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

Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

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

October 2020

Colorado Department of Public Safety

Division of Criminal Justice

Office of Research and Statistics

700 Kipling St., Denver, Colorado 80215

ors.colorado.gov

The corresponding web-based interactive data dashboard is located here:
https://ors.colorado.gov/ors-sb185

COLORADO
Division of Criminal Justice
Department of Public Safety

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Community Law Enforcement Action Reporting Act

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Resources for addressing racial disparity in the justice system

This excellent report by The Sentencing Project provides a comprehensive discussion of issues related to racial disparity and includes recommendations for each segment of the criminal justice system. *https://www.sentencingproject.org/wp-content/uploads/2016/01/Reducing-Racial-Disparity-in-the-Criminal-Justice-System-A-Manual-for-Practitioners-and-Policymakers.pdf*

From the National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (2013), Chapter 8, Reducing Racial/Ethnic Disparities. *https://www.nap.edu/read/14685/chapter/10#238*

The W. Haywood Burns Institute is a national think tank and technical assistance provider, working to eliminate racial and ethnic disparities. The Institute works by facilitating collaboration between system stakeholders and community members as they apply a racial equity lens to data-driven justice reform efforts. *https://www.burnsinstitute.org/wp-content/uploads/2020/06/Stages-of-Structural-Racism-Awareness-.pdf*

With 55 indicators, prosecutorial performance indicators (PPIs) measure performance toward three goals: Capacity & Efficiency, Community Safety & Well-being, and Fairness & Justice. This website presents the indicators, guides, training materials, and sample data from partner offices to illustrate how the PPIs work in diverse jurisdictions. *https://prosecutorialperformanceindicators.org/#indicators* and *https://ppibuild.wpengine.com/wp-content/uploads/2020/09/PPI-Brochure-Inside-Sept-2020.pdf*

This article presents a framework for understanding the sources of racial disparity in the criminal justice system and suggests actions that defense attorneys can take to address the problem. *https://www.nacdl.org/Article/June2018-HowDefenseAttorneysCanEliminat*

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 2019.

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://ors.colorado.gov/ors-sb185*

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

The state Demographer's Office estimated that, in 2019, the Colorado population of those ages 10 and above was 5,092,532. The adult population (n=4,501,373) was comprised as follows:

- White 72%;
- Black 4%;
- Hispanic 19%; and
- Other 5%.

The juvenile population in 2019 (n=591,158) was comprised as follows:

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

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

[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.

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 2019 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 data.[3] 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. In 2019, law enforcement made/issued over 209,000 arrests/summonses. Blacks represented 4% of the state population in 2019 but accounted for 12% of arrests/summonses. Hispanics represented 20% of the population and 29% of arrests/summonses. Whites represented 71% of the state population and 57% of arrests while those in the Other race/ethnicity category represented 5% of the population and 2% of arrests.

Court filings. This study of nearly 116,000 case filings in county, district, and juvenile courts combined found that while Blacks represented 4% of the state population and 12% of the arrests/summonses in 2019, they accounted for 11% of district court filings. In juvenile court, Blacks represented 17% of cases, compared to 5% Black of juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2019. The race/ethnicity distribution across the four crime categories was relatively consistent. Only 1% of cases completed a trial in 2019. 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, in 2019, 25% of cases in county court were dismissed, as were 11% of cases in district court and 17% of cases in juvenile court. One-fourth (25%) of county court cases were convicted as charged compared to 15% in district court and 28% in juvenile court.

Note, however, that a large proportion of cases remained unresolved: 32% of county court cases, 40% of district court cases and 37% 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.

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 2019, 20% of county court cases, 35% of district court cases, and 38% 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.

In county court in 2019 (n=31,494), Blacks and Hispanics, across crime types, were less likely than Whites to receive a deferred judgment, and more likely to receive a jail sentence. For example, for Violent cases, 26% of both Blacks and Hispanics received a deferred judgment compared to 31% of Whites, and 24% of Blacks and 23% of Hispanics received a jail sentence compared to 20% of Whites.

In district court (n=41,918), across crime types, 22% of Blacks and 20% of Hispanics were sentenced to the Department of Corrections compared to 17% of Whites. For Violent cases, 9% of Blacks and 11% of Hispanics received a deferred judgment compared to 15% of Whites, while 27% of Blacks, 23% of Hispanics and 18% of Whites received a prison sentence.

In juvenile court (n=4,703), across crime types, Blacks (22%) and Hispanics (32%) were considerably less likely compared to Whites (39%) to receive a deferred judgment. Blacks (15%) were considerably more likely to receive an initial sentence to the Division of Youth Services compared to Whites (8%). This pattern persisted for Violent cases: While 39% of White youth received a deferred judgment, this occurred for only 22% of Black youth and 34% of Hispanics. Eight percent (8%) of Whites were sentenced to the Division of Youth Services for a Violent charge compared to 18% of Blacks and 11% of Hispanics.

Revocations. Cases sentenced in 2019 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, 20% of county court cases, 35% of district court cases, and 38% 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 2019, across all court types and for those with a probation or a deferred judgment sentence, 50% of cases with a revocation were reinstated, 44% were not reinstated, and for the remaining 6% the outcome was unclear.

Overall, 10% of county court cases receiving an initial sentence to probation/deferred judgment in 2019 were revoked. This revocation rate was generally consistent across race/ethnicity. Women in county court were revoked at a rate of 8% compared to 11% for men.

Revocations from probation/deferred judgments occurred more frequently in district court (16%) compared to county court (10%) in 2019. In district court, Blacks and Hispanics were revoked at a rate of 16% compared to 17% for Whites. Across race/ethnicity, individuals with Drug charges were most likely to be revoked.

In juvenile court, 11% of cases sentenced to probation/deferred judgment in 2019 were revoked. Blacks were slightly less likely to be revoked, at 9% while Whites were slightly more likely to get revoked (12% compared to 11% overall).

Parole Board. The Parole Board conducted 19,765 parole application hearings in 2019. In terms of gender, 14% were women and 86% were men. Of those application hearings, 48% involved White individuals, while 15% were Black, and 32% 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 12,310 discretionary hearings in 2019, 46% of offenders were deferred and 54% were released. Blacks represented 15% of hearings and 12% of discretionary releases; Whites represented 48% of hearings and 50% of discretionary releases.

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, Blacks and Hispanics in district court were more likely than Whites to receive a DOC sentence. Additionally, after controlling for the additional factors, Blacks and Hispanics in district court were less likely than Whites to receive a deferred judgment.

In juvenile court, after controlling for the additional factors, Black and Hispanic youth were less likely than Whites to receive a deferred judgment, and 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 and Hispanic defendants.

Overall summary. In 2019, Blacks represented 4% of the adult state population but accounted for 12% of arrests/summonses, and 11% of adult district court filings. Hispanics represented 19% of the adult population, 29% of arrests/summonses, and 30% of district court filings.

In juvenile court, Blacks represented 17% of cases, compared to 5% of Black juveniles in the population; Hispanic youth were 31% of the population and 36% of cases filed.

[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.

Across county, district and juvenile court, Blacks and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail (in county court) and the Department of Corrections (in district court) or the Division of Youth Services (in juvenile court). These discrepancies were even more pronounced in district and juvenile court when the offense fell into the Violent category.

Because of these discrepancies, additional multivariate analyses were undertaken to control for factors that might affect the sentencing decision. These analyses accounted for concurrent cases, prior cases, prior and current violent cases. Taking this information into account, the analysis found that adult Blacks and Hispanics were still more likely compared to Whites to receive a sentence to the Department of Corrections and, for juveniles, to the Division of Youth Services, and less likely to receive a deferred judgment.

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 2019, 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://ors.colorado.gov/ors-sb185*

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

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 2019 Hispanics represented 20% of the Colorado population, but only 5% 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 were 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 2019 for residents ages 10 and over was 5,092,532 and was comprised as follows:

Table 1-1. Colorado race/ethnicity estimates for those ages 10 and above, 2019

Age Group		Percent	Total
Adult		**88%**	**4,501,373**
	Black	4%	196,354
	Hispanic	19%	854,792
	Other	5%	203,442
	White	72%	3,246,785
Juvenile		**12%**	**591,158**
	Black	5%	32,131
	Hispanic	31%	185,010
	Other	5%	27,659
	White	59%	346,359
Total		**100%**	**5,092,532**

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

Males made up approximately half 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, 2019 and December 31, 2019 were 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). Over 209,000 NIBRS incidents were analyzed for calendar year 2019 (Table 1-2).

Table 1-2. Arrests by type, 2019

Arrest Type	Percent	Total
Custody/warrant	32%	66,230
On-view/probable cause	36%	74,427
Summons	33%	68,739
Total	**100%**	**209,396**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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, 2019

Court	Percent	Total
Adult District	46%	52,792
County	48%	55,696
Juvenile	6%	7,476
Total	**100%**	**115,964**

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 nearly 116,000 ***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 categories[10] 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 2019 may not have had time to revoke.

Finally, 241 cases in the charges data and 95 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 2019.

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 2019 20% of county court cases, 35% of district court cases, and 38% 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://ors.colorado.gov/ors-sb185*, 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/summonses captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2019.

Table 2-1. Arrests/summons by offense, 2019

Offense	Percent	Total
Drugs	10%	20,619
Other	63%	131,051
Property	15%	30,908
Violent	13%	26,818
Total	**100%**	**209,396**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Table 2-2 reflects over 209,000 arrests/summonses captured in NIBRS for calendar year 2019, by race/ethnicity. Blacks represented 4% of the state population in 2019, but accounted for 12% of arrests/summonses. Hispanics represented 20% of the state population and accounted for 29% of arrests. The Other race/ethnicity category represented 5% of the state population, and was underrepresented in arrests (2%), along with Whites, who represented 71% of the state population and 57% of arrests/summonses.

Table 2-2. Arrests/summons by race/ethnicity, 2019

Race/ethnicity	Percent	Total
Black	12%	25,604
Hispanic*	29%	59,848
Other	2%	4,285
White	57%	119,659
Total	**100%**	**209,396**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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Table 2-3 shows that juveniles accounted for 5% of on view/probable cause arrests, and that 30% of those arrests were for violent crimes, a proportion higher than adults (21%). Juveniles accounted for 7% 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	Percent	Total
Adult		**95%**	**70,760**
	Drugs	16%	11,279
	Other	49%	34,618
	Property	14%	9,990
	Violent	21%	14,873
Juvenile		**5%**	**3,667**
	Drugs	8%	295
	Other	40%	1,480
	Property	22%	805
	Violent	30%	1,087
Total		**100%**	**74,427**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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

Age Group	Offense	Percent	Total
Adult		**93%**	**61,324**
	Drugs	5%	3,148
	Other	78%	47,876
	Property	7%	4,566
	Violent	9%	5,734
Juvenile		**7%**	**4,906**
	Drugs	2%	93
	Other	85%	4,148
	Property	6%	285
	Violent	8%	380
Total		**100%**	**66,230**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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

Age Group	Offense	Percent	Total
Adult		**83%**	**56,795**
	Drugs	6%	3,582
	Other	65%	36,896
	Property	23%	13,041
	Violent	6%	3,276
Juvenile		**17%**	**11,944**
	Drugs	19%	2,222
	Other	51%	6,033
	Property	19%	2,221
	Violent	12%	1,468
Total		**100%**	**68,739**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

The following six tables show type of arrest/summons by offense type, disaggregated by race/ethnicity for adults and juveniles. First, Table 2-6 shows that 16% of adult probable cause arrests were for Drug related offenses, 49% were for Other offenses, 14% for Property offenses, and 21% for Violent offenses. While Black adults made up 4% of the state population, Table 2-6

shows that they were arrested at three to 4.5 times that rate for probable cause arrests in 2019: Blacks were charged with 13% of Drug arrests, 11% of arrests for Other offenses, 14% of Property arrests, and 18% of Violent arrests.

Table 2-7 shows this information for juvenile on-view/probable cause arrests. Black juveniles represented 5% of the population and 25% of on-view/probable cause arrests for Violent offenses.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-8 (adults) and Table 2-9 (juveniles). For adults, 78% of these arrests involved an offense that fell into the Other offense category. While only 9% of these types of arrests for adults involved a Violent offense, Blacks made up 17% of Violent crime arrests and Hispanics made up 29%, which was greater than the proportion of adult Blacks and Hispanics in the state population (4% and 19%, respectively).

Information on juveniles taken into custody on an outstanding warrant is in Table 2-9. The majority (85%) of these arrests fell into the Other offense category, but 8% of these arrests were for Violent crimes. Among juveniles arrested on an outstanding warrant for a Violent offense, 24% were Black although Blacks represented only 5% of the juvenile population in 2019. While Drug offenses made up only 2% of these types of juvenile arrests, 54% of the Drug arrests were Hispanic juveniles although they made up 31% of the juvenile population.

Table 2-10 shows summonses issued to adults in 2019 by crime category and race/ethnicity. The race/ethnicity distribution is fairly consistent across crime categories, and Blacks were again more likely to receive a summons; 13% of Violent offense summonses went to Blacks although they represented 4% of the adult population.

Table 2-11 reflects summonses issued to juveniles in 2019. In the Violent offense category, Black juveniles received 19% and Hispanic youth received 38% of these summonses, although they comprised 5% and 31% of the juvenile population, respectively.

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

Offense	Race/ethnicity	Percent	Total
Drugs		**16%**	**11,279**
	Black	13%	1,434
	Hispanic*	28%	3,182
	Other	1%	118
	White	58%	6,545
Other		**49%**	**34,618**
	Black	11%	3,887
	Hispanic*	30%	10,235
	Other	2%	631
	White	57%	19,865
Property		**14%**	**9,990**
	Black	14%	1,383
	Hispanic*	29%	2,929
	Other	2%	150
	White	55%	5,528
Violent		**21%**	**14,873**
	Black	18%	2,708
	Hispanic*	29%	4,250
	Other	2%	342
	White	51%	7,573
Total		**100%**	**70,760**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Table 2-7. Arrest type On-View/Probable Cause for Juveniles, by offense and race/ethnicity

Offense	Race/ethnicity	Percent	Total
Drugs		**8%**	**295**
	Black	11%	31
	Hispanic*	38%	112
	Other	3%	8
	White	49%	144
Other		**40%**	**1,480**
	Black	19%	283
	Hispanic*	36%	527
	Other	3%	40
	White	43%	630
Property		**22%**	**805**
	Black	20%	157
	Hispanic*	44%	355
	Other	1%	9
	White	35%	284
Violent		**30%**	**1,087**
	Black	25%	268
	Hispanic*	36%	389
	Other	2%	21
	White	38%	409
Total		**100%**	**3,667**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Table 2-8. Arrest type Custody/Warrant for Adults, by offense and race/ethnicity

Offense	Race/ethnicity	Percent	Total
Drugs		**5%**	**3,148**
	Black	6%	180
	Hispanic*	30%	957
	Other	1%	40
	White	63%	1,971
Other		**78%**	**47,876**
	Black	10%	4,911
	Hispanic*	30%	14,374
	Other	3%	1,235
	White	57%	27,356
Property		**7%**	**4,566**
	Black	11%	497
	Hispanic*	29%	1,307
	Other	2%	99
	White	58%	2,663
Violent		**9%**	**5,734**
	Black	17%	969
	Hispanic*	29%	1,677
	Other	2%	139
	White	51%	2,949
Total		**100%**	**61,324**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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Table 2-9. Arrest type Custody/Warrant for Juveniles, by offense and race/ethnicity

Offense	Race/ethnicity	Percent	Total
Drugs		**2%**	**93**
	Black	3%	3
	Hispanic*	54%	50
	White	43%	40
Other		**85%**	**4,148**
	Black	27%	1,107
	Hispanic*	38%	1,590
	Other	3%	115
	White	32%	1,336
Property		**6%**	**285**
	Black	22%	63
	Hispanic*	40%	114
	Other	<1%	1
	White	38%	107
Violent		**8%**	**380**
	Black	24%	91
	Hispanic*	36%	135
	Other	1%	5
	White	39%	149
Total		**100%**	**4,906**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Table 2-10. Arrest type Summons for Adults, by offense and race/ethnicity

Offense	Race/ethnicity	Percent	Total
Drugs		**6%**	**3,582**
	Black	11%	404
	Hispanic*	23%	837
	Other	1%	32
	White	64%	2,309
Other		**65%**	**36,896**
	Black	11%	3,940
	Hispanic*	23%	8,390
	Other	2%	862
	White	64%	23,704
Property		**23%**	**13,041**
	Black	10%	1,367
	Hispanic*	26%	3,374
	Other	2%	223
	White	62%	8,077
Violent		**6%**	**3,276**
	Black	13%	440
	Hispanic*	25%	829
	Other	2%	59
	White	59%	1,948
Total		**100%**	**56,795**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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Table 2-11. Arrest type Summons for Juveniles, by offense and race/ethnicity

Offense	Race/ethnicity	Percent	Total
Drugs		**19%**	**2,222**
	Black	6%	141
	Hispanic*	37%	814
	Other	1%	25
	White	56%	1,242
Other		**51%**	**6,033**
	Black	12%	694
	Hispanic*	36%	2,166
	Other	1%	70
	White	51%	3,103
Property		**19%**	**2,221**
	Black	16%	361
	Hispanic*	31%	690
	Other	2%	39
	White	51%	1,131
Violent		**12%**	**1,468**
	Black	19%	285
	Hispanic*	38%	565
	Other	1%	22
	White	41%	596
Total		**100%**	**11,944**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

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 22-32% of arrests and 30-44% of summonses (depending on the crime category) and men comprised the remainder.

Table 2-12. Arrest type On-View/Probable Cause, by offense and gender

Offense	Gender	Percent	Total
Drugs		**16%**	**11,574**
	Female	28%	3,195
	Male	72%	8,379
Other		**49%**	**36,098**
	Female	24%	8,664
	Male	76%	27,434
Property		**15%**	**10,795**
	Female	29%	3,184
	Male	71%	7,611
Violent		**21%**	**15,960**
	Female	25%	3,980
	Male	75%	11,980
Total		**100%**	**74,427**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Table 2-13. Arrest type Custody/Warrant, by offense and gender

Offense	Gender	Percent	Total
Drugs		**5%**	**3,241**
	Female	31%	1,008
	Male	69%	2,233
Other		**79%**	**52,024**
	Female	28%	14,805
	Male	72%	37,219
Property		**7%**	**4,851**
	Female	32%	1,575
	Male	68%	3,276
Violent		**9%**	**6,114**
	Female	22%	1,354
	Male	78%	4,760
Total		**100%**	**66,230**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Table 2-14. Arrest type Summons, by offense and gender

Offense	Gender	Percent	Total
Drugs		**8%**	**5,804**
	Female	31%	1,778
	Male	69%	4,026
Other		**62%**	**42,929**
	Female	30%	12,948
	Male	70%	29,981
Property		**22%**	**15,262**
	Female	44%	6,786
	Male	56%	8,476
Violent		**7%**	**4,744**
	Female	34%	1,594
	Male	66%	3,150
Total		**100%**	**68,739**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/01/2020.

Summary: Law enforcement data. In 2019, law enforcement made/issued over 209,000 arrests/summonses. Blacks represented 4% of the state population in 2019 but accounted for 12% of arrests/summonses. Hispanics represented 20% of the population and 29% 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.

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 2019 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://ors.colorado.gov/ors-sb185*. 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, 241 cases in the charges data and 95 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 115,964 case filings in county, adult district, and juvenile courts combined for calendar year 2019. While Blacks represented 4% of the state population and 12% of the arrests/summonses in 2019, they accounted for 10% of overall court filings. Hispanics represented 20% of the population, 29% of arrests/summonses, and 30% of overall 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 2019, 20% of county court cases, 35% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

Table 3-1. Overall filings by race/ethnicity, 2019

Race/ethnicity	Percent	Total
Black	10%	11,728
Hispanic*	30%	34,740
Other	3%	3,412
White	57%	66,084
Total	**100%**	**115,964**

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 15% of cases, and Violent charges comprised the largest category at 35% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

Table 3-2. Most serious filing charge by race/ethnicity, 2019

Offense	Race/ethnicity	Percent	Total
Drugs		**15%**	**17,834**
	Black	9%	1,667
	Hispanic*	29%	5,253
	Other	2%	419
	White	59%	10,495
Other		**24%**	**27,509**
	Black	9%	2,556
	Hispanic*	32%	8,686
	Other	3%	820
	White	56%	15,447
Property		**26%**	**29,827**
	Black	10%	2,927
	Hispanic*	29%	8,727
	Other	3%	798
	White	58%	17,375
Violent		**35%**	**40,794**
	Black	11%	4,578
	Hispanic*	30%	12,074
	Other	3%	1,375
	White	56%	22,767
Total		**100%**	**115,964**

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 25%, respectively) and Drug crimes (17% compared to 15%, respectively) and slightly less to be involved in Violent offenses (33% compared to 36%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	Percent	Total
Female		**26%**	**30,158**
	Drugs	17%	5,166
	Other	21%	6,326
	Property	29%	8,746
	Violent	33%	9,920
Male		**74%**	**85,806**
	Drugs	15%	12,668
	Other	25%	21,183
	Property	25%	21,081
	Violent	36%	30,874
Total		**100%**	**115,964**

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 court[14] had the most cases in 2019, with 48% of the total. Blacks represented 8% of county court cases filed compared to 11% in adult district court and 17% in juvenile court. Hispanics represented 29% of county court filings, 30% of district court filings, and 36% of juvenile court filings in 2019.

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

Court	Race/ethnicity	Percent	Total
Adult District		**46%**	**52,792**
	Black	11%	5,954
	Hispanic*	30%	15,996
	Other	3%	1,415
	White	56%	29,427
County		**48%**	**55,696**
	Black	8%	4,528
	Hispanic*	29%	16,056
	Other	3%	1,712
	White	60%	33,400
Juvenile		**6%**	**7,476**
	Black	17%	1,246
	Hispanic*	36%	2,688
	Other	4%	285
	White	44%	3,257
Total		**100%**	**115,964**

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 (47%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (31%) 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 (28%) compared to adult district court (24%) and juvenile court (22%).

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

Court	Offense	Percent	Total
Adult District		**46%**	**52,792**
	Drugs	27%	14,021
	Other	21%	11,025
	Property	31%	16,183
	Violent	22%	11,563
County		**48%**	**55,696**
	Drugs	6%	3,279
	Other	27%	15,083
	Property	20%	11,061
	Violent	47%	26,273
Juvenile		**6%**	**7,476**
	Drugs	7%	534
	Other	19%	1,401
	Property	35%	2,583
	Violent	40%	2,958
Total		**100%**	**115,964**

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	Percent	Total
Adult District		**46%**	**52,792**
	Female	24%	12,823
	Male	76%	39,969
County		**48%**	**55,696**
	Female	28%	15,670
	Male	72%	40,026
Juvenile		**6%**	**7,476**
	Female	22%	1,665
	Male	78%	5,811
Total		**100%**	**115,964**

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	Percent	Total
Adult District		**46%**	**52,792**
	No	100%	52,591
	Yes	<1%	201
County		**48%**	**55,696**
	No	100%	55,427
	Yes	<1%	269
Juvenile		**6%**	**7,476**
	No	99%	7,430
	Yes	1%	46
Total		**100%**	**115,964**

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	Percent	Total
Drugs		**15%**	**17,834**
	No	100%	17,814
	Yes	<1%	20
Other		**24%**	**27,509**
	No	100%	27,390
	Yes	<1%	119
Property		**26%**	**29,827**
	No	100%	29,758
	Yes	<1%	69
Violent		**35%**	**40,794**
	No	99%	40,486
	Yes	1%	308
Total		**100%**	**115,964**

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 nearly 116,000 case filings in county, district, and juvenile courts combined found that while Blacks represented 4% of the state population and 12% of the arrests/summonses in 2019, they accounted for 11% of district court filings. In juvenile court, Blacks represented 17% of cases, compared to 5% Black of juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2019. 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 2019. 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 2019. 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 25% of cases, charges were dismissed in county court in 2019 (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 25% of cases were convicted as charged, and nearly one-fifth (18%) were convicted of another crime. In adult district court (Table 3-10), 34% were convicted of another crime and 15% were convicted as charged. In juvenile court (Table 3-11), 17% were convicted of another offense and 28% were convicted as charged.

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

Race/ ethnicity		Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Percent	Total
Black		**20%**	**15%**	**25%**	**39%**	**100%**	**4,528**
	Drugs	22%	9%	32%	36%	100%	201
	Other	21%	17%	17%	45%	100%	1,193
	Property	18%	18%	22%	42%	100%	851
	Violent	20%	14%	30%	36%	100%	2,283
Hispanic*		**25%**	**19%**	**23%**	**34%**	**100%**	**16,056**
	Drugs	33%	15%	27%	25%	100%	875
	Other	26%	23%	16%	35%	100%	4,826
	Property	25%	20%	22%	33%	100%	2,887
	Violent	23%	16%	26%	35%	100%	7,468
Other		**23%**	**15%**	**31%**	**32%**	**100%**	**1,712**
	Drugs	37%	13%	33%	16%	100%	75
	Other	21%	15%	31%	33%	100%	442
	Property	26%	14%	23%	37%	100%	310
	Violent	22%	15%	33%	31%	100%	885
White		**26%**	**18%**	**27%**	**30%**	**100%**	**33,400**
	Drugs	34%	11%	31%	23%	100%	2,128
	Other	26%	22%	21%	30%	100%	8,622
	Property	25%	18%	25%	32%	100%	7,013
	Violent	24%	16%	30%	30%	100%	15,637
Total		**25%**	**18%**	**25%**	**32%**	**100%**	**55,696**

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. Adult District Court outcomes by race/ethnicity and most serious filing charge

Race/ ethnicity		Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Percent	Total
Black		**14%**	**31%**	**11%**	**44%**	**100%**	**5,954**
	Drugs	11%	42%	9%	38%	100%	1,431
	Other	15%	27%	20%	38%	100%	1,129
	Property	16%	30%	9%	46%	100%	1,634
	Violent	13%	25%	10%	51%	100%	1,760
Hispanic*		**14%**	**35%**	**9%**	**42%**	**100%**	**15,996**
	Drugs	10%	43%	9%	38%	100%	4,187
	Other	17%	29%	13%	41%	100%	3,332
	Property	14%	37%	8%	41%	100%	4,924
	Violent	14%	27%	9%	49%	100%	3,553
Other		**17%**	**30%**	**13%**	**40%**	**100%**	**1,415**
	Drugs	13%	34%	7%	46%	100%	330
	Other	14%	22%	27%	38%	100%	328
	Property	22%	30%	10%	38%	100%	400
	Violent	17%	34%	11%	38%	100%	357
White		**16%**	**34%**	**11%**	**38%**	**100%**	**29,427**
	Drugs	13%	44%	9%	34%	100%	8,073
	Other	18%	27%	18%	37%	100%	6,236
	Property	19%	34%	9%	39%	100%	9,225
	Violent	16%	30%	9%	46%	100%	5,893
Total		**15%**	**34%**	**11%**	**40%**	**100%**	**52,792**

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. Juvenile Court outcomes by race/ethnicity and most serious filing charge

Race/ ethnicity		Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Percent	Total
Black		**23%**	**14%**	**17%**	**46%**	**100%**	**1,246**
	Drugs	11%	31%	23%	34%	100%	35
	Other	29%	9%	19%	44%	100%	234
	Property	24%	11%	18%	46%	100%	442
	Violent	20%	18%	14%	48%	100%	535
Hispanic*		**27%**	**18%**	**16%**	**39%**	**100%**	**2,688**
	Drugs	28%	21%	24%	27%	100%	191
	Other	35%	15%	15%	36%	100%	528
	Property	27%	20%	17%	37%	100%	916
	Violent	25%	17%	14%	44%	100%	1,053
Other		**28%**	**12%**	**21%**	**39%**	**100%**	**285**
	Drugs	36%	14%	21%	29%	100%	14
	Other	40%	10%	18%	32%	100%	50
	Property	24%	7%	20%	49%	100%	88
	Violent	25%	17%	23%	35%	100%	133
White		**32%**	**17%**	**19%**	**33%**	**100%**	**3,257**
	Drugs	39%	15%	20%	25%	100%	294
	Other	34%	16%	20%	31%	100%	589
	Property	31%	19%	20%	29%	100%	1,137
	Violent	29%	16%	16%	39%	100%	1,237
Total		**28%**	**17%**	**17%**	**37%**	**100%**	**7,476**

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, 25% of cases in county court were dismissed, as were 11% of cases in district court and 17% of cases in juvenile court. One-fourth (25%) of county court cases were convicted as charged compared to 15% in district court and 28% in juvenile court.

Note, however, that a large proportion of cases remained unresolved: 32% of county court cases, 40% of district court cases and 37% of juvenile court cases.

Initial Sentences

The tables below show cases sentenced between Jan 1, 2019 and Dec 31, 2019, 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 2019, 20% of county court cases, 35% of district court cases, and 38% 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 2019. Although community service was used in only 4% of cases overall, 20% of Drug cases received a sentence of community service. Likewise, fines/fees were issued in 14% of cases overall but this was the sentence for 43% of Drug cases in county court.

Table 3-12. Initial sentence in County Court, by most serious conviction charge (n=31,494)

Sentence	Drugs	Other	Property	Violent
(N)	1,743	11,343	6,738	11,670
Community Corrections	0%	0%	0%	<1%
Community Service	20%	6%	3%	1%
Deferred	12%	16%	23%	29%
Fines/fees	43%	18%	17%	5%
Jail	18%	26%	31%	21%
Juvenile Detention	0%	<1%	0%	0%
Probation/Intensive Supervision	5%	29%	16%	39%
Unsupervised Probation	2%	6%	11%	5%
Total	**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.

Table 3-13 reflects initial county court sentences by gender. Women were more likely than men to receive a deferred judgment in county court 31% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 18% 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=31,494)

Sentence	Female	Male
(N)	8,512	22,982
Community Corrections	0%	<1%
Community Service	5%	4%
Deferred	31%	19%
Fines/fees	15%	14%
Jail	18%	27%
Juvenile Detention	0%	<1%
Probation/Intensive Supervision	24%	30%
Unsupervised Probation	7%	6%
Total	**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. Blacks (at 20%) and Hispanics (at 18%) were less likely to receive a deferred judgment compared to Whites (24%), and were more likely to receive a jail sentence: 29% of jail sentences went to Blacks, 27% went to Hispanics, and 24% went to Whites.

Table 3-14. Initial sentence in County Court by race/ethnicity (n=31,494)

Sentence	Black	Hispanic*	Other	White
(N)	2,299	9,375	861	18,959
Community Corrections	0%	0%	<1%	0%
Community Service	4%	5%	3%	4%
Deferred	20%	18%	32%	24%
Fines/fees	14%	14%	12%	14%
Jail	29%	27%	20%	24%
Juvenile Detention	<1%	0%	0%	0%
Probation/Intensive Supervision	28%	30%	26%	28%
Unsupervised Probation	6%	6%	7%	6%
Total	**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. Nine percent (9%) of Blacks charged with a Drug offense received a deferred judgment compared to 13% of Whites. Additionally, 23% of Blacks received a jail sentence compared to 18% of Whites.

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity (n=1,743)

Sentence	Black	Hispanic*	Other	White
(N)	80	496	37	1,130
Community Service	16%	20%	14%	20%
Deferred	9%	10%	27%	13%
Fines/fees	49%	45%	38%	42%
Jail	23%	19%	16%	18%
Probation/Intensive Supervision	4%	4%	5%	5%
Unsupervised Probation	0%	2%	0%	2%
Total	**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, Blacks (31%) and Hispanics (29%) were more likely to receive a jail sentence compared to Whites (24%). Blacks (14%) and Hispanics (12%) were much less likely to receive a deferred judgment compared to Whites (19%).

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity (n=11,343)

Sentence	Black	Hispanic*	Other	White
(N)	845	3,732	301	6,465
Community Service	8%	7%	5%	5%
Deferred	14%	12%	25%	19%
Fines/fees	15%	17%	15%	18%
Jail	31%	29%	22%	24%
Juvenile Detention	<1%	0%	0%	0%
Probation/Intensive Supervision	26%	30%	27%	28%
Unsupervised Probation	5%	5%	6%	6%
Total	**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 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types, Blacks were more likely to receive jail sentences and less likely to receive a deferred judgment compared to Whites.

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity (n=6,738)

Sentence	Black	Hispanic*	Other	White
(N)	470	1,825	171	4,272
Community Service	2%	4%	1%	3%
Deferred	20%	21%	29%	24%
Fines/fees	17%	14%	18%	18%
Jail	35%	31%	22%	31%
Probation/Intensive Supervision	17%	18%	16%	14%
Unsupervised Probation	8%	13%	14%	10%
Total	**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 (n=11,670)

Sentence	Black	Hispanic*	Other	White
(N)	904	3,322	352	7,092
Community Corrections	0%	0%	<1%	0%
Community Service	<1%	1%	<1%	1%
Deferred	26%	26%	40%	31%
Fines/fees	8%	4%	3%	5%
Jail	24%	23%	19%	20%
Probation/Intensive Supervision	37%	42%	33%	39%
Unsupervised Probation	5%	5%	4%	5%
Total	**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 2019. Probation was the most frequently occurring initial sentence, happening almost two-thirds (64%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 30% of Other cases, 16% of Property cases, and 21% 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 (n=41,918)

Sentence	Drugs	Other	Property	Violent
(N)	12,240	8,114	12,333	9,231
Community Corrections	5%	8%	8%	4%
Community Service	1%	<1%	<1%	<1%
Deferred	4%	5%	12%	13%
Dept of Corrections	11%	30%	16%	21%
Division of Youth Services	0%	0%	0%	<1%
Fines/fees	1%	1%	1%	<1%
Jail	14%	14%	11%	9%
Probation/Intensive Supervision	64%	42%	52%	53%
Youthful Offender System	<1%	<1%	<1%	1%
Total	**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 7%, respectively), and more likely to be granted probation (62% compared to 51% for men). Women were somewhat less likely to receive a jail sentence (10%) compared to men (13%), and also considerably less likely to receive a prison sentence compared to men (10% compared to 21%).

Table 3-20. Initial sentence in Adult District Court by gender (n=41,918)

Sentence	Female	Male
(N)	10,294	31,624
Community Corrections	5%	7%
Community Service	<1%	<1%
Deferred	12%	7%
Dept of Corrections	10%	21%
Division of Youth Services	0%	<1%
Fines/fees	1%	1%
Jail	10%	13%
Probation/Intensive Supervision	62%	51%
Youthful Offender System	0%	<1%
Total	**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 (22%) of initial sentences for Blacks and 20% of initial sentences for Hispanic cases were to prison, compared to 17% for Whites. Blacks (8%) and Hispanics (7%) were also slightly less likely to receive a deferred judgment compared to Whites (9%).

Table 3-21. Initial sentence in Adult District Court by race/ethnicity (n=41,918)

Sentence	Black	Hispanic*	Other	White
(N)	4,767	12,815	1,037	23,299
Community Corrections	5%	6%	4%	6%
Community Service	<1%	<1%	1%	<1%
Deferred	8%	7%	11%	9%
Dept of Corrections	22%	20%	18%	17%
Division of Youth Services	<1%	0%	0%	0%
Fines/fees	1%	1%	2%	1%
Jail	12%	12%	11%	12%
Probation/Intensive Supervision	51%	53%	53%	54%
Youthful Offender System	<1%	<1%	<1%	<1%
Total	**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. Blacks (13%) and Hispanics (13%) were more likely to receive a sentence to prison compared to Whites (9%). For Other and Violent offenses, Blacks and Hispanics were more likely to receive prison sentences compared to Whites, and for Violent offenses, Blacks (9%) and Hispanics (11%) were less likely than Whites (15%) to receive a deferred judgment (Tables 3-23 and 3-25).

Table 3-22. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity (n=12,240)

Sentence	Black	Hispanic*	Other	White
(N)	1,204	3,651	246	7,139
Community Corrections	6%	5%	3%	5%
Community Service	<1%	1%	2%	1%
Deferred	2%	4%	10%	5%
Dept of Corrections	13%	13%	10%	9%
Fines/fees	1%	1%	2%	1%
Jail	15%	14%	13%	14%
Probation/Intensive Supervision	61%	63%	60%	65%
Youthful Offender System	0%	0%	0%	<1%
Total	**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 (n=8,114)

Sentence	Black	Hispanic*	Other	White
(N)	839	2,595	216	4,464
Community Corrections	5%	8%	6%	8%
Community Service	<1%	<1%	0%	<1%
Deferred	5%	4%	6%	6%
Dept of Corrections	37%	31%	27%	27%
Fines/fees	1%	2%	3%	1%
Jail	14%	14%	14%	14%
Probation/Intensive Supervision	38%	40%	44%	43%
Youthful Offender System	0%	<1%	0%	0%
Total	**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 (n=12,333)

Sentence	Black	Hispanic*	Other	White
(N)	1,310	3,767	278	6,978
Community Corrections	7%	8%	6%	8%
Community Service	0%	<1%	1%	<1%
Deferred	12%	10%	18%	12%
Dept of Corrections	16%	16%	16%	16%
Fines/fees	1%	1%	1%	1%
Jail	11%	11%	12%	11%
Probation/Intensive Supervision	53%	53%	46%	51%
Youthful Offender System	0%	<1%	0%	<1%
Total	**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 (n=9,231)

Sentence	Black	Hispanic*	Other	White
(N)	1,414	2,802	297	4,718
Community Corrections	4%	5%	3%	3%
Community Service	0%	<1%	0%	<1%
Deferred	9%	11%	10%	15%
Dept of Corrections	27%	23%	19%	18%
Division of Youth Services	<1%	0%	0%	0%
Fines/fees	<1%	<1%	1%	1%
Jail	9%	8%	6%	9%
Probation/Intensive Supervision	48%	53%	61%	54%
Youthful Offender System	1%	1%	<1%	<1%
Total	**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 2019, by crime type. Nearly half (44%) of Drug offenses in juvenile court received a deferred judgment, as did 34% of Violent cases. Across crime type, probation was granted in approximately half of cases.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge (n=4,703)

Sentence	Drugs	Other	Property	Violent
(N)	401	1,012	1,590	1,700
Community Corrections	<1%	0%	<1%	<1%
Community Service	<1%	<1%	0%	<1%
Deferred	44%	32%	33%	34%
Dept of Corrections	0%	<1%	0%	0%
Division of Youth Services	4%	11%	9%	11%
Fines/fees	2%	2%	3%	2%
Jail	1%	2%	2%	1%
Juvenile Detention	1%	1%	1%	1%
No Sentence	0%	<1%	0%	0%
Probation/Intensive Supervision	46%	52%	53%	50%
Youthful Offender System	0%	0%	0%	<1%
Total	**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 judgment than males (42% versus 32%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 10%).

Table 3-27. Initial sentence in Juvenile Court by gender (n=4,703)

Sentence	Female	Male
(N)	982	3,721
Community Corrections	<1%	<1%
Community Service	<1%	<1%
Deferred	42%	32%
Dept of Corrections	0%	<1%
Division of Youth Services	6%	10%
Fines/fees	3%	2%
Jail	1%	2%
Juvenile Detention	1%	1%
No Sentence	0%	<1%
Probation/Intensive Supervision	47%	52%
Youthful Offender System	0%	<1%
Total	**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. Blacks (22%) and Hispanics (32%) were considerably less likely compared to Whites (39%) to receive a deferred

judgment. Blacks (15%) were considerably more likely to receive an initial sentence to the Division of Youth Services compared to Whites (8%).

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity (n=4,703)

Sentence	Black	Hispanic*	Other	White
(N)	712	1,710	169	2,112
Community Corrections	0%	<1%	0%	<1%
Community Service	<1%	<1%	0%	<1%
Deferred	22%	32%	43%	39%
Dept of Corrections	0%	<1%	0%	0%
Division of Youth Services	15%	10%	4%	8%
Fines/fees	3%	2%	1%	3%
Jail	3%	2%	2%	1%
Juvenile Detention	1%	1%	0%	1%
No Sentence	<1%	0%	0%	0%
Probation/Intensive Supervision	55%	53%	50%	48%
Youthful Offender System	<1%	<1%	0%	0%
Total	**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. For Drug cases, over half (55%) of White youth received a deferred judgment compared to 15% of Blacks and 30% of Hispanics. Another 15% of Black youth were sentenced to the Division of Youth Services, compared to 4% of Whites.

Table 3-29. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity (n=401)

Sentence	Black	Hispanic*	Other	White
(N)	26	139	13	223
Community Corrections	0%	1%	0%	0%
Community Service	0%	0%	0%	<1%
Deferred	15%	30%	62%	55%
Division of Youth Services	15%	4%	0%	4%
Fines/fees	0%	4%	0%	2%
Jail	4%	2%	8%	0%
Juvenile Detention	0%	1%	0%	1%
Probation/Intensive Supervision	65%	57%	31%	38%
Total	**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.

For cases falling in the Other crime category (Table 3-30), 27% of Blacks and 27% of Hispanics received a deferred judgment compared to 38% of Whites. Only 9% of White youth were sentenced to the Division of Youth Services compared to 14% of Blacks and 13% of Hispanics.

Table 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity (n=1,012)

Sentence	Black	Hispanic*	Other	White
(N)	143	389	38	442
Community Service	1%	<1%	0%	0%
Deferred	27%	27%	37%	38%
Dept of Corrections	0%	<1%	0%	0%
Division of Youth Services	14%	13%	3%	9%
Fines/fees	3%	2%	0%	3%
Jail	3%	3%	5%	1%
Juvenile Detention	1%	<1%	0%	1%
No Sentence	1%	0%	0%	0%
Probation/Intensive Supervision	50%	55%	55%	49%
Total	**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.

For Property cases, 21% of Black youth received a deferred judgment compared to 36% of Whites (Table 3-31), and 13% of Blacks received a sentence to the Division of Youth Services compared to 8% of Whites. Black youth were three times more likely to receive a jail sentence compared to Whites (3% and 1%, respectively).

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity (n=1,590)

Sentence	Black	Hispanic*	Other	White
(N)	245	575	53	717
Community Corrections	0%	0%	0%	<1%
Deferred	21%	33%	42%	36%
Division of Youth Services	13%	7%	4%	8%
Fines/fees	4%	2%	0%	4%
Jail	3%	2%	2%	1%
Juvenile Detention	<1%	1%	0%	1%
Probation/Intensive Supervision	58%	55%	53%	50%
Total	**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 depicts sentences for Violent offenses in juvenile court in 2019. While 39% of White youth received a deferred judgment, this occurred for only 22% of Black youth and 34% of Hispanics. Eight percent (8%) of Whites were sentenced to the Division of Youth Services compared to 18% of Blacks and 11% of Hispanics.

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity (n=1,700)

Sentence	Black	Hispanic.	Other	White
(N)	298	607	65	730
Community Corrections	0%	<1%	0%	0%
Community Service	<1%	0%	0%	0%
Deferred	22%	34%	43%	39%
Division of Youth Services	18%	11%	6%	8%
Fines/fees	3%	2%	3%	2%
Jail	1%	2%	0%	1%
Juvenile Detention	1%	1%	0%	1%
Probation/Intensive Supervision	54%	50%	48%	49%
Youthful Offender System	<1%	<1%	0%	0%
Total	**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 2019, 20% of county court cases, 35% of district court cases, and 38% 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.

In county court in 2019 (n=31,494), Blacks and Hispanics were less likely than Whites to receive a deferred judgment, and more likely to receive a jail sentence. For example, for Violent cases, 26% of both Blacks and Hispanics received a deferred judgment compared to 31% of Whites, and 24% of Blacks and 23% of Hispanics received a jail sentence compared to 20% of Whites.

In district court (n=41,918), across crime types, 22% of Blacks and 20% of Hispanics were sentenced to the Department of Corrections compared to 17% of Whites. For Violent cases, 9% of Blacks and 11% of Hispanics received a deferred judgment compared to 15% of Whites, while 27% of Blacks, 23% of Hispanics and 18% of Whites received a prison sentence.

In juvenile court (n=4,703), across crime types, Blacks (22%) and Hispanics (32%) were considerably less likely compared to Whites (39%) to receive a deferred judgment. Blacks (15%) were considerably more likely to receive an initial sentence to the Division of Youth Services compared to Whites (8%). This pattern persisted for Violent cases: While 39% of White youth received a deferred judgment, this occurred for only 22% of Black youth and 34% of Hispanics. Eight percent (8%) of Whites were sentenced to the Division of Youth Services for a Violent charge compared to 18% of Blacks and 11% of Hispanics.

Revocations

Cases sentenced in 2019 to probation or a deferred judgment that received a revocation are included in the analyses presented here.[15] Those sentenced near the end of 2019 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 20% of county court cases, 35% of district court cases, and 38% 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 2019, 24% of adult state probation terminations were the result of a revocation.[16] The revocations presented here may not result in termination from probation supervision. In fact, in 2019, across county, adult district, and juvenile district courts, 50% of cases were reinstated, 44% were not reinstated, and for the remaining 6% 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, 10% of county court cases receiving a probation/deferred judgment in 2019 were revoked. Blacks were slightly more likely to be revoked compared to the overall revocation rate (11% compared to 10% overall). Individuals were most likely to be revoked when the most serious crime was Violent.

[15] Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.
[16] See *Judicial Branch Annual Statistical Report, Fiscal Year 2019*, Table 48, page 121.

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

Race/ethnicity		No	Yes	Percent	Total
Black		**89%**	**11%**	**100%**	**1,227**
	Drugs	100%	0%	100%	10
	Other	93%	7%	100%	390
	Property	90%	10%	100%	216
	Violent	86%	14%	100%	611
Hispanic*		**89%**	**11%**	**100%**	**5,172**
	Drugs	95%	5%	100%	80
	Other	92%	8%	100%	1,755
	Property	87%	13%	100%	938
	Violent	88%	12%	100%	2,399
Other		**89%**	**11%**	**100%**	**558**
	Drugs	100%	0%	100%	12
	Other	92%	8%	100%	174
	Property	90%	10%	100%	101
	Violent	87%	13%	100%	271
White		**90%**	**10%**	**100%**	**11,017**
	Drugs	93%	7%	100%	228
	Other	94%	6%	100%	3,446
	Property	89%	11%	100%	2,064
	Violent	88%	12%	100%	5,279
Total		**90%**	**10%**	**100%**	**17,974**

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 3-34 reflects county court revocations by gender. Overall, females in county court were slightly less likely to get revoked than males (8% compared to 11%, respectively). Compared with the other offense types, men with Property or Violent cases were most likely to get revoked (13%).

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

Gender		No	Yes	Percent	Total
Female		**92%**	**8%**	**100%**	**5,323**
	Drugs	94%	6%	100%	87
	Other	94%	6%	100%	1,510
	Property	92%	8%	100%	1,229
	Violent	90%	10%	100%	2,497
Male		**89%**	**11%**	**100%**	**12,651**
	Drugs	94%	6%	100%	243
	Other	93%	7%	100%	4,255
	Property	87%	13%	100%	2,090
	Violent	87%	13%	100%	6,063
Total		**90%**	**10%**	**100%**	**17,974**

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 (16%, Table 3-35) compared to county court (10%, Table 3-33) in 2019. Blacks and Hispanics were revoked at a rate of 16% compared to 17% for Whites. Across race/ethnicity, individuals with Drug charges were most likely to be revoked.

Table 3-36 shows that women in adult district court were very slightly more likely than men to get revoked (17% compared to 16%). 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		No	Yes	Percent	Total
Black		**84%**	**16%**	**100%**	**2,805**
	Drugs	76%	24%	100%	770
	Other	90%	10%	100%	362
	Property	83%	17%	100%	854
	Violent	89%	11%	100%	819
Hispanic*		**84%**	**16%**	**100%**	**7,740**
	Drugs	79%	21%	100%	2,439
	Other	89%	11%	100%	1,159
	Property	83%	17%	100%	2,375
	Violent	89%	11%	100%	1,767
Other		**89%**	**11%**	**100%**	**670**
	Drugs	87%	13%	100%	172
	Other	88%	12%	100%	110
	Property	92%	8%	100%	177
	Violent	89%	11%	100%	211
White		**83%**	**17%**	**100%**	**14,854**
	Drugs	77%	23%	100%	5,006
	Other	89%	11%	100%	2,191
	Property	82%	18%	100%	4,404
	Violent	90%	10%	100%	3,253
Total		**84%**	**16%**	**100%**	**26,069**

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		No	Yes	Percent	Total
Female		**83%**	**17%**	**100%**	**7,551**
	Drugs	78%	22%	100%	2,838
	Other	88%	12%	100%	842
	Property	84%	16%	100%	2,636
	Violent	90%	10%	100%	1,235
Male		**84%**	**16%**	**100%**	**18,518**
	Drugs	77%	23%	100%	5,549
	Other	89%	11%	100%	2,980
	Property	82%	18%	100%	5,174
	Violent	89%	11%	100%	4,815
Total		**84%**	**16%**	**100%**	**26,069**

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, 11% of cases sentenced to probation/deferred judgment in 2019 were revoked (Table 3-37). Whites were slightly more likely to get revoked (12% compared to 11% overall). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 10% compared to 11% for males.

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

Race/ethnicity		No	Yes	Percent	Total
Black		**91%**	**9%**	**100%**	**553**
	Drugs	86%	14%	100%	21
	Other	89%	11%	100%	110
	Property	90%	10%	100%	194
	Violent	92%	8%	100%	228
Hispanic*		**89%**	**11%**	**100%**	**1,453**
	Drugs	88%	12%	100%	121
	Other	92%	8%	100%	319
	Property	86%	14%	100%	504
	Violent	92%	8%	100%	509
Other		**93%**	**7%**	**100%**	**156**
	Drugs	92%	8%	100%	12
	Other	94%	6%	100%	35
	Property	90%	10%	100%	50
	Violent	95%	5%	100%	59
White		**88%**	**12%**	**100%**	**1,851**
	Drugs	86%	14%	100%	207
	Other	88%	12%	100%	383
	Property	86%	14%	100%	618
	Violent	90%	10%	100%	643
Total		**89%**	**11%**	**100%**	**4,013**

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		No	Yes	Percent	Total
Female		**90%**	**10%**	**100%**	**869**
	Drugs	90%	10%	100%	102
	Other	90%	10%	100%	153
	Property	89%	11%	100%	290
	Violent	91%	9%	100%	324
Male		**89%**	**11%**	**100%**	**3,144**
	Drugs	86%	14%	100%	259
	Other	90%	10%	100%	694
	Property	86%	14%	100%	1,076
	Violent	91%	9%	100%	1,115
Total		**89%**	**11%**	**100%**	**4,013**

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 2019 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, 20% of county court cases, 35% of district court cases, and 38% 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 2019, across all court types and for those with a probation or a deferred judgment sentence, 50% of cases with a revocation were reinstated, 44% were not reinstated, and for the remaining 6% the outcome was unclear.

Overall, 10% of county court cases receiving a probation/deferred judgment in 2019 were revoked. This revocation rate was generally consistent across race/ethnicity. Women in county court were revoked at a rate of 8% compared to 11% for men.

Revocations from probation/deferred judgments occurred more frequently in district court (16%) compared to county court (10%) in 2019. In district court, Blacks and Hispanics were revoked at a rate of 16% compared to 17% for Whites. Across race/ethnicity, individuals with Drug charges were most likely to be revoked.

In juvenile court, 11% of cases sentenced to probation/deferred judgment in 2019 were revoked. Blacks were slightly less likely to be revoked, at 9% while Whites were slightly more likely to get revoked (12% compared to 11% overall).

Court processing summary. In 2019, Blacks 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 19% of the population, and 30% of overall case filings and 30% of district court filings. In juvenile court, Blacks represented 17% of cases, compared to 5% of Black juveniles in the population; Hispanic youth were 31% of the population and 36 % of cases filed.

In county court, across crime types, Blacks and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to Whites.

In adult district court, compared to Whites, Blacks and Hispanics were somewhat less likely to receive a deferred judgment, and more likely to receive a sentence to the Department of Corrections. Disparities in sentences were more pronounced when the case was Violent.

In juvenile court, Blacks were much less likely than Whites to receive a deferred judgment (22% compared to 39%). Blacks were almost twice as Whites likely to receive a sentence to the Division of Youth Services (15% and 8%, respectively). When case was violent, Blacks were sentenced to DYS at a rate of 18% compared to 8% for Whites.

In terms of revocations, 10% of county court cases initially sentenced to probation or a deferred judgment were revoked. The revocation rate was generally consistent across race/ethnicity groups. In district court, 16% of cases were revoked and the rate was generally consistent across race/ethnicity. Drug cases were most likely to be revoked. In Juvenile Court, Whites were revoked at a rate of 12% compared to 9% for Blacks and 11% for Hispanics.

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 2019. As shown in Table 4-1, women were involved in 14% of Parole Board application hearings. Table 4-2 depicts that nearly half (48%) of application hearings involved Whites, 15% were Blacks, 32% were Hispanics, 1% were Asian Americans, and 4% were Native Americans.

*Table 4-1. Parole Board Application Hearings conducted, by gender, CY 2019**

Gender	%	N
Female	14%	2,743
Male	86%	17,022
Total	**100%**	**19,765**

Data Source: Colorado Department of Corrections, Office of Planning and Analysis.
*Includes all Application Hearings conducted during the calendar year 2019, including those tabled and those taken to the full Board.

*Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2019**

Race/ethnicity	%	N
Black	15%	2,921
Asian American	1%	177
White	48%	9,563
Hispanic	32%	6,298
Native American	4%	806
Total	**100%**	**19,765**

Data Source: Colorado Department of Corrections, Office of Planning and Analysis.
*Includes all Application Hearings conducted during the calendar year 2019, including those tabled and those taken to the full Board.

The following tables present information about defer/release decisions made during discretionary application hearings. In discretionary hearings, the Parole Board 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.

*Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2019**

	Defer		Discretionary Release		Total	
Gender	**%**	**N**	**%**	**N**	**%**	**N**
Female	9%	528	18%	1,195	14%	1,723
Male	91%	5,103	82%	5,484	86%	10,587
Total	**46%**	**5,631**	**54%**	**6,679**	**100%**	**12,310**

Data Source: Colorado Department of Corrections, Office of Planning and Analysis
*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. Blacks, involved in 15% of hearings (Table 4-2) accounted for 17% of cases deferred and 12% of cases released.

*Table 4-4. Parole Board Application Hearings Decisions, by race/ethnicity CY 2019**

	Defer		Discretionary Release		Total	
Race/ethnicity	**%**	**N**	**%**	**N**	**%**	**N**
Black	17%	934	12%	828	14%	1,762
Asian American	1%	56	1%	61	1%	117
White	46%	2,597	50%	3,352	48%	5,949
Hispanic	32%	1,788	33%	2,201	32%	3,989
Native American	5%	256	4%	237	4%	493
Total	**46%**	**5,631**	**54%**	**6,679**	**100%**	**12,310**

Data Source: Colorado Department of Corrections, Office of Planning and Analysis.
*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Summary: Parole Board. The Parole Board conducted 19,765 parole application hearings in 2019. In terms of gender, 14% were women and 86% were men. Of those application hearings, 48% involved White individuals, while 15% were Black, and 32% 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 12,310 discretionary hearings in 2019, 46% of offenders were deferred and 54% were released. Blacks represented 15% of hearings and 12% of discretionary releases; Whites represented 48% of hearings and 50% of discretionary releases.

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 findings[17] to the following research questions (the results are summarized below):

> Controlling for the factors described below, compared to Whites, were Blacks (or Hispanics) more or less likely to
>
> 1. receive a sentence to the Department of Corrections for felony convictions in district court?
> 2. receive a deferred judgment for convictions in district court?
> 3. receive a deferred judgment for convictions in juvenile court?
> 4. receive a sentence to the Division of Youth Services?

Results

1. DOC sentence

Blacks: More likely *Hispanics: More likely*

2. Deferred judgment in district court

Blacks: Less likely *Hispanics: Less likely*

3. Deferred judgment in juvenile court

Blacks: Less likely *Hispanics: Less likely*

4. Division of Youth Services

Blacks: More likely *Hispanics: More likely*

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,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime[21]

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 Blacks (or Hispanics) to receive a sentence divided by the odds for Whites to receive the same sentence.

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

[19] See footnote above.

[20] See footnote 18.

[21] See footnote 18.

An odds ratio of 1 indicates no difference between Whites and Blacks (or Hispanics). An odds ratio greater than 1 means that Blacks (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Blacks (or Hispanics) had lower odds of receiving that sentence than Whites. Because logistic regression simultaneously controls for the other factors in the model, odds ratios can be used to measure the differences between race/ethnicity groups after removing the influence of the other factors. Odds ratios and their 95% confidence intervals (CI)[22] are reported below.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2019 were examined. As can be seen in Table 5-1, Blacks received a sentence to DOC in 36% of cases and Hispanics received a sentence to DOC in 34% of cases. In comparison, Whites received a sentence to DOC in 29% of cases. After controlling for the factors described above, Blacks still had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.15, 95% CI 1.05 - 1.27). Hispanics also had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.22, 95% CI: 1.14- 1.31). This means that the odds of receiving a prison sentence for Blacks were 1.15 times the odds for Whites of receiving a prison sentence. Similarly, the odds of receiving a prison sentence for Hispanics were 1.22 times the odds for Whites of receiving a prison sentence.

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

Race/ethnicity	DOC Sentence	Percent	Total
White		**55%**	**13,414**
	No	71%	9,549
	Yes	29%	3,865
Black		**12%**	**2,991**
	No	64%	1,926
	Yes	36%	1,065
Hispanic*		**30%**	**7,439**
	No	66%	4,900
	Yes	34%	2,539
Other		**3%**	**627**
	No	71%	444
	Yes	29%	183
Total		**100%**	**24,471**

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 Judgment Sentences - Adults in District Court

Deferred judgment sentences for all convictions in adult district court in 2019 were examined (Table 5-2). Blacks received a deferred judgment in 8% of cases and Hispanics received a deferred judgment in 7% of cases. In comparison, Whites received a deferred judgment in 9% of

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

cases. After controlling for other factors described above, Blacks still had lower odds of receiving a deferred sentence than Whites (odds ratio: .79, 95% CI .70-.90). Hispanics also had lower odds of receiving a deferred sentence than Whites (odds ratio: .75, 95% CI .69-.82).

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

Race/ethnicity	Deferred Sentence	Percent	Total
Black		**11%**	**4,767**
	No	92%	4,400
	Yes	8%	367
Hispanic*		**31%**	**12,815**
	No	93%	11,911
	Yes	7%	904
Other		**2%**	**1,037**
	No	89%	918
	Yes	11%	119
White		**56%**	**23,299**
	No	91%	21,102
	Yes	9%	2,197
Total		**100%**	**41,918**

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 Judgment Sentences - Juvenile Court

Deferred judgment sentences for all convictions in juvenile court in 2019 were examined (Table 5-3). Blacks received a deferred judgment in 22% of cases and Hispanics received a deferred judgment in 32% of cases. In comparison, Whites received a deferred judgment in 39% of cases. After controlling for the sentencing factors described above, Black youth still had a lower odds of receiving a deferred judgment than Whites (odds ratio: .55, 95% CI: .44-.68). Hispanics also had a lower odds of receiving a deferred judgment than Whites (odds ratio: .65, 95% CI .56 - .75).

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

Race/ethnicity	Deferred Sentence	Percent	Total
Black		**15%**	**712**
	No	78%	553
	Yes	22%	159
Hispanic*		**36%**	**1,710**
	No	68%	1,171
	Yes	32%	539
Other		**4%**	**169**
	No	57%	97
	Yes	43%	72
White		**45%**	**2,112**
	No	61%	1,280
	Yes	39%	832
Total		**100%**	**4,703**

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 2019 compared to 15% of Blacks and 10% of Hispanics (Table 5-4). After controlling for the sentencing factors described above, Blacks still had higher odds of receiving a DYS sentence than Whites (odds ratio: 1.38, 95% CI: 1.01– 1.89). Hispanics also had a higher odds of receiving a DYS sentence than Whites (odds ratio: 1.35, 95% CI: 1.04-1.75).

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

Race/ethnicity	DYS Sentence	Percent	Total
White		**45%**	**2,112**
	No	92%	1,949
	Yes	8%	163
Black		**15%**	**712**
	No	85%	602
	Yes	15%	110
Hispanic*		**36%**	**1,710**
	No	90%	1,544
	Yes	10%	166
Other		**4%**	**169**
	No	96%	162
	Yes	4%	7
Total		**100%**	**4,703**

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 and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Blacks and Hispanics were still more likely than Whites to receive a prison sentence. Additionally, Blacks 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 and Hispanic 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 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
		Drunkeness
		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 2019 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.