

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 2019



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>

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

<https://www.colorado.gov/dcj-ors/ORS-SB185-2018>

SUMMARY: Report on the C.L.E.A.R. Act

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Prepared by

Kim English

Peg Flick

Laurence Lucero



Colorado Department of Public Safety

Stan Hilkey, Executive Director

Division of Criminal Justice

Joe Thome, Director

Office of Research and Statistics

Kim English, Research Director

700 Kipling St., Denver, Colorado 80215

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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 2018.

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: <https://www.colorado.gov/dcj-ors/ORS-SB185-2018>

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.

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,¹ 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 2018.

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,² this report presents a summary of the findings by collapsing the offenses into four broad categories: **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: <https://www.colorado.gov/dcj-ors/ORS-SB185-2018>

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 estimated that, in 2018, the Colorado population of those ages 10 and above was 5,020,521. The adult population was comprised as follows:

- White 73%;
- Black/African American 4%;
- Hispanic 19%; and
- Other 4%.

The juvenile population in 2018 was comprised as follows:

- White 59%;
- Black/African American 5%;
- Hispanic 31%; and
- Other 5%.

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

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

¹ 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).

² The arrest information includes 17 offense categories summarized from more than 40, and the court data includes 24 offense categories summarized from hundreds of criminal statutes.

2018 Hispanics represented 20% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both the arrest and court data³. Note that, while no model is 100% accurate, it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Law enforcement data. Over 219,000 arrests/summonses that occurred in 2018 were analyzed for this report. Drug offenses accounted for 10% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (63%) fell into the Other crime category. Black/African Americans represented 4% of the state population in 2018, but accounted for 12% of arrests/summonses. Males represented about 50% of the state population and 70-80% of arrests. 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 119,173 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 4% of the state population and 12% of the arrests/summonses in 2018, they accounted for 11% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 5% Black/African American juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2018. 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 (29% compared to 24%, respectively) and slightly less likely to be involved in Violent offenses (32% compared to 35%, respectively). In 2018, less than 1% of cases completed a trial in county, district court and juvenile court. 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, 28% of cases in county court were dismissed, as were 12% of cases in district court and 21% of cases in juvenile court. Over one-fourth (29%) of county court cases were convicted as charged compared to 19% in district court and 33% in juvenile court. Nearly one-quarter (21%) of county court cases were convicted of a different charge, as were 38% of district court cases, and 21% of juvenile court cases.

³ The S.B. 15-185 2017 report (of 2016 data) used NIBRS arrest data to identify race/ethnicity in the court data.

Black/African American youth in juvenile court were somewhat less likely to be convicted as charged (27% compared to 33% overall), and were more likely to have a case falling into the not yet resolved/case closed category (32% compared to 25% overall).

Initial court sentences. The analyses undertaken 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 2018, 19% of county court cases, 35% of district court cases, and 36% 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 initial sentence.

Women were more likely than men to receive a deferred judgment in county court (29% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 17% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 24% for women) in county court. Black/African Americans and Hispanics were less likely than the other race/ethnicity groups to receive a deferred judgment in county court.

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: 12% of Drug cases, 31% of Other cases, 16% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (24%) and Hispanics (21%) were to the Department of Corrections, compared to 17% of Whites. Deferred judgments were initially granted in 9% of district court cases overall, and were most likely to be imposed in Property cases (13%) and least likely to be imposed in Drug cases (4%). Overall in district court, Black/African Americans 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 (46%). Drug cases were more likely than other offenses to receive a deferred judgment in juvenile court (49% compared to 37% overall). Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were considerably less likely to receive a deferred judgment, and Black/African Americans were 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 2018 to probation or a deferred judgment that received a revocation were included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, 19% of county court cases, 35% of district court cases, and 36% 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 2018, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 17% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Across race/ethnicity categories, Black/African Americans with Drugs or 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 (15% compared to 17%, respectively).

In district court, 26% of cases were revoked. In general, Drug cases, across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Women in adult district court were slightly more likely than men to get revoked (27% compared to 25%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked (35% and 33%, respectively, compared to 26% overall).

In juvenile court, 18% of cases sentenced to probation/deferred judgment in 2018 were revoked; 24% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=25). Females were revoked at a rate of 17% compared to 19% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (18%) and males with Property cases were most likely to be revoked (23%).

Parole Board data. The Parole Board conducted 19,525 parole application hearings in 2018. In terms of gender, 13% were women and 87% were men. Of those application hearings, 49% involved White inmates, while 15% were Black/African American, and 31% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 12,572 discretionary hearings in 2018, 49% of offenders were deferred and 51% were released.

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 allowed for the examination of the impact concurrent and prior cases, including current and prior violent offenses,⁴ may have on those decisions. After controlling for the additional factors, Black/African Americans and Hispanics in district court were more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Black/African Americans and Hispanics in district court were less likely than Whites to receive a deferred judgment. Additionally, after controlling for the additional factors, Black/African American and Hispanic youth were less likely than Whites to receive a deferred judgment in

⁴ 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.

juvenile court. Finally, Black/African American youth in juvenile court were more likely compared to Whites to receive a sentence to the Division of Youth Services. 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/African American and Hispanic defendants.

Overall summary. In 2018, Black/African Americans represented 4% of the adult state population but accounted for 12% of arrests/summons, and 11% of adult district court filings. Hispanic adults represented 20% of the population, 30% of arrests/summons, and 30% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 5% of Black/African American juveniles in the population; Hispanic youth were 31% of the population and 35% of cases filed.

In county court, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment and Black/African Americans were more likely to receive a sentence to jail, compared to the other race/ethnicity categories. In adult district court, 24% of initial sentences for Black/African Americans and 21% of initial sentences for Hispanics were to the Department of Corrections compared to 17% for Whites. When the offense was Violent, Black/African Americans were sentenced to prison in 31% of cases compared to 18% of Whites. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were much more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 26% of adult district court cases that had an initial sentence to probation/deferred were revoked. Generally, across race/ethnicity groups, Drug cases, compared to the other offense categories, were the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were revoked at a rate of 35% and 32%, respectively. In juvenile court, 18% of cases sentenced to probation/deferred judgment in 2018 were revoked; 24% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=25).

Finally, the Parole Board conducted 19,525 parole application hearings in 2018. In terms of gender, 13% were women and 87% were men. Of those application hearings, 49% involved White individuals, while 15% were Black/African American, and 32% were Hispanic. In 12,379 discretionary hearings in 2018, 49% of offenders were deferred and 51% were released.

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,⁵ 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 2018, 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 hundreds of criminal 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 and judicial district are presented in the corresponding web-based interactive dashboard available at: <https://www.colorado.gov/dcj-ors/ORS-SB185-2018>

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.

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 2018 Hispanics represented 20% of the Colorado population, but only 6% of cases were classified as Hispanic in ICON. In addition, the arrest data are plagued with random

⁵ 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).

misclassifications of race/ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both arrest and court data.⁶ Note that, while no model is perfectly accurate, it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Finally, the Colorado Department of Local Affairs, Office of the State Demographer, estimated that the state population in 2018 for residents ages 10 and over was 5,020,521 and was comprised as follows:

Table 1-1. Colorado race/ethnicity estimates for those ages 10 and above, 2018

Age Group	Race/ethnicity	%	N
Adult		88%	4,430,183
	Black/African Am	4%	191,208
	Hispanic	19%	830,872
	Other	4%	195,110
	White	73%	3,212,994
Juvenile		12%	590,337
	Black/African Am	5%	31,919
	Hispanic	31%	183,256
	Other	5%	27,192
	White	59%	347,971
Total		100%	5,020,521

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

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

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2018 and December 31, 2018 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;

⁶ The S.B. 15-185 report published in 2017 (of 2016 data) used NIBRS arrest data to identify race/ethnicity in the court data.

- 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.”⁷ 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). Just over 219,000 NIBRS incidents were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	%	N
Custody/warrant	31%	67,966
On-view/probable cause	36%	79,733
Summons	33%	71,378
Total	100%	219,077

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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.

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.⁸ 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 can be seen in Table 1-3. Note that municipal court cases are not included in these analyses.

Table 1-3. Court of case filing, 2018

Court	%	N
Adult District	45%	53,400
County	48%	57,726
Juvenile	7%	8,047
Total	100%	119,173

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.

⁷ 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.

⁸ 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.

Note that the information presented here reflects the analysis of more than 119,000 **cases not individuals**. Individuals may have multiple, concurrent cases,⁹ 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 categories¹⁰ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.¹¹ The analysis of the 24 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 2018 may not have had time to revoke.

Finally, 243 cases in the charges data and 103 cases in the sentences data were removed because gender was not specified.

Finally, please note that the cases represented in the arrests, filings, sentences, and parole board sections were not necessarily the same cases. This is due to the fact that lags exist 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.

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 2018.

Organization of this report: This report is organized into five sections. The current 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 analyses 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.

⁹ This study found that in 2018 19% of county court cases, 35% of district court cases, and 36% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

¹⁰ The 24 offense categories are summarized from hundreds of criminal statutes.

¹¹ Note that all offenses include attempts, solicitations, and conspiracies.

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 <https://www.colorado.gov/dcj-ors/ORS-SB185-2018>, provides information on 17 arrest offense types. The analyses 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 2018.

Table 2-1. Arrests/summons by offense, 2018

Offense	%	N
Drugs	10%	22,167
Other	63%	138,798
Property	14%	30,775
Violent	12%	27,337
Total	100%	219,077

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

Table 2-2 reflects over 219,000 arrests/summons captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 4% of the state population in 2018, but accounted for 12% of arrests/summons. Hispanics represented 20% of the state population and accounted for 28% of arrests. The Other race/ethnicity category represented 4% of the state population, and was underrepresented in arrests (2%), along with Whites, who represented 70% of the state population and 58% of arrests/summons.

Table 2-2. Arrests/summons by race/ethnicity, 2018

Race/ethnicity	%	N
Black/African American	12%	25,949
Hispanic*	28%	60,266
Other	2%	5,099
White	58%	127,763
Total	100%	219,077

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 2-3 shows that juveniles accounted for 6% of on view/probable cause arrests, and that 24% of those arrests were for violent crimes, a proportion similar to adults (20%). Juveniles accounted for 8% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested. 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		94%	75,235
	Drugs	15%	11,618
	Other	51%	38,089
	Property	14%	10,238
	Violent	20%	15,290
Juvenile		6%	4,498
	Drugs	12%	540
	Other	42%	1,874
	Property	22%	998
	Violent	24%	1,086
Total		100%	79,733

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Age Group	Offense	%	N
Adult		92%	62,449
	Drugs	5%	2,918
	Other	79%	49,411
	Property	7%	4,336
	Violent	9%	5,784
Juvenile		8%	5,517
	Drugs	2%	100
	Other	85%	4,694
	Property	5%	284
	Violent	8%	439
Total		100%	67,966

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Age Group	Offense	%	N
Adult		83%	59,227
	Drugs	8%	4,514
	Other	65%	38,746
	Property	21%	12,618
	Violent	6%	3,349
Juvenile		17%	12,151
	Drugs	20%	2,477
	Other	49%	5,984
	Property	19%	2,301
	Violent	11%	1,389
Total		100%	71,378

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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 15% of probable cause arrests were for Drug related offenses, 50% were for Other offenses, 14% for Property offenses, and 21% for Violent offenses. While Black/African Americans made up 4% of the state

population, Table 2-6 shows that they were arrested at three to 4 times that rate for probable cause arrests in 2018: 13% of Drug arrests were Black/African Americans, 13% of arrests for Other offenses were Black/African Americans, 15% of Property arrests were Black/African Americans, and 19% of Violent arrests were Black/African Americans.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Eighty percent (80%) of these arrests involved an offense that fell into the Other category. While only 9% of these types of arrests involved a Violent offense, Black/African Americans made up 16% of Violent crime arrests and Hispanics made up 30%, which was greater than the proportion of Black/African Americans and Hispanics in the state population (4% and 20%, respectively).

Table 2-8 shows that summons were less likely to be issued for Violent offenses (7%) compared to Other (63%) and Property (21%) and that, of those summons issued for Violent crimes, 14% went to Black/African Americans.

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

Offense	Race/ethnicity	%	N
Drugs		15%	12,158
	Black/African Am	13%	1,601
	Hispanic*	27%	3,288
	Other	2%	207
	White	58%	7,062
Other		50%	39,963
	Black/African Am	13%	5,120
	Hispanic*	28%	11,272
	Other	2%	929
	White	57%	22,642
Property		14%	11,236
	Black/African Am	15%	1,722
	Hispanic*	30%	3,318
	Other	2%	183
	White	54%	6,013
Violent		21%	16,376
	Black/African Am	19%	3,048
	Hispanic*	28%	4,516
	Other	3%	422
	White	51%	8,390
Total		100%	79,733

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Offense	Race/ethnicity	%	N
Drugs		4%	3,018
	Black/African Am	6%	168
	Hispanic*	30%	900
	Other	1%	34
	White	63%	1,916
Other		80%	54,105
	Black/African Am	11%	6,052
	Hispanic*	29%	15,874
	Other	3%	1,434
	White	57%	30,745
Property		7%	4,620
	Black/African Am	12%	545
	Hispanic*	30%	1,399
	Other	1%	58
	White	57%	2,618
Violent		9%	6,223
	Black/African Am	16%	992
	Hispanic*	30%	1,856
	Other	2%	123
	White	52%	3,252
Total		100%	67,966

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Offense	Race/ethnicity	%	N
Drugs		10%	6,991
	Black/African Am	9%	599
	Hispanic*	27%	1,919
	Other	2%	106
	White	62%	4,367
Other		63%	44,730
	Black/African Am	9%	4,049
	Hispanic*	24%	10,673
	Other	3%	1,240
	White	64%	28,768
Property		21%	14,919
	Black/African Am	9%	1,374
	Hispanic*	26%	3,934
	Other	2%	287
	White	62%	9,324
Violent		7%	4,738
	Black/African Am	14%	679
	Hispanic*	28%	1,317
	Other	2%	76
	White	56%	2,666
Total		100%	71,378

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following three tables show arrest/summons by broad offense category and gender. Although women made up half the Colorado population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 21-31% of arrests and 29-46% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be involved in Drug or 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		15%	12,158
	Female	29%	3,537
	Male	71%	8,621
Other		50%	39,963
	Female	25%	9,810
	Male	75%	30,153
Property		14%	11,236
	Female	31%	3,509
	Male	69%	7,727
Violent		21%	16,376
	Female	26%	4,230
	Male	74%	12,146
Total		100%	79,733

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Offense	Gender	%	N
Drugs		4%	3,018
	Female	31%	949
	Male	69%	2,069
Other		80%	54,105
	Female	29%	15,830
	Male	71%	38,275
Property		7%	4,620
	Female	31%	1,452
	Male	69%	3,168
Violent		9%	6,223
	Female	21%	1,326
	Male	79%	4,897
Total		100%	67,966

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Offense	Gender	%	N
Drugs		10%	6,991
	Female	32%	2,209
	Male	68%	4,782
Other		63%	44,730
	Female	29%	13,130
	Male	71%	31,600
Property		21%	14,919
	Female	46%	6,845
	Male	54%	8,074
Violent		7%	4,738
	Female	34%	1,619
	Male	66%	3,119
Total		100%	71,378

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

Summary: Law enforcement data. In 2018, law enforcement made/issued over 219,000 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 2018, arrests/summonses for Drug offenses accounted for 10% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (63%) fell into the Other crime category. Black/African Americans represented 4% of the state population in 2018 but accounted for 12% of arrests/summonses. Hispanics represented 20% of the population and 28% of arrests/summonses. Males represented about 50% of the state population and 70-80% of arrests. Females were more likely to be involved in Drug or 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.¹² County court contains both adult and juvenile misdemeanor cases. The 2018 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,¹³ 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 hundreds of criminal statutes, is available on the interactive data dashboard <https://www.colorado.gov/dcj-ors/ORS-SB185-2018>. See Appendix B for the list of offenses that were combined into the four broad crime 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, 243 cases in the charges data and 103 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 119,173 case filings in county, adult district, and juvenile courts combined for calendar year 2018. While Black/African Americans represented 4% of the state population and 12% of the arrests/summonses in 2018, they accounted for 10% of court filings. Hispanics represented 20% of the population, 29% of arrests/summonses, and 30% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

¹² Denver County Court is not part of the statewide Judicial data management system.

¹³ This study found that in 2018, 19% of county court cases, 35% of district court cases, and 36% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

Table 3-1. Overall filings by race/ethnicity, 2018

Race/ethnicity	%	N
Black/African Am	10%	11,997
Hispanic*	30%	35,237
Other	3%	3,424
White	57%	68,515
Total	100%	119,173

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 16% 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, 2018

Offense	Race/ethnicity	%	N
Drugs		16%	18,621
	Black/African Am	9%	1,649
	Hispanic*	30%	5,557
	Other	2%	448
	White	59%	10,967
Other		25%	29,240
	Black/African Am	9%	2,680
	Hispanic*	31%	9,194
	Other	3%	859
	White	56%	16,507
Property		26%	30,416
	Black/African Am	10%	3,082
	Hispanic*	28%	8,620
	Other	2%	746
	White	59%	17,968
Violent		34%	40,896
	Black/African Am	11%	4,586
	Hispanic*	29%	11,866
	Other	3%	1,371
	White	56%	23,073
Total		100%	119,173

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-3 depicts that, across all court types, 26% of filings were females and 74% were males. Females were slightly more likely than males to be involved in Property crimes (29% compared to 24%, respectively) and Drug crimes (18% compared to 15%, 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%	31,278
	Drugs	18%	5,594
	Other	21%	6,659
	Property	29%	9,020
	Violent	32%	10,005
Male		74%	87,895
	Drugs	15%	13,027
	Other	26%	22,581
	Property	24%	21,396
	Violent	35%	30,891
Total		100%	119,173

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. County court¹⁴ had the most cases in 2018, with 48% of the total. Black/African Americans represented 8% of county court cases filed compared to 11% in adult district court and 17% in juvenile court. Hispanics represented 28% of county court filings, 30% of district court filings, and 35% of juvenile court filings in 2018.

Table 3-4. Court of case filing, by race/ethnicity

Court	Race/ethnicity	%	N
Adult District		45%	53,400
	Black/African Am	11%	6,138
	Hispanic*	30%	16,138
	Other	2%	1,322
	White	56%	29,802
County		48%	57,726
	Black/African Am	8%	4,522
	Hispanic*	28%	16,275
	Other	3%	1,838
	White	61%	35,091
Juvenile		7%	8,047
	Black/African Am	17%	1,337
	Hispanic*	35%	2,824
	Other	3%	264
	White	45%	3,622
Total		100%	119,173

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. *Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

¹⁴ Note that county court data excludes Denver County because it is not part of the statewide ICON court data system.

Table 3-5 shows the type of offense within court type. Nearly half (45%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (30%) and Drug cases (27%) comprised the largest categories of cases in adult district court; and Property crimes made up just over one-third (35%) 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 (29%) compared to adult district court (24%) and juvenile court (23%).

Table 3-5. Court of case filing, by most serious filing charge

Court	Offense	%	N
Adult District		45%	53,400
	Drugs	27%	14,304
	Other	21%	11,437
	Property	30%	16,016
	Violent	22%	11,643
County		48%	57,726
	Drugs	6%	3,663
	Other	28%	16,312
	Property	20%	11,560
	Violent	45%	26,191
Juvenile		7%	8,047
	Drugs	8%	654
	Other	19%	1,491
	Property	35%	2,840
	Violent	38%	3,062
Total		100%	119,173

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 3-6. Court of case filing, by gender

Court	Gender	%	N
Adult District		45%	53,400
	Female	24%	12,917
	Male	76%	40,483
County		48%	57,726
	Female	29%	16,548
	Male	71%	41,178
Juvenile		7%	8,047
	Female	23%	1,813
	Male	77%	6,234
Total		100%	119,173

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 (less than 1%). Table 3-8 combines information across court types and shows the number of trials completed by offense type.

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

Court	Completed Trial	%	N
Adult District		45%	53,400
	No	99%	53,070
	Yes	1%	330
County		48%	57,726
	No	99%	57,360
	Yes	1%	366
Juvenile		7%	8,047
	No	99%	7,980
	Yes	1%	67
Total		100%	119,173

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		16%	18,621
	No	100%	18,573
	Yes	<1%	48
Other		25%	29,240
	No	99%	29,078
	Yes	1%	162
Property		26%	30,416
	No	100%	30,334
	Yes	<1%	82
Violent		34%	40,896
	No	99%	40,425
	Yes	1%	471
Total		100%	119,173

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 more than 119,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 4% of the state population and 12% of the arrests/summons in 2018, they accounted for 11% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 5% Black/African American juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2018. 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 and Drug crimes and slightly less likely to be involved in Violent offenses. Only 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2018. 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 28% of cases, charges were dismissed in county court in 2018 (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 29% of cases were convicted as charged, and one-fifth (21%) were convicted of another crime. In adult district court (Table 3-10), 38% were convicted of another crime and 19% were convicted as charged. In juvenile court (Table 3-11), 21% were convicted of another offense and 33% were convicted as charged.

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

Race/ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	%	N
Black/African Am		24%	18%	30%	28%	100%	4,522
	Drugs	27%	9%	38%	26%	100%	188
	Other	28%	23%	19%	31%	100%	1,217
	Property	25%	19%	31%	25%	100%	892
	Violent	21%	15%	36%	28%	100%	2,225
Hispanic*		29%	22%	24%	25%	100%	16,275
	Drugs	38%	13%	29%	19%	100%	1,028
	Other	30%	26%	17%	26%	100%	5,135
	Property	29%	22%	23%	26%	100%	2,868
	Violent	26%	20%	29%	25%	100%	7,244
Other		25%	20%	34%	22%	100%	1,838
	Drugs	29%	19%	28%	23%	100%	99
	Other	26%	21%	30%	23%	100%	499
	Property	27%	19%	29%	25%	100%	306
	Violent	23%	20%	37%	20%	100%	934
White		29%	21%	29%	21%	100%	35,091
	Drugs	37%	14%	32%	18%	100%	2,348
	Other	30%	26%	23%	21%	100%	9,461
	Property	31%	20%	26%	23%	100%	7,494
	Violent	27%	19%	33%	21%	100%	15,788
Total		29%	21%	28%	23%	100%	57,726

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-10 reflects case outcomes for district court in 2018. Twelve percent (12%) 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 somewhat more likely to have charges dismissed for Other offenses.

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

Race/ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed /not guilty	Not yet resolved/ case closed	%	N
Black/African Am		17%	34%	13%	36%	100%	6,138
	Drugs	15%	45%	11%	29%	100%	1,404
	Other	17%	32%	20%	31%	100%	1,203
	Property	20%	33%	10%	36%	100%	1,698
	Violent	15%	29%	13%	44%	100%	1,833
Hispanic*		17%	39%	12%	33%	100%	16,138
	Drugs	14%	45%	10%	31%	100%	4,311
	Other	19%	33%	16%	31%	100%	3,513
	Property	18%	41%	11%	31%	100%	4,799
	Violent	16%	33%	10%	41%	100%	3,515
Other		16%	36%	12%	36%	100%	1,322
	Drugs	13%	41%	10%	36%	100%	328
	Other	17%	28%	25%	31%	100%	318
	Property	18%	39%	8%	34%	100%	352
	Violent	15%	37%	7%	41%	100%	324
White		21%	39%	12%	28%	100%	29,802
	Drugs	20%	46%	10%	24%	100%	8,261
	Other	20%	32%	20%	28%	100%	6,403
	Property	22%	40%	10%	28%	100%	9,167
	Violent	19%	35%	11%	36%	100%	5,971
Total		19%	38%	12%	31%	100%	53,400

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-11 presents case outcomes for juvenile court. All charges were dismissed for 21% of cases filed, while 33% of cases were convicted as charged and 21% were convicted of a different crime. Black/African Americans were somewhat less likely to be convicted as charged (27% compared to 33% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (32% compared to 25% overall).

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

Race/ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	%	N
Black/African Am		27%	19%	21%	32%	100%	1,337
	Drugs	18%	32%	30%	21%	100%	57
	Other	40%	15%	18%	26%	100%	260
	Property	25%	18%	22%	36%	100%	492
	Violent	25%	20%	22%	33%	100%	528
Hispanic*		33%	22%	19%	26%	100%	2,824
	Drugs	36%	30%	20%	15%	100%	218
	Other	41%	17%	19%	23%	100%	546
	Property	30%	23%	19%	28%	100%	953
	Violent	30%	24%	18%	28%	100%	1,107
Other		35%	17%	25%	23%	100%	264
	Drugs	48%	5%	33%	14%	100%	21
	Other	43%	5%	31%	21%	100%	42
	Property	35%	19%	25%	20%	100%	88
	Violent	30%	23%	20%	27%	100%	113
White		36%	22%	21%	21%	100%	3,622
	Drugs	49%	18%	21%	12%	100%	358
	Other	42%	20%	21%	18%	100%	643
	Property	35%	22%	23%	20%	100%	1,307
	Violent	29%	23%	21%	27%	100%	1,314
Total		33%	21%	21%	25%	100%	8,047

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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, 28% of cases in county court were dismissed, as were 12% of cases in district court and 21% of cases in juvenile court. Over one-fourth (29%) of county court cases were convicted as charged compared to 19% in district court and 33% in juvenile court. Almost one-quarter (21%) of county court cases were convicted of a different charge, as were 38% of district court cases, and 33% of juvenile court cases. Black/African American youth in juvenile court were somewhat less likely to be convicted as charged (27% compared to 33% overall), and were more likely to have a case fall into the not resolved/case closed category (32% compared to 25% overall).

Initial Sentences

The tables below show cases sentenced between Jan 1, 2018 and Dec 31, 2018, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** and **Case Outcomes** sections 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 these agencies.

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 103 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 2018, 19% of county court cases, 35% of district court cases, and 36% 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 in 2018. Probation was the most common sentence (28% of sentences), followed by Jail (24%) and deferred judgment (21%). Although Community Service was only used in 4% of cases, 32% of Drug cases received a sentence of Community Service.

Table 3-12. Initial sentence in County Court, by most serious conviction charge

Sentence	Offense	Percent	Total
Community Corrections		<1%	3
	Violent	100%	3
Community Service		4%	1,458
	Drugs	32%	460
	Other	42%	611
	Property	19%	279
	Violent	7%	108
Deferred		21%	7,084
	Drugs	4%	270
	Other	27%	1,888
	Property	24%	1,670
	Violent	46%	3,256
Division of Youth Services		<1%	1
	Other	100%	1
Fines/fees		16%	5,169
	Drugs	18%	935
	Other	48%	2,458
	Property	24%	1,229
	Violent	11%	547
Jail		24%	7,888
	Drugs	3%	226
	Other	39%	3,097
	Property	27%	2,104
	Violent	31%	2,461
Probation/Intensive Supervision		28%	9,303
	Drugs	1%	101
	Other	36%	3,314
	Property	12%	1,095
	Violent	52%	4,793
Unsupervised Probation		6%	2,078
	Drugs	2%	41
	Other	34%	709
	Property	37%	775
	Violent	27%	553
Total		100%	32,984

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 3-13 reflects initial county court sentences by gender. Women were more likely than men to receive a deferred judgment in county court (29% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 17% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 24% for women).

Table 3-13. Initial sentence in County Court by gender (N=32,984)

Sentence	Female	Male	Total
(N)	9,198	23,786	32,984
Community Corrections	0%	<1%	<1%
Community Service	5%	4%	4%
Deferred	29%	19%	21%
Division of Youth Services	0%	<1%	<1%
Fines/fees	18%	15%	16%
Jail	17%	27%	24%
Probation/Intensive Supervision	24%	30%	28%
Unsupervised Probation	7%	6%	6%
Total	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.

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 (31% compared to 21% overall). Black/African Americans were more likely to receive jail time (31% compared to 24% overall).

Table 3-14. Initial sentence in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	2,252	9,687	911	20,134	32,984
Community Corrections	0%	<1%	0%	<1%	<1%
Community Service	3%	5%	4%	4%	4%
Deferred	18%	17%	31%	23%	21%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines/fees	15%	15%	12%	16%	16%
Jail	31%	25%	23%	23%	24%
Probation/Intensive Supervision	27%	31%	24%	27%	28%
Unsupervised Probation	5%	6%	7%	6%	6%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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. Those in the Black/African American and Other race/ethnicity categories were slightly more likely to receive a deferred judgment (17% and 18%, respectively) compared to the overall (13%), however there were only 51 cases in this category. Black/African Americans were more likely to receive a jail sentences (16%) for Drug offenses compared to overall (11%).

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	86	581	51	1,315	2,033
Community Service	14%	22%	16%	24%	23%
Deferred	17%	14%	18%	13%	13%
Fines/fees	51%	47%	53%	45%	46%
Jail	16%	10%	10%	11%	11%
Probation/Intensive Supervision	0%	5%	4%	5%	5%
Unsupervised Probation	1%	2%	0%	2%	2%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans and Hispanics were more likely to receive a jail sentence and much less likely to receive a deferred judgment compared to those in the Other and White race/ethnicity categories, and Black/African Americans were more likely to receive a jail sentence (33% compared to 26% overall). 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, Black/African Americans were more likely to receive jail sentences for property offenses and Black/African Americans and those in the Other race/ethnicity categories were more likely to receive a jail sentence for a Violent offense.

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	832	3,882	337	7,027	12,078
Community Service	5%	6%	6%	4%	5%
Deferred	12%	12%	22%	18%	16%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines/fees	20%	19%	14%	21%	20%
Jail	33%	28%	22%	24%	26%
Probation/Intensive Supervision	26%	29%	27%	27%	27%
Unsupervised Probation	5%	6%	9%	6%	6%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	496	1,883	171	4,602	7,152
Community Service	3%	5%	2%	4%	4%
Deferred	20%	21%	38%	24%	23%
Fines/fees	16%	15%	16%	18%	17%
Jail	39%	29%	23%	29%	29%
Probation/Intensive Supervision	13%	19%	12%	14%	15%
Unsupervised Probation	9%	11%	9%	11%	11%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	838	3,341	352	7,190	11,721
Community Corrections	0%	<1%	0%	<1%	<1%
Community Service	1%	1%	1%	1%	1%
Deferred	23%	23%	37%	30%	28%
Fines/fees	6%	4%	2%	5%	5%
Jail	26%	21%	26%	20%	21%
Probation/Intensive Supervision	40%	46%	31%	39%	41%
Unsupervised Probation	4%	5%	4%	5%	5%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2018. 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: 12% of Drug cases, 31% of Other cases, 16% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections.

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge

Sentence	Drugs	Other	Property	Violent	Total
(N)	12,158	7,969	11,956	8,689	40,772
Community Corrections	5%	7%	8%	4%	6%
Community Service	1%	<1%	<1%	<1%	<1%
Deferred	4%	6%	13%	12%	9%
Dept of Corrections	12%	31%	16%	22%	19%
Division of Youth Services	0%	<1%	0%	<1%	<1%
Fines/fees	1%	2%	1%	<1%	1%
Jail	11%	13%	10%	9%	11%
Probation/Intensive Supervision	67%	40%	52%	52%	54%
Youthful Offender System	<1%	<1%	<1%	1%	<1%
Total	100%	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.

Table 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (12% versus 8%, respectively), and more likely to be granted probation (62% compared to 51% for men). Women were less likely to receive a jail sentence (8%) compared to men (12%), and also considerably less likely to receive a prison sentence compared to men (11% compared to 22%).

Table 3-20. Initial sentence in Adult District Court by gender

Sentence	Female	Male	Total
(N)	10,135	30,637	40,772
Community Corrections	5%	6%	6%
Community Service	<1%	<1%	<1%
Deferred	12%	8%	9%
Dept of Corrections	11%	22%	19%
Division of Youth Services	0%	<1%	<1%
Fines/fees	1%	1%	1%
Jail	8%	12%	11%
Probation/Intensive Supervision	62%	51%	54%
Youthful Offender System	<1%	<1%	<1%
Total	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.

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-quarter (24%) of initial sentences for Black/African Americans 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. Black/African Americans and Hispanics were also slightly less likely to receive a deferred judgment compared to those in the Other and White categories.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	4,457	12,131	927	23,257	40,772
Community Corrections	5%	6%	3%	6%	6%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	8%	7%	13%	9%	9%
Dept of Corrections	24%	21%	15%	17%	19%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	1%	1%	1%	1%	1%
Jail	11%	12%	8%	10%	11%
Probation/Intensive Supervision	51%	52%	59%	56%	54%
Youthful Offender System	<1%	<1%	0%	<1%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Black/African Americans and Hispanics were slightly more likely to receive a sentence to jail. For Other and Violent offenses, Black/African Americans 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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	1,088	3,407	241	7,422	12,158
Community Corrections	5%	5%	2%	5%	5%
Community Service	<1%	<1%	1%	1%	1%
Deferred	3%	3%	9%	4%	4%
Dept of Corrections	14%	14%	8%	10%	12%
Fines/fees	<1%	1%	1%	1%	1%
Jail	13%	12%	9%	10%	11%
Probation/Intensive Supervision	64%	63%	71%	68%	67%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-23. Initial sentence for *Other* as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	835	2,563	194	4,377	7,969
Community Corrections	6%	7%	5%	8%	7%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	5%	5%	11%	7%	6%
Dept of Corrections	39%	35%	28%	28%	31%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	2%	2%	2%	1%	2%
Jail	12%	14%	8%	13%	13%
Probation/Intensive Supervision	36%	36%	46%	43%	40%
Youthful Offender System	<1%	<1%	0%	<1%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-24. Initial sentence for *Property* as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	1,257	3,510	276	6,913	11,956
Community Corrections	6%	8%	5%	8%	8%
Community Service	0%	<1%	<1%	<1%	<1%
Deferred	13%	11%	18%	14%	13%
Dept of Corrections	17%	16%	8%	16%	16%
Fines/fees	1%	1%	2%	1%	1%
Jail	10%	11%	6%	10%	10%
Probation/Intensive Supervision	54%	52%	61%	51%	52%
Youthful Offender System	0%	<1%	0%	<1%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-25. Initial sentence for *Violent* as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	1,277	2,651	216	4,545	8,689
Community Corrections	3%	5%	2%	4%	4%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	9%	10%	12%	15%	12%
Dept of Corrections	31%	24%	20%	18%	22%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	<1%	<1%	0%	<1%	<1%
Jail	8%	10%	10%	8%	9%
Probation/Intensive Supervision	47%	50%	56%	54%	52%
Youthful Offender System	1%	1%	0%	<1%	1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2018, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: nearly half (46%) of initial sentences were to Probation, while 37% of cases were granted a deferred judgment. Drug cases were somewhat more likely than other offenses to receive a deferred judgment (49%) 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

Sentence	Drugs	Other	Property	Violent	Total
(N)	450	1,070	1,807	1,772	5,099
Community Corrections	0%	<1%	<1%	0%	<1%
Community Service	<1%	1%	<1%	<1%	<1%
Deferred	49%	36%	34%	38%	37%
Division of Youth Services	6%	13%	10%	11%	11%
Fines/fees	2%	4%	3%	2%	2%
Jail	3%	2%	2%	1%	2%
Juvenile Detention	1%	1%	1%	1%	1%
Probation/Intensive Supervision	40%	43%	49%	47%	46%
Youthful Offender System	0%	<1%	0%	<1%	<1%
Total	100%	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.

Table 3-27 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (46% versus 35%, respectively), and less likely to receive a sentence to the Division of Youth Services (5% compared to 12%).

Table 3-27. Initial sentence in Juvenile Court by gender

Sentence	Female	Male	Total
(N)	1,111	3,988	5,099
Community Corrections	0%	<1%	<1%
Community Service	<1%	<1%	<1%
Deferred	46%	35%	37%
Division of Youth Services	5%	12%	11%
Fines/fees	3%	2%	2%
Jail	1%	2%	2%
Juvenile Detention	1%	1%	1%
Probation/Intensive Supervision	43%	47%	46%
Youthful Offender System	0%	<1%	<1%
Total	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.

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans and Hispanics were considerably less likely to receive a deferred judgment (23% and 34%, respectively, compared to 45% and 44%), and Black/African

Americans were more likely to receive an initial sentence to the Division of Youth Services (19% compared to 11% overall).

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	807	1,821	154	2,317	5,099
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	23%	34%	45%	44%	37%
Division of Youth Services	19%	11%	7%	8%	11%
Fines/fees	3%	2%	3%	3%	2%
Jail	3%	2%	1%	1%	2%
Juvenile Detention	2%	1%	1%	2%	1%
Probation/Intensive Supervision	50%	49%	42%	43%	46%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 instances, 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, Black/African Americans were much less likely than the other race/ethnicity categories to receive a deferred judgment. In fact, when the offense was Drugs, Black/African Americans received a deferred judgment in 19% of cases compared to 49% overall. Additionally, compared to the other race/ethnicity categories, Black/African Americans were much more likely to receive an initial sentence to the Division of Youth Services for Drug, Property and Violent offenses.

Table 3-29. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	37	142	6	265	450
Community Service	0%	1%	0%	<1%	<1%
Deferred	19%	44%	67%	55%	49%
Division of Youth Services	24%	5%	0%	3%	6%
Fines/fees	0%	2%	0%	2%	2%
Jail	5%	2%	0%	3%	3%
Juvenile Detention	3%	1%	0%	1%	1%
Probation/Intensive Supervision	49%	44%	33%	36%	40%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	183	394	34	459	1,070
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	0%	1%	0%	2%	1%
Deferred	26%	31%	50%	43%	36%
Division of Youth Services	15%	17%	0%	10%	13%
Fines/fees	4%	2%	9%	4%	4%
Jail	4%	2%	0%	2%	2%
Juvenile Detention	1%	1%	0%	1%	1%
Probation/Intensive Supervision	49%	46%	41%	38%	43%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	289	623	60	835	1,807
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	0%	<1%	0%	0%	<1%
Deferred	21%	33%	42%	40%	34%
Division of Youth Services	17%	9%	8%	9%	10%
Fines/fees	3%	2%	2%	3%	3%
Jail	3%	2%	3%	1%	2%
Juvenile Detention	2%	1%	0%	2%	1%
Probation/Intensive Supervision	53%	52%	45%	46%	49%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	298	662	54	758	1,772
Community Service	0%	0%	0%	<1%	<1%
Deferred	23%	36%	44%	44%	38%
Division of Youth Services	23%	11%	11%	7%	11%
Fines/fees	2%	2%	0%	2%	2%
Jail	2%	1%	0%	1%	1%
Juvenile Detention	2%	1%	4%	2%	1%
Probation/Intensive Supervision	48%	50%	41%	45%	47%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 2018, 19% of county court cases, 35% of district court cases, and 36% 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 (29% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 17% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 24% for women) in county court. Black/African Americans and Hispanics were 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: 12% of Drug cases, 31% of Other cases, 16% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (24%) and Hispanics (21%) were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups. Deferred judgments were initially granted in 9% of district court cases overall, and were most likely to be imposed in Property cases (13%) and least likely to be imposed in Drug cases (4%).

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court (46%). Drug cases were more likely than other offenses to receive a deferred judgment (49%) in juvenile court. Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were considerably less likely to receive a deferred judgment and Black/African Americans were 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 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here.¹⁵ Those sentenced near the end of 2018 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 19% of county court cases, 35% of district court cases, and 36% 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. For example, the Judicial Department reports that in 2018, 24% of adult state

¹⁵ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

probation terminations were the result of a revocation.¹⁶ The revocations presented here may not result in termination from probation supervision. In fact, in 2018, across county, adult district, and juvenile district courts, 48% of cases were reinstated, 45% were not reinstated, and for the remaining 7% 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, 17% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans were slightly more likely to be revoked compared to the overall revocation rate (19% compared to 17% overall). Black/African Americans were most 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 Violent offenses.

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

Race/ethnicity	Offense	No	Yes	%	N
Black/African Am		81%	19%	100%	1,138
	Drugs	75%	25%	100%	16
	Other	88%	12%	100%	352
	Property	84%	16%	100%	209
	Violent	75%	25%	100%	561
Hispanic*		83%	17%	100%	5,333
	Drugs	96%	4%	100%	119
	Other	88%	12%	100%	1,795
	Property	79%	21%	100%	965
	Violent	81%	19%	100%	2,454
Other		82%	18%	100%	562
	Drugs	82%	18%	100%	11
	Other	86%	14%	100%	198
	Property	84%	16%	100%	102
	Violent	78%	22%	100%	251
White		84%	16%	100%	11,432
	Drugs	83%	17%	100%	266
	Other	88%	12%	100%	3,566
	Property	82%	18%	100%	2,264
	Violent	82%	18%	100%	5,336
Total		83%	17%	100%	18,465

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

¹⁶ See *Judicial Branch Annual Statistical Report, Fiscal Year 2018*, Table 48, page 121.

Table 3-34 reflects county court revocations by gender. Overall, females in county court were slightly less likely to get revoked than males (15% compared to 17%, respectively). Compared with the other offense types, men with Violent cases were most likely to get revoked (20%).

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

Gender	Offense	No	Yes	%	N
Female		85%	15%	100%	5,530
	Drugs	84%	16%	100%	135
	Other	90%	10%	100%	1,577
	Property	82%	18%	100%	1,329
	Violent	84%	16%	100%	2,489
Male		83%	17%	100%	12,935
	Drugs	87%	13%	100%	277
	Other	87%	13%	100%	4,334
	Property	81%	19%	100%	2,211
	Violent	80%	20%	100%	6,113
Total		83%	17%	100%	18,465

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.

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (26%, Table 3-35) compared to county court (17%, Table 3-33) in 2018. Those in the Other race/ethnicity category were least likely to be revoked, at 19% compared to 26% for the other categories. Table 3-36 shows that women in adult district court were very slightly more likely than men to get revoked (27% compared to 25%). Men and women with Drug cases were considerably more likely, compared to those with other crime types, to get revoked.

Table 3-35. Revocations from Probation/Deferred in Adult District Court, by race/ethnicity and most serious conviction charge

Race/ethnicity	Offense	No	Yes	%	N
Black/African Am		74%	26%	100%	2,630
	Drugs	65%	35%	100%	732
	Other	81%	19%	100%	338
	Property	74%	26%	100%	842
	Violent	80%	20%	100%	718
Hispanic*		74%	26%	100%	7,157
	Drugs	68%	32%	100%	2,274
	Other	81%	19%	100%	1,071
	Property	72%	28%	100%	2,221
	Violent	83%	17%	100%	1,591
Other		81%	19%	100%	666
	Drugs	83%	17%	100%	192
	Other	85%	15%	100%	111
	Property	78%	22%	100%	217
	Violent	82%	18%	100%	146
White		74%	26%	100%	15,149
	Drugs	65%	35%	100%	5,391
	Other	82%	18%	100%	2,164
	Property	73%	27%	100%	4,473
	Violent	84%	16%	100%	3,121
Total		74%	26%	100%	25,602

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Gender	Offense	No	Yes	%	N
Female		73%	27%	100%	7,559
	Drugs	65%	35%	100%	2,979
	Other	80%	20%	100%	889
	Property	75%	25%	100%	2,646
	Violent	84%	16%	100%	1,045
Male		75%	25%	100%	18,043
	Drugs	67%	33%	100%	5,610
	Other	83%	17%	100%	2,795
	Property	72%	28%	100%	5,107
	Violent	83%	17%	100%	4,531
Total		74%	26%	100%	25,602

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, 18% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Hispanics were slightly more likely to get revoked (21% compared to 18% overall). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 17% compared to 19% for males.

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

Race/ethnicity	Offense	No	Yes	%	N
Black/African Am		83%	17%	100%	591
	Drugs	76%	24%	100%	25
	Other	82%	18%	100%	138
	Property	83%	17%	100%	216
	Violent	84%	16%	100%	212
Hispanic*		79%	21%	100%	1,527
	Drugs	75%	25%	100%	126
	Other	79%	21%	100%	302
	Property	75%	25%	100%	530
	Violent	83%	17%	100%	569
Other		85%	15%	100%	135
	Drugs	100%	0%	100%	6
	Other	90%	10%	100%	31
	Property	83%	17%	100%	52
	Violent	83%	17%	100%	46
White		83%	17%	100%	2,002
	Drugs	85%	15%	100%	241
	Other	86%	14%	100%	373
	Property	80%	20%	100%	714
	Violent	84%	16%	100%	674
Total		82%	18%	100%	4,255

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Gender	Offense	No	Yes	%	N
Female		83%	17%	100%	986
	Drugs	84%	16%	100%	119
	Other	82%	18%	100%	153
	Property	83%	17%	100%	358
	Violent	84%	16%	100%	356
Male		81%	19%	100%	3,269
	Drugs	81%	19%	100%	279
	Other	83%	17%	100%	691
	Property	77%	23%	100%	1,154
	Violent	84%	16%	100%	1,145
Total		82%	18%	100%	4,255

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 2018 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, 19% of county court cases, 35% of district court cases, and 36% 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 2018, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 17% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans with Drugs and Violent offenses were revoked at a rate of 25% compared to 17% overall. Females in county court were less likely to get revoked than males (15% compared to 17%, respectively).

In district court, 26% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Women in adult district court were slightly more likely than men to get revoked (27% compared to 25%).

In juvenile court, 18% of cases sentenced to probation/deferred judgment in 2018 were revoked. Hispanics were most likely to be revoked (21% compared to 18% overall). Females were revoked at a rate of 17% compared to 19% for males.

Court processing summary. In 2018, Black/African Americans represented 4% of the adult state population but accounted for 10% of court cases filed and 11% of adult district court filings. Hispanic adults represented 20% of the population and 30% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 5% of Black/African American juveniles in the population; Hispanic youth were 34% of the population and 35% of cases filed.

In county court, Black/African Americans 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, 24% of initial sentences for Black/African Americans 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, Black/African Americans were sentenced to prison in 31% of cases compared to 22% overall. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 26% 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 generally the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were revoked at a rate of 35% and 32%, respectively. In juvenile court, 18% of cases sentenced to probation/deferred judgment in 2018 were revoked; 21% of Hispanics were revoked.

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 2018. As shown in Table 4-1, women were involved in 13% of Parole Board application hearings. Table 4-2 depicts that nearly half (49%) of application hearings involved Whites, 15% involved Black/African Americans, 31% involved Hispanics, less than 1% involved Asian Americans, and 4% involved Native Americans.

*Table 4-1. Parole Board Application Hearings conducted, by gender, CY 2018**

Gender	%	N
Female	13%	2,588
Male	87%	16,937
Total	100%	19,525

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2018, including those tabled and those taken to the full Board.

*Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2018**

Race/ethnicity	%	N
Black/African American	15%	3,026
Asian American	1%	188
White	49%	9,583
Hispanic	31%	6,028
Native American	4%	700
Total	100%	19,525

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2018, including those tabled and those taken to the full Board.

Table 4-3 presents information about defer/release decisions made during discretionary application hearings. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 2018, 51% of inmates were deferred and 49% were released.

*Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2018**

	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Female	10%	575	17%	1,095	13%	1,670
Male	90%	5,471	83%	5,238	87%	10,709
Total	49%	6,046	51%	6,333	100%	12,379

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 application hearing outcomes by race/ethnicity categories. Black/African Americans and Hispanics were slightly more likely to be deferred and Whites were slightly more likely to be released.

*Table 4-4. Parole Board Application Hearings Decisions, by race/ethnicity CY 2018**

Race/ethnicity	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Black/African Am	16%	976	14%	889	15%	1,865
Asian American	1%	54	1%	72	1%	126
White	47%	2,826	51%	3,240	49%	6,066
Hispanic	32%	1,956	30%	1,914	31%	3,870
Native American	4%	234	3%	218	4%	452
Total	49%	6,046	51%	6,333	100%	12,379

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 19,525 parole application hearings in 2018. In terms of gender, 13% were women and 87% were men. Of those application hearings, 49% involved White inmates, while 15% were Black/African American, and 31% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 12,572 discretionary hearings in 2018, 49% of offenders were deferred and 51% were released.

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 findings¹⁷ to the following research questions (the results are summarized below):

1. Compared to Whites, are Black/African Americans (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 Black/African Americans (or Hispanics) more or less likely to receive a deferred judgment for convictions in district court?
3. Compared to Whites, are Black/African American juveniles (or Hispanic juveniles) more or less likely to receive a deferred judgment for convictions in juvenile court?
4. Compared to Whites, are Black/African American juveniles (or Hispanic juveniles) more or less likely to receive a sentence to the Division of Youth Services?

Results

1. *After controlling for the factors described below, Black/African Americans and Hispanics were more likely than Whites to receive a DOC sentence.*
2. *After controlling for the factors described below, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.*
3. *After controlling for the factors described below, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment in juvenile court.*
4. *After controlling for the factors described below, Black/African Americans were more likely than Whites to receive a sentence to the Division of Youth Services.*

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

¹⁷ Technical details of these statistical analyses are available from the Office of Research and Statistics, Division of Criminal Justice.

Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,
- Prior convictions for a specific violent crime,¹⁸
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.¹⁹

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.²⁰

For sentences to the Division of Youth Services, 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 crime²¹
- Whether the conviction was for a felony offense.

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

Logistic regression models produce odds ratios which, in this study, are the odds for Black/African Americans (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 Black/African Americans (or Hispanics). An odds ratio greater than 1 means that Black/African

¹⁸The 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.

¹⁹ See footnote above.

²⁰ See footnote 18.

²¹ See footnote 18.

Americans (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Black/African Americans (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)²² are reported below.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2018 were examined. As can be seen in Table 5-1, Black/African Americans 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 28% of cases. After controlling for the factors described above, Black/African Americans still had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.28, 95% CI 1.16 - 1.41). Hispanics also had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.28, 95% CI: 1.19- 1.37). This means that the odds of receiving a prison sentence for Black/African Americans were 1.28 times the odds for Whites of receiving a prison sentence. Similarly, the odds of receiving a prison sentence for Hispanics were 1.28 times the odds for Whites of receiving a prison sentence.

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

Race/ethnicity		Percent	Total
White		56%	13,811
	No	72%	9,935
	Yes	28%	3,876
Black/African Am		12%	2,940
	No	63%	1,855
	Yes	37%	1,085
Hispanic*		30%	7,355
	No	65%	4,759
	Yes	35%	2,596
Other		2%	553
	No	75%	415
	Yes	25%	138
Total		100%	24,659

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Deferred Sentences - Adults in District Court

Deferred sentences for all convictions in adult district court in 2018 were examined (Table 5-2). Black/African Americans received a deferred sentence in 8% of cases and Hispanics received a deferred sentence in 7% of cases. In comparison, Whites received a deferred sentence in 10% of cases. After controlling for other factors described above, Black/African Americans still had lower odds of receiving a deferred sentence than Whites (odds ratio: .81, 95% CI .71-.91).

²² A 95% confidence interval means that we can be 95% confident that the true odds ratio is within the specified interval.

Hispanics also had lower odds of receiving a deferred sentence than Whites (odds ratio: .81, 95% CI .74-.88).

Table 5-2. Deferred sentence for all convictions in Adult District Court by race/ethnicity

Race/ethnicity		Percent	Total
White		57%	23,257
	No	90%	21,054
	Yes	10%	2,203
Black/African Am		11%	4,457
	No	92%	4,095
	Yes	8%	362
Hispanic*		30%	12,131
	No	93%	11,225
	Yes	7%	906
Other		2%	927
	No	87%	809
	Yes	13%	118
Total		100%	40,772

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Deferred Sentences - Juvenile Court

Deferred sentences for all convictions in juvenile court in 2018 were examined (Table 5-3). Black/African Americans received a deferred sentence in 23% of cases and Hispanics received a deferred sentence in 34% of cases. In comparison, Whites received a deferred sentence in 43% of cases. After controlling for the sentencing factors described above, Black/African Americans still had a lower odds of receiving a deferred sentence than Whites (odds ratio: .50, 95% CI: .41 - .61). Hispanics also had a lower odds of receiving a deferred sentence than Whites (odds ratio: .72, 95% CI .62 - .83).

Table 5-3. Deferred sentence for all convictions in Juvenile Court by race/ethnicity

Race/ethnicity		Percent	Total
White		45%	2,317
	No	56%	1,308
	Yes	44%	1,009
Black/African Am		16%	807
	No	77%	621
	Yes	23%	186
Hispanic*		36%	1,821
	No	66%	1,194
	Yes	34%	627
Other		3%	154
	No	55%	84
	Yes	45%	70
Total		100%	5,099

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Division of Youth Services Sentences

Eight percent of White juveniles received a DYS sentence in 2018 compared to 19% of Black/African Americans and 11% of Hispanics (Table 5-4). After controlling for the sentencing factors described above, Black/African Americans still had a higher odds of receiving a DYS sentence than Whites (odds ratio: 1.45, 95% CI: 1.08– 1.95). Hispanics odds ratio was not significantly different from Whites.

Table 5-4. Division of Youth Services sentences for all convictions in Juvenile Court by race/ethnicity

Race/ethnicity		Percent	Total
White		45%	2,317
	No	92%	2,135
	Yes	8%	182
Black/African Am		16%	807
	No	81%	655
	Yes	19%	152
Hispanic*		36%	1,821
	No	89%	1,615
	Yes	11%	206
Other		3%	154
	No	93%	143
	Yes	7%	11
Total		100%	5,099

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Summary: Additional analyses. Because of the disparities in initial sentences for Black/African American 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), Black/African Americans and Hispanics were more likely than Whites to receive a DOC sentence. Additionally, Black/African Americans and Hispanics—adult and juveniles-- were still more likely not to receive a deferred judgment when compared to Whites. A deferred judgment is an opportunity to avoid a criminal record. Finally, controlling for the factors described above, compared to Whites, Black/African American youth were more likely to receive a sentence to the Division of Youth Services. It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences for Black/African American 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

Appendix C

Statistical Model for Classifying Hispanic Ethnicity

Court records in the Judicial Branch's ICON system do not distinguish between race and ethnicity. As a result, the Hispanic category underrepresents the true proportion of Hispanics in the court data system. In addition, the White category is overrepresented because Hispanics are most often coded as White. Finally, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data.

To address this problem of unreliable race/ethnicity information in the source data, an estimate of Hispanic ethnicity was developed using C50, a decision tree-based methodology that identifies important variables and generates rules to partition individuals into those having the characteristic of interest and those who do not.

Building a statistical model to predict Hispanic ethnicity requires a data set with the true outcome (Hispanic ethnicity) already known so that the performance of the model can be measured. Since the ICON data do not have Hispanic ethnicity consistently recorded, another criminal justice data source was needed. Data from the Department of Corrections were used to build the prediction model because it contained self-reported ethnicity for offenders. These records were matched by name, date of birth (DOB), and SID (State Identification number) to court records to construct the variables numbered 3 and 4 below.

The variables provided to the model included:

1. Hispanic ethnicity of the person's last name using the Census Bureau's Hispanic names list
2. Gender
3. Proportion of court cases in which the person is labeled Hispanic
4. Proportion of court cases in which the person is labeled Native American

The sample was split into 2/3 for development of the model and 1/3 for validation of the results. C50 selected Hispanic Name, the proportion of Hispanic cases in an individual's history, and the proportion of Native American cases in an individual's history for use in the final prediction model.

The development model achieved an AUC (Area Under the Curve) of .95 and the validation AUC was also .95.²³ The validation AUC for females was slightly lower at .91. Females often change their last name at marriage and the Hispanic name indicator was the most important variable in the model. The overall predictive accuracy was 94% for both development and validation data sets.

As an additional check, the 2018 cohort of those receiving a DOC sentence and predicted to be Hispanic was compared to the development dataset's proportion of Hispanics in DOC. In the

²³ AUC is a measure of discrimination between the event of interest and the non-event, ranging from 0-1; 1 means the prediction model perfectly discriminates between the event of interest and the non-event.

ICON data, 35% were predicted to be Hispanic, and this compared to 32% Hispanic in the DOC data. Because persons can have more than one court case at a time in ICON, the higher percentage predicted in ICON was determined acceptable.

For more information about the technical details of the methodology, contact the Office of Research and Statistics.