20% | 9% | 100% | 138 |
| | Other | 46% | 22% | 23% | 9% | 100% | 462 |
| | Property | 38% | 31% | 21% | 10% | 100% | 988 |
| | Violent | 37% | 30% | 20% | 13% | 100% | 794 |
| Other | | 32% | 19% | 34% | 14% | 100% | 237 |
| | Drugs | 55% | 0% | 45% | 0% | 100% | 11 |
| | Other | 30% | 15% | 40% | 15% | 100% | 53 |
| | Property | 32% | 21% | 34% | 13% | 100% | 106 |
| | Violent | 31% | 24% | 27% | 18% | 100% | 67 |
| White | | 39% | 25% | 27% | 10% | 100% | 3,813 |
| | Drugs | 37% | 26% | 31% | 5% | 100% | 274 |
| | Other | 40% | 17% | 35% | 8% | 100% | 730 |
| | Property | 40% | 26% | 24% | 10% | 100% | 1,612 |
| | Violent | 37% | 27% | 24% | 12% | 100% | 1,197 |
| All | | 37% | 26% | 25% | 12% | 100% | 7,594 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Summary: Case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 31% of cases in county court were dismissed, as were 14% of cases in district court and 25% of cases in juvenile court. One-third (33%) of county court cases were convicted as charged compared to 24% in district court and 37% in juvenile court. One-quarter (24%) of county court cases were convicted of a different charge, as were almost half (46%) of district court cases, and 26% of juvenile court

cases. Black youth in juvenile court were somewhat less likely to be convicted as charged (30% compared to 37% overall), and were almost twice as likely to have a case falling into the not yet resolved category (21% compared to 12% overall).

Initial Sentences

The tables below show cases sentenced between Jan 1, 2016 and Dec 31, 2016, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** section above. Also, because these data represent cases, not individuals, the number of individuals sentenced to the Department of Corrections (DOC) or the Division of Youth Services (DYS) will not match the number reported as admissions by DOC.

Cases generally have multiple initial sentences, usually include fines, and can also include community service and credit for time served. The data below reflect the most serious initial sentence. For example, the sentence of fines means that no more serious sentence was found. The same is true for credit for time served and community service.

Initial sentences can be later modified, such as when jail is added as part of a probation revocation. When probation sentences also include a jail sentence, the probation sentence is counted as the initial sentence because it is longer than the jail sentence. Probation/Intensive Supervision includes electronic monitoring. Gender was missing for 107 cases; these cases were removed from analysis.

Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, as previously mentioned, in 2016, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

Also, please note that the crime categories include attempts, solicitations, and conspiracy offenses.

Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases. County court Drug cases resulted in a fine in 48% of cases, and community service for 23% of cases. Deferred judgments occurred for one-quarter of Property (24%) and Violent (27%) crime cases, 19% of Other cases, and 10% for Drug cases. Almost half (42%) of Violent cases received an initial sentence to probation.

Table 3-12. Initial sentence in County Court, by most serious conviction charge (N=33,957)

| Sentence | Drugs | % | Other | % | Property | % | Violent | % |
|---------------------------------|--------------|-------------|---------------|-------------|--------------|-------------|---------------|-------------|
| Community Corrections | 0 | 0% | 2 | <1% | 3 | <1% | 4 | <1% |
| Community Service | 325 | 23% | 644 | 5% | 323 | 5% | 94 | 1% |
| Deferred | 144 | 10% | 2,590 | 19% | 1,642 | 24% | 3,351 | 27% |
| Dept of Corrections* | 0 | 0% | 1 | <1% | 0 | 0% | 1 | <1% |
| Division of Youth Services | 0 | 0% | 1 | <1% | 0 | 0% | 0 | 0% |
| Fines/Fees | 672 | 48% | 2,547 | 19% | 903 | 13% | 555 | 4% |
| Jail | 142 | 10% | 3,103 | 23% | 1,998 | 29% | 2,543 | 21% |
| Probation/Intensive Supervision | 84 | 6% | 3,682 | 28% | 1,078 | 16% | 5,193 | 42% |
| Unsupervised Probation | 41 | 3% | 774 | 6% | 920 | 13% | 597 | 5% |
| All | 1,408 | 100% | 13,344 | 100% | 6,867 | 100% | 12,338 | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Two cases had additional cases in district court.

Table 3-13 reflects initial county court sentences by gender. Women were significantly more likely than men to receive a deferred judgment in county court (32% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (25% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (31% compared to 25% for women).

Table 3-13. Initial sentence in County Court by gender (N=33,957)

| Sentence | Female | % | Male | % |
|---------------------------------|--------------|-------------|---------------|-------------|
| Community Corrections | 3 | <1% | 6 | <1% |
| Community Service | 397 | 4% | 989 | 4% |
| Deferred | 2,920 | 32% | 4,807 | 19% |
| Dept of Corrections* | 0 | 0% | 2 | <1% |
| Division of Youth Services | 0 | 0% | 1 | <1% |
| Fines/Fees | 1,275 | 14% | 3,402 | 14% |
| Jail | 1,492 | 16% | 6,294 | 25% |
| Probation/Intensive Supervision | 2,302 | 25% | 7,735 | 31% |
| Unsupervised Probation | 746 | 8% | 1,586 | 6% |
| All | 9,135 | 100% | 24,822 | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Two cases had additional cases in district court.

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (34% compared to 14% to 26% for other race/ethnicities); Hispanics were especially unlikely to receive a deferred judgement, at 14%. Blacks and Hispanics were more likely to receive jail time (28% and 30%, respectively, compared to 16% of Other cases and 20% of White cases).

Table 3-14. Initial sentence in County Court by race/ethnicity* (N=33,957)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 2,367 | 8,926 | 816 | 21,848 |
| Community Corrections | 0% | <1% | 0% | <1% |
| Community Service | 3% | 4% | 3% | 4% |
| Deferred | 23% | 14% | 34% | 26% |
| Dept of Corrections** | 0% | <1% | 0% | <1% |
| Division of Youth Services | 0% | 0% | 0% | <1% |
| Fines/Fees | 12% | 12% | 14% | 14% |
| Jail | 28% | 30% | 16% | 20% |
| Probation/Intensive Supervision | 28% | 33% | 25% | 28% |
| Unsupervised Probation | 7% | 6% | 6% | 7% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

**Two cases had additional cases in district court.

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. Blacks and Hispanics were less likely to receive a deferred judgment than those in the other race/ethnicity categories and more likely to receive a jail sentence.

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity* (N=1,408)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 70 | 324 | 33 | 981 |
| Community Service | 24% | 23% | 33% | 23% |
| Deferred | 9% | 9% | 12% | 11% |
| Fines/Fees | 49% | 45% | 39% | 49% |
| Jail | 13% | 15% | 9% | 8% |
| Probation/Intensive Supervision | 4% | 6% | 6% | 6% |
| Unsupervised Probation | 1% | 2% | 0% | 3% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Blacks and Hispanics were more likely to receive a jail sentence and much less likely to receive a

deferred judgment. Table 3-17 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types, Blacks and Hispanics were more likely to receive jail sentences.

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity (N=13,344)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 936 | 3,481 | 313 | 8,614 |
| Community Corrections | 0% | <1% | 0% | <1% |
| Community Service | 4% | 5% | 3% | 5% |
| Deferred | 16% | 9% | 31% | 23% |
| Dept of Corrections** | 0% | <1% | 0% | 0% |
| Division of Youth Services | 0% | 0% | 0% | <1% |
| Fines | 15% | 17% | 19% | 20% |
| Jail | 30% | 33% | 13% | 19% |
| Probation/Intensive Supervision | 29% | 32% | 25% | 26% |
| Unsupervised Probation | 5% | 5% | 8% | 6% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

**One case had an additional cases in district court.

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity (N=6,867)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 470 | 1,789 | 155 | 4,453 |
| Community Corrections | 0% | 0% | 0% | <1% |
| Community Service | 3% | 6% | 3% | 4% |
| Deferred | 25% | 18% | 35% | 26% |
| Fines/Fees | 12% | 13% | 14% | 13% |
| Jail | 33% | 35% | 28% | 27% |
| Probation/Intensive Supervision | 14% | 17% | 14% | 15% |
| Unsupervised Probation | 13% | 12% | 6% | 14% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity* (N=12,338)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 891 | 3,332 | 315 | 7,800 |
| Community Corrections | 0% | <1% | 0% | <1% |
| Community Service | <1% | 1% | <1% | 1% |
| Deferred | 30% | 18% | 40% | 30% |
| Dept of Corrections | 0% | 0% | 0% | <1% |
| Fines/Fees | 6% | 4% | 7% | 4% |
| Jail | 24% | 27% | 15% | 18% |
| Probation/Intensive Supervision | 35% | 46% | 33% | 42% |
| Unsupervised Probation | 5% | 4% | 5% | 5% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

District court

Table 3-19 shows the initial sentence by offense type for district court cases. Probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 29% of Other cases, 15% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 10% of cases (3443/35218) and were most likely to be imposed in Property cases (14%), and least likely to be imposed in Drug cases (5%).

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge (N=35,218)

| Sentence | Drugs | % | Other | % | Property | % | Violent | % |
|---------------------------------|--------------|-------------|--------------|-------------|---------------|-------------|--------------|-------------|
| Community Corrections | 462 | 5% | 403 | 6% | 839 | 8% | 274 | 4% |
| Community Service | 52 | 1% | 36 | <1% | 15 | <1% | 4 | <1% |
| Deferred | 522 | 5% | 528 | 7% | 1,596 | 14% | 797 | 11% |
| Dept of Corrections | 1,075 | 11% | 2,122 | 29% | 1,670 | 15% | 1,633 | 22% |
| Division of Youth Services | 0 | 0% | 0 | 0% | 1 | <1% | 0 | 0% |
| Fine/Fees | 107 | 1% | 127 | 2% | 129 | 1% | 55 | 1% |
| Jail | 905 | 9% | 938 | 13% | 964 | 9% | 682 | 9% |
| Probation/Intensive Supervision | 6,413 | 67% | 3,073 | 43% | 5,945 | 53% | 3,813 | 52% |
| Youthful Offender System | 0 | 0% | 1 | <1% | 3 | <1% | 34 | <1% |
| All | 9,536 | 100% | 7,228 | 100% | 11,162 | 100% | 7,292 | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

Table 3-20 shows the initial district court sentence by gender. Women were much more likely to receive a deferred judgment compared to men (13% versus 9%, respectively), and more likely to be granted probation (63% compared to 52% for men). Women were less likely to receive a jail sentence (7%) compared to men (11%), and also considerably less likely to receive a prison sentence compared to men (10% compared to 21%).

Table 3-20. Initial sentence in Adult District Court by gender (N=35,218)

| Sentence | Female | % | Male | % |
|---------------------------------|--------------|-------------|---------------|-------------|
| Community Corrections | 379 | 5% | 1,599 | 6% |
| Community Service | 31 | <1% | 76 | <1% |
| Deferred | 1,131 | 13% | 2,312 | 9% |
| Dept of Corrections | 854 | 10% | 5,646 | 21% |
| Division of Youth Services | 1 | <1% | 0 | 0% |
| Fines/Fees | 122 | 1% | 296 | 1% |
| Jail | 608 | 7% | 2,881 | 11% |
| Probation/Intensive Supervision | 5,274 | 63% | 13,970 | 52% |
| Youthful Offender System | 1 | <1% | 37 | <1% |
| All | 8,401 | 100% | 26,817 | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. E

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. One-quarter (25%) of initial sentences for Blacks were to the Department of Corrections, and 21% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity (N=35,218)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 3,655 | 10,143 | 667 | 20,753 |
| Community Corrections | 5% | 6% | 4% | 6% |
| Community Service | <1% | <1% | 1% | <1% |
| Deferred | 9% | 7% | 15% | 11% |
| Dept of Corrections | 25% | 21% | 15% | 16% |
| Division of Youth Services | 0% | <1% | 0% | 0% |
| Fines/Fees | 1% | 1% | 2% | 1% |
| Jail | 10% | 11% | 9% | 9% |
| Probation/Intensive Supervision | 50% | 54% | 54% | 56% |
| Youthful Offender System | <1% | <1% | 0% | <1% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

The following four tables show initial district court sentences for each of the offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Blacks and

Hispanics were less likely to receive a deferred judgement than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to jail. For Other, Property and Violent offenses, Blacks and Hispanics were more likely to receive prison sentences (Tables 3-23, 3-24 and 3-25).

Table 3-22. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity (N=9,536)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 759 | 2,654 | 157 | 5,966 |
| Community Corrections | 7% | 5% | 2% | 5% |
| Community Service | <1% | 1% | 1% | 1% |
| Deferred | 3% | 4% | 13% | 6% |
| Dept of Corrections | 14% | 14% | 13% | 9% |
| Fines/Fees | 1% | 1% | 2% | 1% |
| Jail | 14% | 10% | 7% | 9% |
| Probation/Intensive Supervision | 62% | 65% | 62% | 69% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-23. Initial sentence for Other as most serious conviction in Adult District Court by race/ethnicity (N=7,228)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 790 | 2,155 | 146 | 4,137 |
| Community Corrections | 4% | 6% | 3% | 6% |
| Community Service | 1% | <1% | 1% | <1% |
| Deferred | 7% | 5% | 8% | 9% |
| Dept of Corrections | 38% | 34% | 25% | 26% |
| Fines/Fees | 2% | 1% | 2% | 2% |
| Jail | 10% | 14% | 13% | 13% |
| Probation/Intensive Supervision | 38% | 40% | 48% | 45% |
| Youthful Offender System | 0% | <1% | 0% | 0% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-24. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity* (N=11,162)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 1,108 | 3,236 | 210 | 6,608 |
| Community Corrections | 6% | 8% | 8% | 7% |
| Community Service | 0% | <1% | <1% | <1% |
| Deferred | 16% | 9% | 23% | 16% |
| Dept of Corrections | 17% | 16% | 7% | 15% |
| Division of Youth Services | 0% | <1% | 0% | 0% |
| Fines/Fees | 1% | 1% | 2% | 1% |
| Jail | 7% | 10% | 6% | 8% |
| Probation/Intensive Supervision | 52% | 56% | 54% | 52% |
| Youthful Offender System | 0% | <1% | 0% | <1% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-25. Initial sentence for Violent as most serious conviction in Adult District Court by race/ethnicity* (N=7,292)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 998 | 2,098 | 154 | 4,042 |
| Community Corrections | 4% | 4% | 1% | 4% |
| Community Service | 0% | <1% | 0% | <1% |
| Deferred | 6% | 7% | 14% | 14% |
| Dept of Corrections | 32% | 26% | 21% | 18% |
| Fines/Fees | <1% | <1% | 1% | 1% |
| Jail | 10% | 11% | 12% | 8% |
| Probation/Intensive Supervision | 46% | 52% | 51% | 54% |
| Youthful Offender System | 1% | 1% | 0% | <1% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: approximately half (2626/5093, 52%) of initial sentences were to Probation, while 33% of cases were granted a deferred judgment (1701/5093). Drug cases were slightly more likely than other offenses to receive a deferred judgment (39%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge (N=5,093)

| Sentence | Drugs | % | Other | % | Property | % | Violent | % |
|---------------------------------|------------|-------------|------------|-------------|--------------|-------------|--------------|-------------|
| Community Corrections | 0 | 0% | 0 | 0% | 0 | 0% | 1 | <1% |
| Community Service | 1 | <1% | 5 | 1% | 4 | <1% | 1 | <1% |
| Deferred | 119 | 39% | 331 | 33% | 700 | 32% | 551 | 35% |
| Dept of Corrections* | 0 | 0% | 0 | 0% | 1 | <1% | 1 | <1% |
| Division of Youth Services | 14 | 5% | 118 | 12% | 175 | 8% | 199 | 13% |
| Fines/Fees | 6 | 2% | 28 | 3% | 44 | 2% | 14 | 1% |
| Jail | 6 | 2% | 25 | 3% | 43 | 2% | 17 | 1% |
| Juvenile Detention | 2 | 1% | 20 | 2% | 26 | 1% | 13 | 1% |
| No Sentence | 1 | <1% | 0 | 0% | 1 | <1% | 0 | 0% |
| Probation/Intensive Supervision | 157 | 51% | 465 | 47% | 1,215 | 55% | 789 | 50% |
| All | 306 | 100% | 992 | 100% | 2,209 | 100% | 1,586 | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Two cases had additional cases in district court.

Table 3-27 shows the initial sentence in juvenile court by gender. Females were much more likely to receive a deferred judgement than males (44% versus 30%, respectively), and less likely to receive a sentence to the Division of Youth Services (5% compared to 11%).

Table 3-27. Initial sentence in Juvenile Court by gender (N=5,093)

| Sentence | Female | % | Male | % |
|---------------------------------|--------------|-------------|--------------|-------------|
| Community Corrections | 0 | 0% | 1 | <1% |
| Community Service | 3 | <1% | 8 | <1% |
| Deferred | 495 | 44% | 1,206 | 30% |
| Dept of Corrections* | 0 | 0% | 2 | <1% |
| Division of Youth Services | 55 | 5% | 451 | 11% |
| Fines/Fees | 30 | 3% | 62 | 2% |
| Jail | 12 | 1% | 79 | 2% |
| Juvenile Detention | 18 | 2% | 43 | 1% |
| No Sentence | 1 | <1% | 1 | <1% |
| Probation/Intensive Supervision | 523 | 46% | 2,103 | 53% |
| All | 1,137 | 100% | 3,956 | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Two cases had additional cases in district court.

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred judgment (19% and 25%, respectively compared to 42%-50%) and more likely to receive an initial sentence to the Division of Youth Corrections (19% and 13% compared to 6%-7%).

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity (N=5,093)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|--------------|-----------------|--------------|--------------|
| N | 668 | 1,756 | 116 | 2,553 |
| Community Corrections | 0% | <1% | 0% | 0% |
| Community Service | <1% | <1% | 0% | <1% |
| Deferred | 19% | 25% | 50% | 42% |
| Dept of Corrections** | <1% | 0% | 0% | <1% |
| Division of Youth Services | 19% | 13% | 7% | 6% |
| Fines/Fees | 1% | 2% | 3% | 2% |
| Jail | 1% | 3% | 1% | 1% |
| Juvenile Detention | <1% | 2% | 1% | 1% |
| No Sentence | 0% | <1% | 0% | <1% |
| Probation/Intensive Supervision | 59% | 56% | 39% | 47% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

**Two cases had additional cases in district court.

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. Note that the number of cases can be quite small for some sentences; in these cases the findings should be interpreted with caution. Table 3-29 shows the initial sentence when a Drug offense was the most serious conviction crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes. For each of these crime types, Blacks and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment. Additionally, compared to the other race/ethnicity categories, Blacks were much more likely to receive an initial sentence to the Division of Youth Corrections for Drug and Violent offenses.

Table 3-29. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity (N=306)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|--------------|-----------------|--------------|--------------|
| N | 19 | 99 | 10 | 178 |
| Community Service | 0% | 0% | 0% | 1% |
| Deferred | 21% | 29% | 60% | 45% |
| Division of Youth Services | 21% | 7% | 10% | 1% |
| Fines/Fees | 0% | 3% | 0% | 2% |
| Jail | 5% | 1% | 10% | 2% |
| Juvenile Detention | 0% | 0% | 0% | 1% |
| No Sentence | 0% | 0% | 0% | 1% |
| Probation/Intensive Supervision | 53% | 60% | 20% | 48% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity (N=992)*

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|--------------|-----------------|--------------|--------------|
| N | 138 | 381 | 14 | 459 |
| Community Service | 1% | 1% | 0% | <1% |
| Deferred | 14% | 28% | 29% | 44% |
| Division of Youth Services | 28% | 13% | 7% | 6% |
| Fines/Fees | 0% | 3% | 7% | 4% |
| Jail | 4% | 3% | 0% | 2% |
| Juvenile Detention | 1% | 3% | 0% | 2% |
| Probation/Intensive Supervision | 52% | 50% | 57% | 42% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity* (N=2,209)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 282 | 756 | 55 | 1,116 |
| Community Service | 0% | <1% | 0% | <1% |
| Deferred | 18% | 24% | 49% | 40% |
| Dept of Corrections** | <1% | 0% | 0% | 0% |
| Division of Youth Services | 11% | 11% | 7% | 5% |
| Fines/Fees | 2% | 2% | 4% | 2% |
| Jail | <1% | 3% | 0% | 1% |
| Juvenile Detention | <1% | 1% | 2% | 1% |
| No Sentence | 0% | <1% | 0% | 0% |
| Probation/Intensive Supervision | 67% | 59% | 38% | 50% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

**Original sentence to DOC was later changed to DYS.

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity* (N=1,586)

| Sentence | Black | Hispanic | Other | White |
|---------------------------------|-------------|-------------|-------------|-------------|
| N | 229 | 520 | 37 | 800 |
| Community Corrections | 0% | <1% | 0% | 0% |
| Community Service | 0% | 0% | 0% | <1% |
| Deferred | 24% | 23% | 57% | 44% |
| Dept of Corrections** | 0% | 0% | 0% | <1% |
| Division of Youth Services | 22% | 18% | 5% | 7% |
| Fines/Fees | 1% | 1% | 0% | 1% |
| Jail | 1% | 2% | 0% | 1% |
| Juvenile Detention | 0% | 1% | 0% | 1% |
| Probation/Intensive Supervision | 52% | 55% | 38% | 46% |
| All | 100% | 100% | 100% | 100% |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

**Defendant was ages 17 at time of offense and 24 at time of case filing.

Summary: Initial sentences. This analysis reflects the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, in 2016, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

Women were significantly more likely than men to receive a deferred judgment in county court (32% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (25% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (31% compared to 25% for women) in county court. Hispanics were considerably less likely than the other race/ethnicity groups to receive a deferred judgment.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 29% of Other cases, 15% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. One-quarter (25%) of initial sentences for Blacks were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. Deferred judgments were initially granted in 10% of district court cases overall, and were most likely to be imposed in Property cases (14%) and least likely to be imposed in Drug cases (5%). Overall in district court, Blacks and Hispanics were more likely than the other race/ethnicity categories to receive initial sentences to the Department of Corrections and less likely to receive probation or a deferred judgment.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court. Drug cases were slightly more likely than other offenses to receive a deferred judgment (39%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Across race/ethnicity categories, Blacks and Hispanics in juvenile court were considerably less likely to receive a deferred judgment and more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations

Cases sentenced in 2016 to probation or a deferred judgment that received a revocation are included in the analyses presented here.¹⁷ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting

¹⁷ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2016, 22% of adult state probation terminations were the result of a revocation.¹⁸ The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, adult district, and juvenile district courts, 49% of cases were reinstated, 40% were not reinstated, and for the remaining 97% of cases it was unclear the outcome of the revocation.

The next series of tables shows revocations in county court, then district court, and finally juvenile court.

County court

Table 3-33 shows revocation information for county court. Overall, 19% of cases receiving a probation/deferred judgment in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (21% and 24% respectively, compared to 19% overall). Blacks were least likely to be revoked when the most serious crime was Drugs (however, because of the small number of cases in this category, this information should be interpreted with caution), and most likely to be revoked if they were sentenced for an Other offense. Hispanics were more likely to get revoked for Other and Violent offenses. In fact, across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories.

¹⁸ *Judicial Branch Annual Statistical Report, Fiscal Year 2016*, Table 48, page 120.

Table 3-33. Revocations from Probation/Deferred in County Court, by race/ethnicity* and most serious conviction charge

| Race/ethnicity | | No | Yes | All | N |
|-----------------|----------|------------|------------|-------------|---------------|
| Black | | 79% | 21% | 100% | 1,350 |
| | Drugs | 90% | 10% | 100% | 10 |
| | Other | 82% | 18% | 100% | 474 |
| | Property | 80% | 20% | 100% | 245 |
| | Violent | 76% | 24% | 100% | 621 |
| Hispanic | | 76% | 24% | 100% | 4,759 |
| | Drugs | 76% | 24% | 100% | 55 |
| | Other | 81% | 19% | 100% | 1,600 |
| | Property | 74% | 26% | 100% | 837 |
| | Violent | 73% | 27% | 100% | 2,267 |
| Other | | 84% | 16% | 100% | 538 |
| | Drugs | 100% | 0% | 100% | 6 |
| | Other | 87% | 13% | 100% | 200 |
| | Property | 88% | 12% | 100% | 86 |
| | Violent | 80% | 20% | 100% | 246 |
| White | | 84% | 16% | 100% | 13,449 |
| | Drugs | 85% | 15% | 100% | 198 |
| | Other | 88% | 12% | 100% | 4,772 |
| | Property | 82% | 18% | 100% | 2,472 |
| | Violent | 81% | 19% | 100% | 6,007 |
| All | | 81% | 19% | 100% | 20,096 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (16% compared to 19%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Compared to other offense types, females with Drug cases were most likely to be revoked (20%) whereas males with Drug crimes were least likely to be revoked (14%). Compared with the other offense types, men with Violent cases were most likely to get revoked (23%).

Table 3-34. Revocations from Probation/Deferred in County Court, by gender and most serious conviction charge

| Gender | | No | Yes | All | N |
|---------------|----------|------------|------------|-------------|---------------|
| Female | | 84% | 16% | 100% | 5,968 |
| | Drugs | 80% | 20% | 100% | 83 |
| | Other | 88% | 12% | 100% | 1,953 |
| | Property | 83% | 17% | 100% | 1,364 |
| | Violent | 82% | 18% | 100% | 2,568 |
| Male | | 81% | 19% | 100% | 14,128 |
| | Drugs | 86% | 14% | 100% | 186 |
| | Other | 86% | 14% | 100% | 5,093 |
| | Property | 78% | 22% | 100% | 2,276 |
| | Violent | 77% | 23% | 100% | 6,573 |
| All | | 81% | 19% | 100% | 20,096 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (30%, Table 3-35) compared to county court (19%, Table 3-33) in 2016. Hispanics were most likely to be revoked (36% compared to 30% overall). Those with Drug offenses were most likely to be revoked (except for those in the Other race/ethnicity category). Table 3-36 shows that women in adult district court were very slightly more likely than men to get revoked (31% compared to 29%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

Table 3-15. Revocations from Probation/Deferred in Adult District Court, by race/ethnicity* and most serious conviction charge

| Race/ethnicity | | No | Yes | All | N |
|-----------------|----------|------------|------------|-------------|---------------|
| Black | | 72% | 28% | 100% | 2,134 |
| | Drugs | 60% | 40% | 100% | 490 |
| | Other | 77% | 23% | 100% | 356 |
| | Property | 74% | 26% | 100% | 763 |
| | Violent | 79% | 21% | 100% | 525 |
| Hispanic | | 64% | 36% | 100% | 6,115 |
| | Drugs | 58% | 42% | 100% | 1,830 |
| | Other | 73% | 27% | 100% | 961 |
| | Property | 62% | 38% | 100% | 2,103 |
| | Violent | 71% | 29% | 100% | 1,221 |
| Other | | 82% | 18% | 100% | 462 |
| | Drugs | 80% | 20% | 100% | 118 |
| | Other | 83% | 17% | 100% | 82 |
| | Property | 79% | 21% | 100% | 162 |
| | Violent | 87% | 13% | 100% | 100 |
| White | | 72% | 28% | 100% | 13,976 |
| | Drugs | 62% | 38% | 100% | 4,497 |
| | Other | 80% | 20% | 100% | 2,202 |
| | Property | 73% | 27% | 100% | 4,513 |
| | Violent | 80% | 20% | 100% | 2,764 |
| All | | 70% | 30% | 100% | 22,687 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-36. Revocations from Probation/Deferred in Adult District Court, by gender and most serious conviction charge

| Gender | | No | Yes | All | N |
|---------------|----------|------------|------------|-------------|---------------|
| Female | | 69% | 31% | 100% | 6,405 |
| | Drugs | 60% | 40% | 100% | 2,263 |
| | Other | 76% | 24% | 100% | 826 |
| | Property | 73% | 27% | 100% | 2,373 |
| | Violent | 76% | 24% | 100% | 943 |
| Male | | 71% | 29% | 100% | 16,282 |
| | Drugs | 62% | 38% | 100% | 4,672 |
| | Other | 78% | 22% | 100% | 2,775 |
| | Property | 69% | 31% | 100% | 5,168 |
| | Violent | 78% | 22% | 100% | 3,667 |
| All | | 70% | 30% | 100% | 22,687 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

Juvenile Court

In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2016 were revoked (Table 3-37). Blacks and Hispanics were more likely to get revoked (27% and 29%, respectively). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 22% compared to 26% for males. Comparing across crime types, females with Drug crimes were most likely to be revoked (26%) and males with Property cases were most likely to be revoked (29%).

Table 3-37. Revocations from Probation/Deferred in Juvenile Court, by race/ethnicity and most serious conviction charge*

| Race/ethnicity | | No | Yes | All | N |
|-----------------|----------|------------|------------|-------------|--------------|
| Black | | 73% | 27% | 100% | 520 |
| | Drugs | 79% | 21% | 100% | 14 |
| | Other | 72% | 28% | 100% | 92 |
| | Property | 71% | 29% | 100% | 240 |
| | Violent | 77% | 23% | 100% | 174 |
| Hispanic | | 71% | 29% | 100% | 1,414 |
| | Drugs | 72% | 28% | 100% | 88 |
| | Other | 71% | 29% | 100% | 296 |
| | Property | 68% | 32% | 100% | 622 |
| | Violent | 75% | 25% | 100% | 408 |
| Other | | 81% | 19% | 100% | 103 |
| | Drugs | 88% | 12% | 100% | 8 |
| | Other | 67% | 33% | 100% | 12 |
| | Property | 83% | 17% | 100% | 48 |
| | Violent | 80% | 20% | 100% | 35 |
| White | | 78% | 22% | 100% | 2,290 |
| | Drugs | 76% | 24% | 100% | 166 |
| | Other | 79% | 21% | 100% | 396 |
| | Property | 75% | 25% | 100% | 1,005 |
| | Violent | 82% | 18% | 100% | 723 |
| All | | 75% | 25% | 100% | 4,327 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-38. Revocations from Probation/Deferred in Juvenile Court, by gender and most serious conviction charge

| Gender | | No | Yes | All | N |
|---------------|----------|------------|------------|-------------|--------------|
| Female | | 78% | 22% | 100% | 1,018 |
| | Drugs | 74% | 26% | 100% | 90 |
| | Other | 77% | 23% | 100% | 203 |
| | Property | 78% | 22% | 100% | 398 |
| | Violent | 81% | 19% | 100% | 327 |
| Male | | 74% | 26% | 100% | 3,309 |
| | Drugs | 75% | 25% | 100% | 186 |
| | Other | 75% | 25% | 100% | 593 |
| | Property | 71% | 29% | 100% | 1,517 |
| | Violent | 78% | 22% | 100% | 1,013 |
| All | | 75% | 25% | 100% | 4,327 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

Summary: Revocations. Cases sentenced in 2016 to probation or a deferred judgment that received a revocation are included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In 2016, across all court types and for those with a probation or a deferred judgment sentence, 51% of cases with a revocation were reinstated, 44% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 19% of county court cases receiving a probation/deferred judgment in 2016 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (16% compared to 19%, respectively).

In district court, 30% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Blacks and Hispanics were revoked at a rate of 40% and 42%, respectively. Women in adult district court were slightly more likely than men to get revoked (33% compared to 29%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked (40% compared to 38%, respectively).

In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2016 were revoked. Blacks and Hispanics were most likely to be revoked (27% and 29%, respectively). Females were revoked at a rate of 22% compared to 26% for males. Comparing across crime types, females with Drug crimes were most likely to be revoked (26%) and males with Property cases were most likely to be revoked (29%).

Court data summary. In 2016, Blacks represented 4% of the adult state population but accounted for 11% of adult district court filings, and 10% of cases sentenced. Hispanic adults represented 19% of the population and 28% of district court filings and 29% of cases sentenced. In juvenile court, Blacks represented 15% of cases, compared to 5% of Black juveniles in the population; Hispanic youth were 33% of the population and 31% of cases filed.

In county court, Blacks and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to the other two race/ethnicity categories. In adult district court, 25% of initial sentences for Blacks and 21% of initial sentences for Hispanics were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. When the offense was violent, Blacks were sentenced to prison in 32% of cases compared to 18% of Whites. In juvenile court, for each of the four crime types, Blacks and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment and much more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 30% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, Drug cases compared to the other offense categories, were the most likely to be revoked. Blacks and Hispanics with Drug cases were revoked at a rate of 40% and 42%, respectively. Hispanics with Violent offenses were more likely to be revoked (42%) than those in the other race/ethnicity categories with Violent cases. In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2016 were revoked. Blacks and Hispanic youth were most likely to be revoked for Property offenses and Other crimes (29% and 28%, respectively).

Section 4: Colorado State Parole Board Decisions

The following information was provided by the Colorado Department of Corrections' Office of Planning and Analysis. The data include race/ethnicity and gender information for final decisions made by the Parole Board in calendar year 2016. As shown in Table 4-1, women were involved in 11% of Parole Board application hearings. Table 4-2 depicts that nearly half (49%) of application hearings involved Whites, 16% involved Blacks, 31% involved Hispanics, less than 1% involved Asians, and 3% involved Native Americans.

*Table 4-1. Parole Board Application Hearings conducted, by gender, CY 2016**

| Gender | % | N |
|--------------|-------------|---------------|
| Female | 11% | 2,018 |
| Male | 89% | 15,740 |
| Total | 100% | 17,758 |

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2016, including those tabled and those taken to the full Board.

*Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2016**

| Race/ethnicity | % | N |
|-----------------|-------------|---------------|
| Black | 16% | 2,794 |
| Asian American | 1% | 132 |
| White | 49% | 8,674 |
| Hispanic | 31% | 5,556 |
| Native American | 3% | 602 |
| Total | 100% | 17,758 |

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2016, including those tabled and those taken to the full Board.

Table 4-3 presents information about defer/release decisions made during discretionary hearings. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred). In discretionary hearings in 2016, 54% of women were released and 43% of men were released. Conversely, 46% of women were deferred as were 57% of men.

*Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2016**

| Gender | Defer | | Discretionary Release | | Total | |
|--------------|------------|--------------|-----------------------|--------------|-------------|---------------|
| | % | N | % | N | % | N |
| Female | 46% | 643 | 54% | 770 | 100% | 1,413 |
| Male | 57% | 6,128 | 43% | 4,617 | 100% | 10,745 |
| Total | 56% | 6,771 | 44% | 5,387 | 100% | 12,158 |

Data Source: Colorado Department of Corrections, Parole Board.

*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Table 4-4 reflects discretionary hearing outcomes. Across race/ethnicity categories, 56% of offenders were deferred and 44% were released. White offenders had the highest release rates in 2016 at 46%, compared to 43% for both Blacks and Hispanics, and 42% for both Asian Americans and Native Americans.

*Table 4-4. Parole Board Application Hearings Decisions, by race/ethnicity CY 2016**

| Race/ethnicity | Defer | | Discretionary Release | | Total | |
|-----------------|------------|--------------|-----------------------|--------------|-------------|---------------|
| | % | N | % | N | % | N |
| Black | 57% | 1,043 | 43% | 788 | 100% | 1,831 |
| Asian American | 58% | 53 | 42% | 38 | 100% | 91 |
| White | 54% | 3,229 | 46% | 2,746 | 100% | 5,975 |
| Hispanic | 57% | 2,215 | 43% | 1,646 | 100% | 3,861 |
| Native American | 58% | 231 | 42% | 169 | 100% | 400 |
| Total | 56% | 6,771 | 44% | 5,387 | 100% | 12,158 |

Data Source: Colorado Department of Corrections, Parole Board.

*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Summary: Parole Board data. The Parole Board conducted 17,758 parole application hearings in 2016. In terms of gender, 11% were women and 89% were men. Of those application hearings, 49% involved White inmates, while 16% were Black, and 31% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred). In discretionary hearings in 2016, 54% of women were released and 43% of men were released. Conversely, 46% of women were deferred as were 57% of men. Across race/ethnicity categories, 56% of offenders were deferred and 44% were released. White offenders had the highest release rates in 2016 at 46%, compared to 43% for both Blacks and Hispanics, and 42% for both Asian Americans and Native Americans.

Section 5: Additional Information

To better understand the sentencing information presented in Section 3, additional analyses were undertaken in an attempt to account for circumstances that may impact the initial sentence decision. To the extent that differential sentences were granted across race/ethnicity, these analyses allow for the examination of the impact of concurrent and prior cases, including current and prior violent cases, may have on those decisions.

This section begins with a description of the statistical approach employed, and then presents the findings¹⁹ to the following research questions (the results are summarized below):

1. Compared to Whites, are Blacks (or Hispanics) more or less likely to receive a sentence to the Department of Corrections for felony convictions in district court?
2. Compared to Whites, are Blacks (or Hispanics) more or less likely to receive a deferred judgment for convictions in district court?
3. Compared to Whites, are Black juveniles (or Hispanic juveniles) more or less likely to receive a deferred judgment for convictions in juvenile court?

Results

1. *After controlling for the factors described below, Blacks and Hispanics were statistically significantly more likely than Whites to receive a DOC sentence.*
 2. *After controlling for the factors described below, Blacks and Hispanics were statistically significantly less likely than Whites to receive a deferred judgment.*
 3. *After controlling for the sentencing factors described below, Blacks and Hispanics were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court.*
-

Method

To determine if differences in initial sentences between Whites and non-Whites were due to the presence of concurrent cases, prior cases, and the seriousness of the current offense, a statistical technique called logistic regression was used. Logistic regression can examine the effect (through odds ratios) of race/ethnicity on sentences received, while controlling for other factors that may impact the sentencing decision. The factors included were those that decision makers often take into in consideration at sentencing, and for which data were available in Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,

¹⁹ Technical details of these statistical analyses are available from the Office of Research and Statistics, Division of Criminal Justice.

- Prior convictions for a specific violent crime,²⁰
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.²¹

For deferred sentences, the following factors were included in the analysis:

- Prior cases,
- Other concurrent cases,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.²²

In addition, the gender and race/ethnicity of the defendant were included in both sentencing models.

Logistic regression models produce odds ratios which, in this study, are the odds for Blacks (or Hispanics) to receive a sentence divided by the odds for Whites to receive the same sentence. An odds ratio of 1 indicates no difference between Whites and Blacks (or Hispanics). An odds ratio greater than 1 means that Blacks (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Blacks (or Hispanics) had lower odds of receiving that sentence than Whites. Because logistic regression simultaneously controls for the other factors in the model, odds ratios can be used to measure the differences between race/ethnicity groups after removing the influence of the other factors. Odds ratios and their 95% confidence intervals (CI)²³ are reported below.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2016 were examined. As can be seen in Table 5-1, Blacks received a sentence to DOC in 37% of cases and Hispanics received a sentence to DOC in 35% of cases. In comparison, Whites received a sentence to DOC in 26% of cases. After controlling for the factors described above, Blacks still had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.26, 95% CI 1.13 -

²⁰ The violent crimes included in this analysis are as follows: C.R.S. 18-3-102, 1st degree homicide; 18-3-103, 2nd degree homicide; 18-3-202, 1st degree assault; 18-3-203, 2nd degree assault; 18-3-301, 1st degree kidnapping; 18-3-302, 2nd degree kidnapping; 18-3-402, sex assault (felony); 18-3-404, unlawful sexual contact (felony); 18-3-405, sex assault on a child; 18-3-405.3, sex assault on a child position of trust; 18-4-302, aggravated robbery; 18-4-102, 1st degree arson; 18-3.5-103, 1st degree unlawful termination of pregnancy; 18-3.5-104, 2nd degree unlawful termination of a pregnancy.

²¹ See footnote above.

²² See footnote above.

²³ A 95% confidence interval means that we can be 95% confident that the true odds ratio is within the specified interval.

1.41). Hispanics also had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.28, 95% CI: 1.19 - 1.38).

Table 5-1. DOC Sentences for felony convictions by race/ethnicity*

| Race/ethnicity | DOC Sentence | % | N |
|-----------------|--------------|-------------|---------------|
| White | | 58% | 12,523 |
| | No | 74% | 9,216 |
| | Yes | 26% | 3,307 |
| Black | | 11% | 2,454 |
| | No | 63% | 1,540 |
| | Yes | 37% | 914 |
| Hispanic | | 29% | 6,177 |
| | No | 65% | 4,018 |
| | Yes | 35% | 2,159 |
| Other | | 2% | 414 |
| | No | 75% | 312 |
| | Yes | 25% | 102 |
| All | | 100% | 21,568 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Deferred Sentences - Adults in District Court

Deferred sentences for all convictions in adult district court in 2016 were examined (Table 5-2). Blacks received a deferred sentence in 9% of cases and Hispanics received a deferred sentence in 7% of cases. In comparison, Whites received a deferred sentence in 11% of cases. After controlling for other factors described above, Blacks still had lower odds of receiving a deferred sentence than Whites (odds ratio: .77, 95% CI .67 - .87). Hispanics also had lower odds of receiving a deferred sentence than Whites (odds ratio: .66, 95% CI .60 - .73).

Table 5-1. Deferred sentence for all convictions in Adult District Court by race/ethnicity*

| Race/ethnicity | Deferred Sentence | % | N |
|-----------------|-------------------|-------------|---------------|
| White | | 59% | 20,753 |
| | No | 89% | 18,391 |
| | Yes | 11% | 2,362 |
| Black | | 10% | 3,655 |
| | No | 91% | 3,339 |
| | Yes | 9% | 316 |
| Hispanic | | 29% | 10,143 |
| | No | 93% | 9,481 |
| | Yes | 7% | 662 |
| Other | | 2% | 667 |
| | No | 85% | 564 |
| | Yes | 15% | 103 |
| All | | 100% | 35,218 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Deferred Sentences - Juvenile Court

Deferred sentences for all convictions in juvenile court in 2016 were examined (Table 5-3). Blacks received a deferred sentence in 19% of cases and Hispanics received a deferred sentence in 25% of cases. In comparison, Whites received a deferred sentence in 42% of cases. After controlling for the sentencing factors described above, Blacks still had a lower odds of receiving a deferred sentence than Whites (odds ratio: .37, %95 CI: .29 - .46). Hispanics also had a lower odds of receiving a deferred sentence than Whites (odds ratio: .50, 95% CI .43 - .58).

Table 5-1. Deferred sentence for all convictions in Juvenile Court by race/ethnicity*

| Race/ethnicity | Deferred Sentence | % | N |
|-----------------|-------------------|-------------|--------------|
| White | | 50% | 2,553 |
| | No | 58% | 1,470 |
| | Yes | 42% | 1,083 |
| Black | | 13% | 668 |
| | No | 81% | 540 |
| | Yes | 19% | 128 |
| Hispanic | | 34% | 1,756 |
| | No | 75% | 1,324 |
| | Yes | 25% | 432 |
| Other | | 2% | 116 |
| | No | 50% | 58 |
| | Yes | 50% | 58 |
| All | | 100% | 5,093 |

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Summary: Additional analyses. Because of the disparities in initial sentences for Black and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Blacks and Hispanics—adults and youth—were still more likely not to receive a deferred judgment. A deferred judgment is an opportunity to avoid a criminal record. Likewise, accounting for concurrent cases and prior cases, Blacks and Hispanics were more likely to receive sentences to the Department of Corrections. It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black and Hispanic defendants.

Appendix A

NIBRS Group A Arrest Crimes

| Category | Subcategory | NIBRS Offense |
|-----------------|------------------------|---|
| Drugs | | |
| | Drugs | |
| | | Drug Equipment |
| | | Drugs |
| Other | | |
| | DUI | |
| | | DUI |
| | Other | |
| | | All Other |
| | | Bad Checks |
| | | Bribery |
| | | Curfew/Loitering/Vagrancy |
| | | Destruction of Property |
| | | Disorderly Conduct |
| | | Drunkenness |
| | | Hit and Run |
| | | Human Trafficking - Labor |
| | | Liquor Law Violations |
| | | Non-violent Family Offenses |
| | | Runaway |
| | | Trespassing |
| | | Wagering |
| | Other Sex Crime | |
| | | Fondling |
| | | Human Trafficking - Commercial Sex Acts |
| | | Peeping Tom |
| | | Pornography |
| | | Promoting Prostitution |
| | | Prostitution |
| | | Purchasing Prostitution |
| | Weapons | |
| | | Weapons Laws Violation |
| Property | | |
| | Arson | |
| | | Arson |
| | Burglary | |
| | | Burglary |
| | Fraud | |
| | | Counterfeit |
| | | Credit Card/ATM Fraud |

| | | |
|----------------|----------------------------|------------------------------|
| | | Embezzlement |
| | | Extortion |
| | | False Pretenses |
| | | Impersonation |
| | | Wire Fraud |
| | Motor Vehicle Theft | |
| | | Motor Vehicle Theft |
| | Theft | |
| | | Other Larceny |
| | | Pocket Picking |
| | | Purse Snatching |
| | | Shop Lifting |
| | | Stolen Property |
| | | Theft from Building |
| | | Theft from Coin-Operated |
| | | Theft from Motor Vehicle |
| | | Theft of Motor Vehicle Parts |
| Violent | | |
| | Agg Assault | |
| | | Agg Assault |
| | Homicide | |
| | | Homicide |
| | Kidnapping | |
| | | Kidnapping |
| | Other Homicide | |
| | | Manslaughter |
| | Robbery | |
| | | Robbery |
| | Sex Assault | |
| | | Incest |
| | | Rape |
| | | Sexual Assault |
| | | Sodomy |
| | | Statutory Rape |
| | Simple Assault | |
| | | Intimidation |
| | | Simple Assault |

Appendix B

Most serious filing/conviction charge categories

| |
|----------------------------------|
| Drugs |
| Drugs(Distribution) |
| Drugs(Possession) |
| Other |
| Escape |
| Inchoate |
| Miscellaneous Felony |
| Miscellaneous Misdemeanor |
| Other Custody Violations |
| Other Sex Crime |
| Sex Offender Failure to Register |
| Traffic Felony |
| Traffic Misdemeanor |
| Weapons |
| Property |
| Arson |
| Burglary |
| Extortion |
| Forgery |
| Fraud |
| Motor Vehicle Theft |
| Other Property |
| Theft |
| Violent |
| Felony Assault |
| Homicide |
| Kidnapping |
| Misdemeanor Assault |
| Other Homicide |
| Robbery |
| Sex Assault |

Arson - 1st - 4th degree arson

Burglary - 1st to 3rd degree burglary, possession of burglary tools

Drug Poss - drug possession, paraphernalia possession

Drugs - manufacture, process, distribute, cultivate, possession with intent to distribute

Escape

Extortion

Felony Assault - 1st and 2nd degree assault, vehicular assault, felony menacing, felony stalking, felony child abuse, witness intimidation

Forgery

Fraud

Homicide - 1st and 2nd degree murder

Kidnapping - 1st and 2nd degree kidnapping, false imprisonment, human trafficking, violation of custody

Misc Felony - Giving false information to a pawn broker, bribery, witness tampering, vehicular eluding, wiretapping, cruelty to animals,

Misc Misd - prostitution, patronizing a prostitute, resisting arrest, obstructing a peace officer, disorderly conduct, interference with school staff, cruelty to animals

Misd Assault -3rd degree assault, child abuse, violation of a protection order, harassment

Other Custody Violations - aiding escape, contraband, violation of bail bond conditions

Other Homicide - manslaughter, vehicular homicide, criminally negligent homicide, child abuse causing death