SUMMARY: Report on the C.L.E.A.R. Act Calendar Year 2022

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

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Preface

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 (DCJ) annually analyze and report data provided by law enforcement agencies, the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender. This study presents information for calendar year 2022.

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

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.

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Executive Summary

Background. 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 (DCJ) annually analyze and report data provided by law enforcement agencies, the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires the data to be analyzed by race/ethnicity and gender. This study presents information for calendar year 2022.

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. Local law enforcement agencies submit offense and arrest data to the Colorado Bureau of Investigation (CBI). The data used for this report was extracted from CBI's National Incident Based Reporting System (NIBRS). This report presents a summary of the findings by collapsing the offenses into four broad categories: **Drugs, Other, Property** and **Violent** crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type are presented in the corresponding web-based interactive dashboard available at: https://www.colorado.gov/dcj-ors/ORS-SB185

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 2022, the Colorado population of those ages 10 and above was 5,171,294.

The adult population was comprised as follows:
- White 70%;
- Black/African American 4%;
- Hispanic 20%; and
- Other 6%.

The juvenile population was comprised as follows:
- White 56%;
- Black/African American 4%;
- Hispanic 32%; and
- Other 8%.

According to the Colorado State Office of Demography, males made up approximately 50.7% of the state population and females made up 49.3%.

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 2022, Hispanics represented 21% of the Colorado population, but only 5% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data contain 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. Note that, while no model is 100% accurate, it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Law enforcement data. Over 162,592 arrests/summonses that occurred in 2022 were analyzed for this report. Drug offenses accounted for 10% of all arrests/summonses while Violent crimes accounted for 16% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remaining 60% of arrests/summonses fell into the Other crime category. Black/African Americans represented 4% of the state population in 2022, but accounted for 12% of arrests/summonses. Males represented about 50.7% of the state population and 72.5% of arrests. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of 99,659 case filings in county, district, and juvenile courts combined found that Black/African Americans represented 4% of the state population, 12% of the arrests/summonses, and 13% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% Black/African American juveniles in the population. Hispanic adults made up 20% of the adult population but had 32% of district court filings in 2022. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 21% of filings were females and 79% were males. Females were slightly more likely than men to be involved in Property crimes (28% compared to 25%, respectively) and slightly less likely to be involved in Violent offenses (40% compared to 43%, respectively). In 2022, less than 1% of cases completed a trial in county, district, or juvenile court. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

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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 justice involvement (i.e. 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, 41% of cases in county court were dismissed, as were 18% of cases in district court and 27% of cases in juvenile court. Over one-fourth (26%) of county court cases were convicted as charged, 24% of cases in district court were convicted as charged, and 40% in juvenile court were adjudicated as charged. One-fifth (20%) of county court cases were convicted of a different charge, 42% of district court cases were convicted of a different charge, and 21% of juvenile court cases were adjudicated of a different charge. Black/African American youth in juvenile court were somewhat less likely to be adjudicated as charged (34% compared to 40% overall), and were more likely to have a case falling into the not yet resolved/case closed category (17% compared to 12% overall).

Initial court sentences. The analyses undertaken reflect the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, in 2022, 27% of county court cases, 40% of district court cases, and 30% 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, women were more likely than men to receive a deferred judgment (33% compared to 22%, respectively). Men were more likely than women to receive a jail sentence (29% for men compared to 21% for women), and men were more likely to be granted an initial sentence to probation (29% compared to 25% for women) in county court. Black/African Americans and Hispanics were less likely than the other race/ethnicity groups to receive a deferred judgment in county court.

In district court, Probation was the most frequently occurring initial sentence, happening almost half (49%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 21% of Drug cases, 21% of Other cases, 17% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections. One-fifth of initial sentences for Black/African Americans (21%) and Hispanics (20%) were to the Department of Corrections, compared to 18% of Whites. Deferred judgments were initially granted in 11% of district court cases overall, and were most likely to be imposed in Violent cases (16%) and least likely to be imposed in Drug and Other cases equally at (6%). Overall, in district court, Black/African Americans and Hispanics were more likely than the other race/ethnicity categories to receive initial sentences to the Department of Corrections and less likely to receive a deferred judgment.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court (47%). Drug cases were more likely than other offenses to receive a deferred judgment in juvenile court (61% compared to 40% overall). Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were considerably less likely to receive a deferred judgment, and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

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Revocations. Cases sentenced in 2022 to probation or a deferred judgment that received a revocation were included in the analyses presented here. **Note that these are cases, not individuals,** which 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 2022, across all court types and for those with a probation or a deferred judgment sentence, 79% of cases with a revocation were reinstated, and 20% were not reinstated.

Overall, 23% of county court cases receiving a probation/deferred judgment in 2022 were revoked. Across race/ethnicity categories, Black/African Americans with Drug cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (20% compared to 24%, respectively).

In district court, 30% of cases were revoked. In general, Property cases, across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Women and men in adult district court were equal with revocations 30%. Females with Drug cases (34%) and males with Property cases (40%) were most likely to be revoked, compared to the 30% overall.

In juvenile court, 17% of cases sentenced to probation/deferred judgment in 2022 were revoked; 20% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=15). Females and males are equally revoked (17%) overall. Comparing across crime types, females with Property crimes were most likely to be revoked (19%) and males with Property cases were most likely to be revoked (23%).

Parole Board data. The Parole Board conducted 13,386 parole application hearings in 2022. In terms of gender, application hearings were 11% female and 89% male. Of those application hearings, 48% involved White inmates, while 15% were Black/African American, 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 8,448 discretionary hearings in 2022, 57% of offenders were deferred and 43% were released.

Additional analyses. To better understand the disparity across race/ethnicity in initial sentences, a statistical technique called logistic regression was employed in an attempt to account for circumstances that may impact decision making at this point in the process. These additional analyses allowed for the examination of the impact concurrent and prior cases, including current and prior violent offenses may have on those decisions. After controlling for the additional factors, Hispanics in district court were more likely than Whites to receive a DOC sentence while Black/African Americans were no more likely to receive a DOC sentence. After controlling for the additional factors, Black/African Americans and Hispanics in district court were less likely than Whites to receive a deferred judgment. Additionally, after controlling for the additional factors, Black/African American and Hispanic youth were less likely than Whites to receive a deferred judgment in juvenile court. Finally, Hispanic youth in juvenile court were more likely compared to Whites to receive a sentence to the Division of Youth Services while Black/African American youth were no more likely to receive that type of sentence. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences for Black/African American and Hispanic defendants.

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Overall summary. In 2022, Black/African Americans represented 4% of the adult state population but accounted for 12% of arrests/summonses, and 13% of adult district court filings. Hispanic adults represented 20% of the population, 30% of arrests/summonses, and 32% of district court filings. In juvenile court, Black/African Americans represented 4% of the population and 16% of cases; Hispanic youth were 32% of the population and 38% of cases filed.

In county court, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment and Black/African Americans were more likely to receive a sentence to jail, compared to the other race/ethnicity categories. In adult district court, 21% of initial sentences for Black/African Americans and 20% of initial sentences for Hispanics were to the Department of Corrections compared to 18% for Whites. When the offense was Violent, Black/African Americans were sentenced to prison in 23% of cases compared to 17% of Whites. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were much more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 30% of adult district court cases that had an initial sentence to probation/deferred were revoked. Generally, across race/ethnicity groups, Property cases, compared to the other offense categories, were the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were equally revoked at a rate of 34%, respectively. In juvenile court, 17% of cases sentenced to probation/deferred judgment in 2022 were revoked; 20% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=15).

Finally, the Parole Board conducted 13,386 parole application hearings in 2022. In terms of gender, 11% were women and 89% were men. Of those application hearings, 48% involved White individuals, while 15% were Black/African American, and 32% were Hispanic. In 8,448 discretionary hearings in 2022, 57% of offenders were deferred and 43% were released.

Section 1: Introduction

Background and overview

In 2015, the General Assembly passed Senate Bill 15-185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice annually analyze and report data provided by the Colorado Bureau of Investigation, 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 2022, 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://dcj.colorado.gov/dcj-offices/ors/dashb-red-clear

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 consistently 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. In 2022, Hispanics represented 21% of the Colorado population, but only 5% of cases were classified as Hispanic in ICON. In addition, the arrest data often exhibit misclassifications of race/ethnicity and 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. 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, State Demography Office, estimated that the state population in 2022 for residents ages 10 and over was 5,171,294. Adults make up 89% of the population and juveniles 10-17 are 11% of the population. A breakdown of the total, adult, and juvenile population by race/ethnicity is presented in Table 1-1.

Table 1-1. Colorado race/ethnicity estimates for those ages 10 and above, 2022

Race/ Ethnicity	Overall Population	Overall Percent	Adult Population	Adult Percent	Juvenile Population	Juvenile Percent
Total	**5,171,294**	**100%**	**4,594,851**	**100%**	**576,443**	**100%**
Black	207,487	4%	183,566	4%	23,921	4%
Hispanic	1,095,630	21%	911,854	20%	183,776	32%
Other	332,926	6%	285,328	6%	47,598	8%
White	3,535,251	68%	3,214,103	70%	321,148	56%

Data source: Colorado Department of Local Affairs, State Demography Office, Race/Age Estimates,
https://demography.dola.colorado.gov/assets/html/population.html

According to the Colorado State Demography Office, males made up approximately 50.7% of the state population and females made up 49.3% of the population.

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2022 and December 31, 2022 was obtained from the Colorado Bureau of Investigation's National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests. NIBRS requires different details in the reporting of Group A and Group B offenses. Law enforcement must report both incidents and arrests for Group A offenses, and they must report only arrests for Group B offenses. NIBRS developers used the following criteria to determine if a crime should be designated as a Group A offense:

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

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into "Other." Per the CLEAR Act, the data presented here includes information concerning arrests classified as *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). Just over 162,592 NIBRS incidents were analyzed for calendar year 2022 (Table 1-2). Of these, 30% were classified as *on view/probable cause*, 36% were *summons*, and 24% were *custody/warrant.*

Table 1-2. Arrests by type, 2022

Arrest Type	Percent	Total
On-view/probable cause	30%	49,117
Summons	36%	58,475
Custody/warrant	34%	55,000
Total	**100%**	**162,592**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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. The exception is the Denver County Court, which is not part of ICON and whose data do not appear in this report. 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, where 39% were in Adult District Court, 56% in County Court, and 5% in Juvenile Court. Note that municipal court cases are not included in these analyses.

Table 1-3. Court of case filing, 2022

Court	Percent	Total
Adult District	39%	38,652
County	56%	55,733
Juvenile	5%	5,274
Total	**100%**	**99,659**

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

Note that the information presented here reflects the analysis of more than 99,659 *cases, not individuals*. Individuals may have multiple, concurrent cases, and cases typically have multiple charges. This study found that in 2022, 27% of county court cases, 40% of district court cases, and 30% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. 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 are summarized from hundreds of criminal statutes. For the analysis presented in this document the categories have been further collapsed into four categories: Drug, Other, Property and Violent. The analysis of the 24 specific offense categories is available on the interactive data dashboard. For the purposes of this analysis offenses include attempts, solicitations, and conspiracies. See Appendix B for the list of offenses that were combined into the four broad categories.

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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.

Finally, 401 cases in the charges data and 163 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 are 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 2022.

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.

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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 (see Appendix A for a list of crimes in each category). The *interactive dashboard* 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 2022.

Table 2-1 shows the distribution of the 162,592 arrests/summonses captured in NIBRS for calendar year 2022, with 16% classified as Violent crime, 14% as Property crime, 10% as Drug crime, and the majority (60%) as some Other type of crime.

Table 2-1. Arrests/summons by offense, 2022

Offense	Percent	Total
Drugs	10%	15,509
Other	60%	97,744
Property	14%	22,697
Violent	16%	26,642
Total	**100%**	**16,592**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Table 2-2 reflects the distribution of all arrests/summonses by race/ethnicity. Black/African Americans represented 4% of the state population in 2022, but accounted for 12% of arrests/summonses. Hispanics represented 21% of the state population and accounted for 30% of arrests. The Other race/ethnicity category represented 6% of the state population and 2% of arrests, along with Whites, who represented 68% of the state population and 56% of arrests/summonses.

Table 2-2. Arrests/summons by race/ethnicity, 2022

Race/Ethnicity	Percent	Total
Black	12%	19,333
Hispanic*	30%	48,437
Other	2%	3,518
White	56%	91,304
Total	**100%**	**162,592**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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Table 2-3 shows that juveniles accounted for 4% of on view/probable cause arrests and that 36% of those arrests were for violent crimes, a proportion similar to adults (28%). Juveniles accounted for 2% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to be 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. On-View/Probable Cause Arrests, by age group and offense

Age Group	Offense	Percent	Total
Adult		**96%**	**47,298**
	Drugs	9%	4,473
	Other	48%	22,696
	Property	15%	7,110
	Violent	28%	13,019
Juvenile		**4%**	**1,819**
	Drugs	8%	140
	Other	38%	689
	Property	18%	336
	Violent	36%	654
Total		**100%**	**49,117**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Age Group	Offense	Percent	Total
Adult		**98%**	**53,628**
	Drugs	5%	2,690
	Other	75%	40,387
	Property	8%	4,289
	Violent	12%	6,262
Juvenile		**2%**	**1,372**
	Drugs	3%	48
	Other	57%	778
	Property	11%	153
	Violent	29%	393
Total		**100%**	**55,000**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Age Group	Offense	Percent	Total
Adult		**86%**	**50,299**
	Drugs	13%	6,725
	Other	58%	29,340
	Property	19%	9,634
	Violent	9%	4,600
Juvenile		**14%**	**8,176**
	Drugs	18%	1,433
	Other	47%	3,854
	Property	14%	1,175
	Violent	21%	1,714
Total		**100%**	**58,475**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

The following three tables show adult arrests by type of arrest/summons, offense type, and race/ethnicity. First, Table 2-6 shows that 9% of probable cause arrests were for drug related offenses, 48% were for Other offenses, 15% for Property offenses, and 28% for Violent offenses.

While Black/African Americans made up 4% of the state's adult population, Table 2-6 shows that they were arrested at 2.5 to 5 times more than their proportion of the population for probable cause arrests in 2022: 12% of Drug arrests were Black/African Americans, 10% of arrests for Other offenses were Black/African Americans, 14% of property arrests were Black/African Americans, and 19% of Violent arrests were Black/African Americans. Probable cause arrests among Hispanic/Latinos were around 1.6 times higher than their proportion in the adult population (20%), where they made up approximately 32% of adult probable cause arrests for each crime type.

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

Offense	Race/Ethnicity	Percent	Total
Drugs		**9%**	**4,473**
	Black	12%	543
	Hispanic*	33%	1,493
	Other	1%	66
	White	53%	2,371
Other		**48%**	**22,696**
	Black	10%	2,253
	Hispanic*	33%	7,399
	Other	2%	435
	White	56%	12,609
Property		**15%**	**7,110**
	Black	14%	982
	Hispanic*	33%	2,319
	Other	1%	91
	White	52%	3,718
Violent		**28%**	**13,019**
	Black	19%	2,424
	Hispanic*	30%	3,939
	Other	2%	294
	White	49%	6,362
Total		**100%**	**47,298**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.
Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Arrests where adults were taken into custody for an outstanding warrant are presented in Table 2-7. Other offenses make up 75% of the arrests where a person was taken into custody for a warrant, while Violent offenses make up 12%, Property offenses are 8%, and Drug offenses make up 5% of the arrests for an outstanding warrant. The Hispanic/Latino disparity of arrests compared to the Colorado adult population is approximately 1.8 times across all crime types. There is variation in the proportional disparity of warrant arrests for Black/African-Americans, from a very close approximation for Drug offenses (6%), but 10% for Other and 11% for Property offenses, and 15% for Violent offenses.

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

Offense	Race/Ethnicity	Percent	Total
Drugs		**5%**	**2,690**
	Black	6%	159
	Hispanic*	30%	806
	Other	2%	57
	White	62%	1,668
Other		**75%**	**40,387**
	Black	10%	4,020
	Hispanic*	31%	12,471
	Other	3%	1,049
	White	57%	22,847
Property		**8%**	**4,289**
	Black	11%	466
	Hispanic*	31%	1,318
	Other	2%	72
	White	57%	2,443
Violent		**12%**	**6,262**
	Black	15%	957
	Hispanic*	29%	1,812
	Other	3%	189
	White	53%	3,304
Total		**100%**	**53,628**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C

Adult arrests where a summons was issued are summarized in Table 2-8. Other offenses were the most likely to receive a summons (58%), followed by property (19%), drugs (13%), and violent (9%). Black/African Americans were two to four times as likely to receive a summons compared to their proportion in the adult population, with 20% of Violent crime, 12% of Other crime, 11% of Property crime, and 9% of Drug crime summonses given to this population.

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

Offense	Race/ Ethnicity	Percent	Total
Drugs		**13%**	**6,725**
	Black	9%	578
	Hispanic*	27%	1,799
	Other	1%	79
	White	63%	4,269
Other		**58%**	**29,340**
	Black	12%	3,414
	Hispanic*	24%	7,174
	Other	2%	718
	White	61%	18,034
Property		**19%**	**9,634**
	Black	11%	1,078
	Hispanic*	27%	2,644
	Other	2%	198
	White	59%	5,714
Violent		**9%**	**4,600**
	Black	20%	899
	Hispanic*	27%	1,256
	Other	2%	99
	White	51%	2,346
Total		**100%**	**50,299**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The next three tables show juvenile arrests by type of arrest/summons, offense type, and race/ethnicity.

Table 2-9 summarizes the distribution of on-view/probable cause arrests for juveniles. Thirty-eight percent (38%) of these juvenile arrests involved an offense that fell into the Other category, 36% of these types of arrests involved a Violent offense, 18% involved a Property offense and 8% involved a Drug offense. Black/African Americans made up 19% of Violent crime warrant arrests and Hispanics made up 41%, which was greater than the proportion of Black/African Americans and Hispanics in the state's juvenile population (4% and 32%, respectively).

Table 2-11 shows that in juvenile cases summons were less likely to be issued for Property offenses (14%) compared to Other (47%) and Violent (21%), or Drugs (18%). Of those summons issued for Violent crimes, 19% went to Black/African American juveniles and 39% to Hispanic juveniles.

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Table 2-9. Arrest type On-View/Probable Cause for Juveniles, by offense and race/ethnicity

Offense	Race/Ethnicity	Percent	Total
Drugs		**8%**	**140**
	Black	4%	6
	Hispanic*	41%	58
	White	54%	76
Other		**38%**	**689**
	Black	14%	94
	Hispanic*	48%	329
	Other	1%	8
	White	37%	258
Property		**18%**	**336**
	Black	28%	95
	Hispanic*	36%	122
	Other	1%	4
	White	34%	115
Violent		**36%**	**654**
	Black	19%	123
	Hispanic*	41%	265
	Other	1%	9
	White	39%	257
Total		**100%**	**1,819**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

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Table 2-10. Arrest type Custody/Warrant for Juveniles, by offense and race/ethnicity

Offense	Race/Ethnicity	Percent	Total
Drugs		**3%**	**48**
	Black	10%	5
	Hispanic*	56%	27
	White	33%	16
Other		**57%**	**778**
	Black	18%	138
	Hispanic*	42%	326
	Other	1%	11
	White	39%	303
Property		**11%**	**153**
	Black	25%	39
	Hispanic*	31%	47
	Other	1%	2
	White	42%	65
Violent		**29%**	**393**
	Black	23%	90
	Hispanic*	36%	143
	Other	2%	6
	White	39%	154
Total		**100%**	**1,372**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

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

Offense	Race/ Ethnicity	Percent	Total
Drugs		**18%**	**1,433**
	Black	7%	103
	Hispanic*	33%	467
	Other	2%	22
	White	59%	841
Other		**47%**	**3,854**
	Black	11%	416
	Hispanic*	33%	1,269
	Other	2%	58
	White	55%	2,111
Property		**14%**	**1,175**
	Black	11%	131
	Hispanic*	24%	286
	Other	2%	18
	White	63%	740
Violent		**21%**	**1,714**
	Black	19%	320
	Hispanic*	39%	668
	Other	2%	33
	White	40%	693
Total		**100%**	**8,176**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following three tables show arrest/summons by offense category and gender. Although women made up almost half the Colorado population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 20-28% of arrests and 29-38% of summonses, depending on the crime category. Overall, women were generally more likely to be involved in drug or property offenses compared with the other offense categories.

Table 2-12. *On-View/Probable Cause Arrests by offense and gender*

Offense	Gender	Percent	Total
Drugs		**9%**	**4,613**
	Female	26%	1,182
	Male	74%	3,431
Other		**48%**	**23,385**
	Female	24%	5,560
	Male	76%	17,825
Property		**15%**	**7,446**
	Female	25%	1,854
	Male	75%	5,592
Violent		**28%**	**13,673**
	Female	24%	3,292
	Male	76%	10,381
Total		**100%**	**49,117**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Table 2-13. *Custody/Warrant Arrests by offense and gender*

Offense	Gender	Percent	Total
Drugs		**5%**	**2,738**
	Female	28%	768
	Male	72%	1,970
Other		**75%**	**41,165**
	Female	27%	10,957
	Male	73%	30,208
Property		**8%**	**4,442**
	Female	27%	1,195
	Male	73%	3,247
Violent		**12%**	**6,655**
	Female	20%	1,327
	Male	80%	5,328
Total		**100%**	**55,000**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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Table 2-14. Summons Arrests by offense and gender

Offense	Gender	Percent	Total
Drugs		**14%**	**8,158**
	Female	33%	2,662
	Male	67%	5,496
Other		**57%**	**33,194**
	Female	29%	9,552
	Male	71%	23,642
Property		**18%**	**10,809**
	Female	38%	4,089
	Male	62%	6,720
Violent		**11%**	**6,314**
	Female	35%	2,210
	Male	65%	4,104
Total		**100%**	**58,475**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Summary: Law enforcement data. In 2022, law enforcement made/issued over 162,592 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2022, arrests/summonses for Drug offenses accounted for 10% of all arrests/summonses while Violent crimes accounted for 16% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (60%) fell into the Other crime category. Black/African Americans represented 4% of the state's population in 2022, but accounted for 12% of arrests/summonses. Hispanics represented 21% of the population and 30% of arrests/summonses. Males represented about 50.7 % of the state population and 70-80% of arrests. Females were more likely to be involved in Drug or Property offenses than the Other offense categories. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide. The exception to this is the Denver County Court, which is not part of the statewide ICON court data system. County court contains both adult and juvenile misdemeanor cases. The 2022 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, and cases typically have multiple charges. This study found that in 2022, 27% of county court cases, 40% of district court cases, and 30% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. 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://dcj.colorado.gov/dcj-offices/ors/dashb-red-clear. See Appendix B for the list of offenses that were combined into the four broad crime 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 court filing. Additionally, all offenses presented in the analysis of court data include attempts, solicitations, and conspiracies.

Finally, 401 cases in the charges data and 163 cases in the sentencing 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 99,659 case filings in county, adult district, and juvenile courts combined for calendar year 2022. Black/African Americans represented 4% of the state population, 12% of the arrests/summonses in 2022, and 11% of court filings. Hispanics represented 21% of the population, 30% of arrests/summonses, and 31% of case filings. For a full description of the demographic distribution see Table 1-1. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

Table 3-1. Overall filings by race/ethnicity, 2022

Race/Ethnicity	Percent	Total
Black	11%	10,664
Hispanic*	31%	30,672
Other	3%	3,426
White	55%	54,897
Total	**100%**	**99,659**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. 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 Violent offenses comprised the largest category (42%) of the most serious charges filed. The race/ethnicity distribution is generally consistent across crime types, with Black/African Americans comprising about 12% of violent filings, Hispanics approximately 31% of violent filings, Whites 53% of violent filings, and Other violent filings at 4%.

Table 3-2. Most serious filing charge by race/ethnicity, 2022

Offense	Race/ Ethnicity	Percent	Total
Drugs		**13%**	**13,031**
	Black	8%	994
	Hispanic*	31%	4,090
	Other	2%	297
	White	59%	7,650
Other		**19%**	**18,735**
	Black	10%	1,909
	Hispanic*	31%	5,890
	Other	4%	732
	White	54%	10,204
Property		**26%**	**25,994**
	Black	10%	2,648
	Hispanic*	30%	7,843
	Other	3%	790
	White	57%	14,713
Violent		**42%**	**41,899**
	Black	12%	5,113
	Hispanic*	31%	12,849
	Other	4%	1,607
	White	53%	22,330
Total		**100%**	**99,659**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
Note: *Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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Table 3-3 depicts that, across all court types, 25% of filings were females and 75% were males. Females were slightly more likely than males to be involved in Property crimes (28% compared to 25%, respectively) and Drug crimes (15% compared to 12%, respectively) and slightly less to be involved in Violent offenses (40% compared to 43%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	Percent	Total
Female		**25%**	**24,823**
	Drugs	15%	3,776
	Other	16%	4,025
	Property	28%	7,059
	Violent	40%	9,963
Male		**75%**	**74,836**
	Drugs	12%	9,255
	Other	20%	14,710
	Property	25%	18,935
	Violent	43%	31,936
Total		**100%**	**99,659**

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court had the most cases in 2022, with 56% of the total. (Note again that county court data excludes Denver County because it is not part of the statewide ICON court data system.) Black/African Americans represented 8% of county court cases filed compared to 13% in adult district court and 16% in juvenile court. Hispanics represented 29% of county court filings, 32% of district court filings, and 38% of juvenile court filings in 2022. For a full description of the state demographic distribution see Table 1-1.

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

Court	Race/Ethnicity	Percent	Total
Adult District		**39%**	**38,652**
	Black	13%	5,153
	Hispanic*	32%	12,483
	Other	3%	1,247
	White	51%	19,769
County		**56%**	**55,733**
	Black	8%	4,680
	Hispanic*	29%	16,188
	Other	4%	1,973
	White	59%	32,892
Juvenile		**5%**	**5,274**
	Black	16%	831
	Hispanic*	38%	2,001
	Other	4%	206
	White	42%	2,236
Total		**100%**	**99,659**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-5 shows the type of offense within court type. Property offense cases (36%) and Violent offense cases (33%) comprised the largest categories of cases in adult district court. Almost half (48%) of county court cases were Violent offenses (primarily misdemeanor assault). Violent offenses (48%) comprised the largest percent of cases filed in juvenile court, followed by Property crimes which were over a quarter (27%) 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 (21%) and juvenile court (22%).

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

Court	Offense	Percent	Total
Adult District		**39%**	**38,652**
	Drugs	12%	4,605
	Other	19%	7,207
	Property	36%	14,092
	Violent	33%	12,748
County		**56%**	**55,733**
	Drugs	15%	8,117
	Other	19%	10,545
	Property	19%	10,454
	Violent	48%	26,617
Juvenile		**5%**	**5,274**
	Drugs	6%	309
	Other	19%	983
	Property	27%	1,448
	Violent	48%	2,534
Total		**100%**	**99,659**

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

Table 3-6. Court of case filing, by gender

Court	Gender	Percent	Total
Adult District		**39%**	**38,652**
	Female	21%	8,138
	Male	79%	30,514
County		**56%**	**55,733**
	Female	28%	15,529
	Male	72%	40,204
Juvenile		**5%**	**5,274**
	Female	22%	1,156
	Male	78%	4,118
Total		**100%**	**99,659**

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

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Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial, approximately 1% across all court types. Table 3-8 combines information across court types and shows the number of trials completed by offense type. Violent offenses comprised 42% of completed trials (647 of the 993).

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

Court	Completed Trial	Percent	Total
Adult District		**39%**	**38,652**
	No	99%	38,150
	Yes	1%	502
County		**56%**	**55,733**
	No	99%	55,286
	Yes	1%	447
Juvenile		**5%**	**5,274**
	No	99%	5,230
	Yes	1%	44
Total		**100%**	**99,659**

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

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

Offense	Completed Trial	Percent	Total
Drugs		**13%**	**13,031**
	No	100%	12,991
	Yes	<1%	40
Other		**19%**	**18,735**
	No	99%	18,532
	Yes	1%	203
Property		**26%**	**25,994**
	No	100%	25,891
	Yes	<1%	103
Violent		**42%**	**41,899**
	No	98%	41,252
	Yes	2%	647
Total		**100%**	**99,659**

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

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Summary: Filings. This study represented 99,659 case filings in county, district, and juvenile courts. Black/African Americans individuals represented 4% of the state population, 12% of the arrests/summonses in 2022, and 13% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% Black/African American juveniles in the population. Hispanic adults made up 20% of the adult population but had 32% of district court filings in 2022. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 25% of filings were females and 75% 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 2022. 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 2022. 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. 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 46% were convicted (26% as charged, 20% other crime), and 41% of cases were dismissed. Black/African-Americans were convicted in 40% of cases (22% as charged, 18% other crime), Hispanic/Latino defendants were convicted in 49% of cases (26% as charged, 23% other crime), and White defendants were convicted in 47% of cases (27% as charged, 20% other crime).

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

Race/ Ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed/ Case Closed	Not yet resolved/ Case Closed	Total
Black		**22%**	**18%**	**44%**	**16%**	**4,680**
	Drugs	19%	33%	32%	16%	447
	Other	24%	23%	35%	17%	848
	Property	22%	14%	44%	20%	843
	Violent	22%	15%	49%	14%	2,542
Hispanic*		**26%**	**23%**	**37%**	**14%**	**16,188**
	Drugs	19%	28%	35%	18%	2,343
	Other	29%	26%	31%	14%	3,198
	Property	28%	20%	35%	18%	2,814
	Violent	26%	21%	41%	12%	7,833
Other		**26%**	**19%**	**43%**	**12%**	**1,973**
	Drugs	23%	30%	35%	12%	141
	Other	35%	21%	35%	10%	445
	Property	26%	18%	40%	16%	330
	Violent	22%	17%	49%	11%	1,057
White		**27%**	**20%**	**42%**	**11%**	**32,892**
	Drugs	22%	26%	37%	15%	5,186
	Other	30%	25%	34%	10%	6,054
	Property	27%	14%	45%	14%	6,467
	Violent	27%	17%	47%	9%	15,185
Total		**26%**	**20%**	**41%**	**13%**	**55,733**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-10 reflects case outcomes for district court in 2022. In adult district court (Table 3-10), 42% were convicted of another crime, 24% were convicted as charged, 18% of defendants had their case dismissed, and fewer than 1% of those in this category were not guilty. Black/African-American

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defendants were convicted in 59% of cases (23% as charged, 36% other crime), Hispanic/Latino defendants were convicted in 66% of cases (22% as charged, 44% other crime), and White defendants were convicted in 67% of cases (25% as charged, 42% other crime).

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

Race/ Ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed/ Case Closed	Not yet resolved/ Case Closed	Total
Black		**23%**	**36%**	**21%**	**20%**	**5,153**
	Drugs	14%	52%	14%	20%	521
	Other	27%	25%	29%	18%	903
	Property	21%	41%	17%	21%	1,554
	Violent	24%	34%	22%	20%	2,175
Hispanic*		**22%**	**44%**	**16%**	**19%**	**12,483**
	Drugs	12%	52%	13%	23%	1,638
	Other	30%	32%	21%	17%	2,265
	Property	20%	49%	13%	18%	4,525
	Violent	24%	41%	17%	19%	4,055
Other		**24%**	**42%**	**18%**	**16%**	**1,247**
	Drugs	11%	55%	18%	16%	148
	Other	30%	29%	21%	20%	254
	Property	27%	41%	14%	18%	400
	Violent	22%	47%	18%	13%	445
White		**25%**	**42%**	**19%**	**15%**	**19,769**
	Drugs	15%	55%	14%	15%	2,298
	Other	30%	30%	25%	15%	3,785
	Property	24%	45%	17%	14%	7,613
	Violent	27%	40%	19%	14%	6,073
Total		**24%**	**42%**	**18%**	**17%**	**38,652**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-11 presents case outcomes for juvenile court. In 40% of cases defendants were convicted as charged, 21% were convicted of a different crime, and in 27% of cases all charges were dismissed. Black/African Americans were somewhat less likely to be convicted as charged (34% compared to 40% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (17% compared to 12% overall).

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

Race/ Ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed/ Case Closed	Not yet resolved/ Case Closed	Total
Black		**34%**	**24%**	**24%**	**17%**	**831**
	Drugs	46%	19%	15%	19%	26
	Other	41%	20%	28%	11%	158
	Property	32%	23%	25%	21%	251
	Violent	32%	28%	23%	17%	396
Hispanic*		**41%**	**22%**	**25%**	**11%**	**2,001**
	Drugs	41%	29%	20%	9%	109
	Other	48%	17%	27%	8%	427
	Property	39%	21%	29%	12%	504
	Violent	39%	24%	23%	13%	961
Other		**37%**	**24%**	**27%**	**12%**	**206**
	Drugs	75%	25%	0%	0%	8
	Other	45%	21%	21%	12%	33
	Property	42%	20%	30%	8%	60
	Violent	29%	28%	29%	15%	105
White		**42%**	**18%**	**29%**	**11%**	**2,236**
	Drugs	55%	11%	28%	6%	166
	Other	49%	15%	27%	8%	365
	Property	37%	18%	32%	12%	633
	Violent	39%	21%	29%	11%	1,072
Total		**40%**	**21%**	**27%**	**12%**	**5,274**

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, 41% of cases in county court were dismissed, as were 18% of cases in district court and 27% of cases in juvenile court. A little over one-fourth (26%) of defendants in county court cases were convicted as charged, 24% were convicted as charged in district court, and 40% in juvenile court. In county court, 20% of cases were convicted of a different charge, 42% of district court cases, and 21% of juvenile court cases. There were no notable differences in conviction rates by race/ethnicity in juvenile cases.

Initial Sentences

The tables below show cases sentenced between Jan 1, 2022 and Dec 31, 2022, 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, which may include fines, community service, probation, terms in jail or DOC, credit for time served, and other possible sentences. 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 80 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 2022, 27% of county court cases, 40% of district court cases, and 30% 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 history may also influence the final initial sentence.

County court

Table 3-12 presents the most serious initial sentence for each of the four offense types for county court cases in 2022. Probation was the most common sentence (28%), followed by Jail (27%) and Deferred judgment (25%). Although Community Service was only used in 3% of cases overall, 10% of Drug cases received a sentence of Community Service.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	3,712	9,211	5,430	10,264	28,617
Community Corrections	<1%	<1%	0%	<1%	<1%
Community Service	10%	3%	2%	<1%	3%
Deferred	15%	19%	22%	36%	25%
Fines/fees	18%	15%	18%	4%	12%
Jail	32%	26%	37%	20%	27%
Probation/Intensive Supervision	22%	30%	15%	35%	28%
Unsupervised Probation	3%	6%	7%	4%	5%
Total	100%	100%	100%	100%	100%

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

Table 3-13 reflects initial county court sentences by gender. Women were more likely than men to receive a deferred judgment in county court (33% compared to 22%, respectively). Men were more likely than women to receive a jail sentence (29% for men compared to 21% for women), and men were more likely to be granted an initial sentence to probation (29% compared to 25% for women).

Table 3-13. Initial sentence in County Court by gender

Sentence	Female	Male	Total
(N)	7,414	21,203	28,617
Community Corrections	<1%	<1%	<1%
Community Service	3%	3%	3%
Deferred	33%	22%	25%
Fines/fees	13%	12%	12%
Jail	21%	29%	27%
Probation/Intensive Supervision	25%	29%	28%
Unsupervised Probation	5%	5%	5%
Total	100%	100%	100%

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (33% compared to 25% overall). Black/African Americans were more likely to receive jail time (31% compared to 27% overall).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	2,246	8,709	897	16,765	28,617
Community Corrections	<1%	<1%	0%	<1%	<1%
Community Service	3%	3%	2%	3%	3%
Deferred	23%	23%	33%	26%	25%
Fines/fees	11%	11%	13%	13%	12%
Jail	31%	28%	21%	26%	27%
Probation/Intensive Supervision	26%	30%	25%	27%	28%
Unsupervised Probation	6%	5%	7%	5%	5%
Total	100%	100%	100%	100%	100%

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. Those in the Other race/ethnicity categories were slightly more likely to receive a deferred judgment (22%) compared to the overall (15%), however there were only 68 cases in this category. Black/African Americans were more likely to receive a jail sentence (37%) for drug offenses compared to overall (32%).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	224	1,089	68	2,331	3,712
Community Corrections	0%	<1%	0%	<1%	<1%
Community Service	9%	10%	15%	10%	10%
Deferred	15%	13%	22%	15%	15%
Fines/fees	16%	18%	21%	18%	18%
Jail	37%	33%	22%	31%	32%
Probation/Intensive Supervision	20%	23%	19%	22%	22%
Unsupervised Probation	4%	2%	1%	3%	3%
Total	100%	100%	100%	100%	100%

*Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases. *Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.*

Table 3-16 shows that, for those with other as the most serious county court conviction charge, Black/African Americans and Hispanics were more likely to receive a jail sentence and less likely to receive a deferred judgment compared to those in the Other and White race/ethnicity categories, and Black/African Americans were most likely to receive a jail sentence (33% compared to 26% overall). Table 3-17 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types, Black/African Americans and Hispanics were more likely to receive jail sentences for both Property and Violent offenses, while less likely to receive a deferred judgment.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	704	2,975	323	5,209	9,211
Community Corrections	<1%	0%	0%	<1%	<1%
Community Service	4%	3%	2%	3%	3%
Deferred	18%	16%	27%	20%	19%
Fines/fees	13%	14%	20%	17%	15%
Jail	33%	27%	16%	25%	26%
Probation/Intensive Supervision	26%	33%	22%	30%	30%
Unsupervised Probation	6%	7%	13%	6%	6%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	420	1,575	159	3,276	5,430
Community Service	1%	2%	1%	2%	2%
Deferred	20%	20%	28%	23%	22%
Fines/fees	15%	15%	19%	19%	18%
Jail	41%	41%	33%	35%	37%
Probation/Intensive Supervision	14%	16%	12%	14%	15%
Unsupervised Probation	8%	7%	7%	7%	7%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	898	3,070	347	5,949	10,264
Community Corrections	0%	<1%	0%	0%	<1%
Community Service	<1%	1%	0%	<1%	<1%
Deferred	31%	34%	44%	38%	36%
Fines/fees	6%	3%	1%	5%	4%
Jail	25%	21%	19%	19%	20%
Probation/Intensive Supervision	34%	38%	34%	34%	35%
Unsupervised Probation	4%	4%	2%	4%	4%
Total	100%	100%	100%	100%	100%

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2022. Probation was the most frequently occurring initial sentence, happening 49% overall and half (50%) of the time for Violent cases. The second most frequently occurring sentence in district court was a prison sentence: 19% of Drug cases, 21% of Other cases, 17% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	4,260	6,214	12,324	9,517	32,315
Community Corrections	8%	8%	8%	5%	7%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	6%	6%	11%	16%	11%
Dept of Corrections	21%	21%	17%	19%	19%
Division of Youth Services	0%	0%	0%	<1%	<1%
Fines/fees	1%	2%	1%	<1%	1%
Jail	15%	15%	14%	9%	13%
Probation/Intensive Supervision	49%	48%	48%	50%	49%
Youthful Offender System	<1%	<1%	<1%	1%	<1%
Total	100%	100%	100%	100%	100%

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

Table 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (17% versus 9%, respectively), and more likely to be granted probation (55% compared to 47% for men). Women were less likely to receive a jail sentence (11%) compared to men 13%), and also considerably less likely to receive a prison sentence compared to men (9% compared to 22%).

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

Sentence	Female	Male	Total
(N)	6,680	25,635	32,315
Community Corrections	6%	7%	7%
Community Service	<1%	<1%	<1%
Deferred	17%	9%	11%
Dept of Corrections	9%	22%	19%
Division of Youth Services	0%	<1%	<1%
Fines/fees	1%	1%	1%
Jail	11%	13%	13%
Probation/Intensive Supervision	55%	47%	49%
Youthful Offender System	<1%	<1%	<1%
Total	**100%**	**100%**	**100%**

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. The only notable difference is that those in the Other race category were less likely to receive a prison sentence than average (14% compared to 19% overall) and more likely to receive a deferred judgment (19% compared to 11% overall).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	3,867	10,438	990	17,020	32,315
Community Corrections	7%	7%	5%	7%	7%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	10%	9%	19%	12%	11%
Dept of Corrections	21%	20%	14%	18%	19%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines/fees	1%	1%	2%	1%	1%
Jail	12%	13%	11%	13%	13%
Probation/Intensive Supervision	49%	49%	48%	49%	49%
Youthful Offender System	1%	<1%	<1%	<1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*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. The White race are slightly more likely to receive a sentence to jail (16%) than other race/ethnic groups. For Other offenses and Violent offenses, Black/African Americans and Hispanics were more likely to receive prison sentences (Tables 3-23, 3-24 and 3-25).

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Table 3-22. Initial sentence for <u>Drugs</u> as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	456	1,451	170	2,183	4,260
Community Corrections	7%	8%	5%	7%	8%
Community Service	<1%	<1%	1%	<1%	<1%
Deferred	5%	4%	33%	6%	6%
Dept of Corrections	19%	23%	9%	20%	21%
Fines/fees	1%	1%	2%	2%	1%
Jail	13%	14%	4%	16%	15%
Probation/Intensive Supervision	54%	49%	46%	48%	49%
Youthful Offender System	<1%	0%	0%	0%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	701	2,026	189	3,298	6,214
Community Corrections	6%	9%	7%	8%	8%
Community Service	<1%	<1%	0%	<1%	<1%
Deferred	6%	6%	6%	7%	6%
Dept of Corrections	27%	22%	17%	20%	21%
Fines/fees	2%	1%	2%	2%	2%
Jail	15%	15%	15%	14%	15%
Probation/Intensive Supervision	44%	47%	52%	49%	48%
Youthful Offender System	<1%	0%	0%	<1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	1,275	3,970	329	6,750	12,324
Community Corrections	9%	8%	5%	9%	8%
Community Service	<1%	<1%	0%	<1%	<1%
Deferred	11%	9%	19%	11%	11%
Dept of Corrections	17%	17%	11%	18%	17%
Fines/fees	1%	1%	3%	1%	1%
Jail	12%	15%	14%	14%	14%
Probation/Intensive Supervision	50%	49%	47%	48%	48%
Youthful Offender System	<1%	<1%	<1%	0%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	1,435	2,991	302	4,789	9,517
Community Corrections	5%	5%	4%	5%	5%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	13%	13%	18%	19%	16%
Dept of Corrections	23%	22%	19%	17%	19%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines/fees	<1%	<1%	1%	<1%	<1%
Jail	10%	10%	9%	9%	9%
Probation/Intensive Supervision	48%	51%	49%	50%	50%
Youthful Offender System	2%	1%	0%	<1%	1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2022, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: Almost half (47%) of initial sentences were to Probation, while 40% of cases were granted a deferred judgment. Drug cases were somewhat more likely than other offenses to receive a deferred judgment (61%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent (11%) and Property (10%) cases.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge

Sentence	Drugs	Other	Property	Violent	Total
(N)	198	719	859	1,320	3,096
Community Corrections	0%	0%	<1%	<1%	<1%
Community Service	0%	<1%	<1%	<1%	<1%
Deferred	61%	39%	39%	39%	40%
Dept of Corrections	1%	0%	0%	0%	<1%
Division of Youth Services	2%	6%	10%	11%	9%
Fines/fees	1%	<1%	1%	1%	1%
Jail	1%	2%	2%	1%	2%
Juvenile Detention	2%	1%	1%	1%	1%
Probation/Intensive Supervision	33%	52%	46%	48%	47%
Youthful Offender System	0%	0%	<1%	<1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Table 3-27 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (50% versus 38%, respectively), and less likely to receive a sentence to the Division of Youth Services (3% compared to 10%).

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

Sentence	Female	Male	Total
(N)	630	2,466	3,096
Community Corrections	0%	<1%	<1%
Community Service	0%	<1%	<1%
Deferred	50%	38%	40%
Dept of Corrections	0%	<1%	<1%
Division of Youth Services	3%	10%	9%
Fines/fees	<1%	1%	1%
Jail	2%	2%	2%
Juvenile Detention	1%	1%	1%
Probation/Intensive Supervision	43%	48%	47%
Youthful Offender System	0%	<1%	<1%
Total	**100%**	**100%**	**100%**

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

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans and Hispanics were less likely to receive a deferred judgment (31% and 35%, respectively) compared to Other race (52%) or White (48%). Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services (15% compared to 9% overall).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	465	1,186	121	1,324	3,096
Community Corrections	<1%	<1%	1%	<1%	<1%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	31%	35%	52%	48%	40%
Dept of Corrections	0%	0%	1%	0%	<1%
Division of Youth Services	15%	9%	3%	6%	9%
Fines/fees	1%	<1%	1%	1%	1%
Jail	1%	3%	3%	1%	2%
Juvenile Detention	1%	1%	1%	1%	1%
Probation/Intensive Supervision	51%	52%	38%	43%	47%
Youthful Offender System	0%	<1%	0%	<1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. Note that the number of cases can be quite small for some sentences; in these instances, the findings should be interpreted with caution. Table 3-29 shows the initial sentence when a drug offense was the most serious conviction crime; subsequent tables show the initial sentence for other offenses, property offenses, and violent crimes. For each of these crime types, Black/African American and Hispanic youth were less likely than White youth to receive a deferred judgment for other, violent or property crimes.

Table 3-29. Initial sentence for <u>Drugs</u> as most serious adjudication in Juvenile Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	16	57	12	113	198
Deferred	44%	42%	42%	74%	61%
Dept of Corrections	0%	0%	8%	0%	1%
Division of Youth Services	6%	2%	8%	1%	2%
Fines/fees	0%	0%	8%	1%	1%
Jail	0%	2%	8%	0%	1%
Juvenile Detention	0%	4%	0%	2%	2%
Probation/Intensive Supervision	50%	51%	25%	22%	33%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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Table 3-30. Initial sentence for <u>Other</u> as most serious adjudication in Juvenile Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	110	329	24	256	719
Community Service	0%	<1%	0%	<1%	<1%
Deferred	36%	30%	33%	52%	39%
Division of Youth Services	4%	7%	8%	5%	6%
Fines/fees	1%	0%	0%	1%	<1%
Jail	1%	3%	4%	<1%	2%
Juvenile Detention	1%	2%	4%	<1%	1%
Probation/Intensive Supervision	57%	58%	50%	42%	52%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Table 3-31. Initial sentence for <u>Property</u> as most serious adjudication in Juvenile Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	131	301	45	382	859
Community Corrections	2%	<1%	0%	0%	<1%
Community Service	0%	0%	0%	<1%	<1%
Deferred	31%	36%	53%	43%	39%
Division of Youth Services	16%	11%	2%	7%	10%
Fines/fees	3%	<1%	0%	1%	1%
Jail	1%	4%	2%	2%	2%
Juvenile Detention	2%	1%	0%	1%	1%
Probation/Intensive Supervision	47%	48%	42%	45%	46%
Youthful Offender System	0%	<1%	0%	<1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

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Table 3-32. Initial sentence for <u>Violent</u> as most serious adjudication in Juvenile Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	208	499	40	573	1,320
Community Corrections	0%	0%	3%	<1%	<1%
Community Service	0%	0%	0%	<1%	<1%
Deferred	26%	36%	65%	44%	39%
Division of Youth Services	21%	10%	0%	8%	11%
Fines/fees	<1%	<1%	0%	1%	1%
Jail	1%	2%	3%	<1%	1%
Juvenile Detention	<1%	<1%	0%	1%	1%
Probation/Intensive Supervision	50%	51%	30%	46%	48%
Youthful Offender System	0%	0%	0%	<1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 2022, 27% of county court cases, 40% of district court cases, and 30% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

Women were significantly more likely than men to receive a deferred judgment in county court (33% compared to 22%, respectively). Men were more likely than women to receive a jail sentence (29% for men compared to 21% for women), and men were more likely to be granted an initial sentence to probation (29% compared to 25% for women) in county court. Black/African Americans and Hispanics were less likely than the other race/ethnicity groups to receive a deferred judgment.

In district court, Probation was the most frequently occurring initial sentence, happening almost half the time (49%) for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 21% of Drug cases, 21% of Other cases, 17% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections. One-in-five initial sentences for Black/African Americans (21%) and Hispanics (20%) were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups. Deferred judgments were initially granted in 11% of district court cases overall, and were most likely to be imposed in Violent cases (16%) and least likely to be imposed in Drug and Other cases (6%).

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court (47%). Drug cases were more likely than other offenses to receive a deferred judgment (61%) in juvenile court. Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were less likely to receive a deferred judgment and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to

males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations

Cases sentenced in 2022 to probation or a deferred judgment that received a revocation are included in the analyses presented here. Those sentenced near the end of 2022 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 27% of county court cases, 40% of district court cases, and 30% 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 Branch's *Annual Statistical Report 2022* reports that in 2022, 17% of adult state probation terminations were the result of a revocation. The revocations presented here may not result in termination from probation supervision. In 2022, across county, adult district, and juvenile district courts, 79% of cases were reinstated, 20% were not reinstated, and for the remaining 0.1% of cases it was unclear the outcome of the revocation.

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

County court

Table 3-33 shows probation revocation information for county court cases. Overall, 23% of cases receiving a probation/deferred judgment in 2022 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (26% compared to 23% overall). Probationers under supervision for Drug offenses were the most likely to be revoked across all race/ethnicities, with 44% of Hispanic/Latinos, 40% of Whites, 41% of Other, and 33% of Black/African American's having their probation revoked.

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (20% compared to 24%, respectively). Compared with the other offense types, men with Drug cases were most likely to get revoked (43%).

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

Race/Ethnicity	Offense	No	Yes	Total
Black		**74%**	**26%**	**1,235**
	Drugs	67%	33%	86
	Other	78%	22%	353
	Property	73%	27%	178
	Violent	73%	27%	618
Hispanic*		**76%**	**24%**	**5,054**
	Drugs	56%	44%	420
	Other	83%	17%	1,664
	Property	74%	26%	665
	Violent	76%	24%	2,305
Other		**81%**	**19%**	**582**
	Drugs	59%	41%	29
	Other	88%	12%	201
	Property	85%	15%	75
	Violent	77%	23%	277
White		**78%**	**22%**	**9,812**
	Drugs	60%	40%	951
	Other	84%	16%	2,907
	Property	77%	23%	1,449
	Violent	78%	22%	4,505
Total		**77%**	**23%**	**16,683**

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

Gender	Offense	No	Yes	Total
Female		**80%**	**20%**	**4,687**
	Drugs	64%	36%	525
	Other	86%	14%	1,329
	Property	78%	22%	739
	Violent	81%	19%	2,094
Male		**76%**	**24%**	**11,996**
	Drugs	57%	43%	961
	Other	82%	18%	3,796
	Property	76%	24%	1,628
	Violent	75%	25%	5,611
Total		**77%**	**23%**	**16,683**

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 (30%, Table 3-35) compared to county court (23%, Table 3-33) in 2022. Those in the Other race/ethnicity category were least likely to be revoked (22%) compared to the other race/ethnicity categories. Table 3-36 shows that women in adult district court and men were equally to get revoked (30%). Men with Property cases (40%) and women with Drug cases (34%) were the most likely to get revoked.

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

Race/Ethnicity	Offense	No	Yes	Total
Black		**70%**	**30%**	**2,273**
	Drugs	66%	34%	271
	Other	75%	25%	351
	Property	66%	34%	780
	Violent	74%	26%	871
Hispanic*		**69%**	**31%**	**6,046**
	Drugs	66%	34%	769
	Other	77%	23%	1,069
	Property	61%	39%	2,321
	Violent	76%	24%	1,887
Other		**78%**	**22%**	**666**
	Drugs	84%	16%	134
	Other	79%	21%	110
	Property	76%	24%	219
	Violent	76%	24%	203
White		**70%**	**30%**	**10,268**
	Drugs	64%	36%	1,182
	Other	78%	22%	1,834
	Property	61%	39%	3,966
	Violent	77%	23%	3,286
Total		**70%**	**30%**	**19,253**

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.

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

Gender	Offense	No	Yes	Total
Female		**70%**	**30%**	**4,765**
	Drugs	66%	34%	735
	Other	76%	24%	709
	Property	67%	33%	2,222
	Violent	76%	24%	1,099
Male		**70%**	**30%**	**14,488**
	Drugs	67%	33%	1,621
	Other	78%	22%	2,655
	Property	60%	40%	5,064
	Violent	77%	23%	5,148
Total		**70%**	**30%**	**19,253**

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, 17% of cases sentenced to probation/deferred judgment in 2022 were revoked (Table 3-37). The overall revocation rates were similar across Black/African American, Hispanic, and White youth, at 17-18%. Table 3-38 presents revocations in juvenile court by gender. Females and males were equally revoked at a rate of 17%.

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

Race/Ethnicity	Offense	No	Yes	Total
Black		**83%**	**17%**	**379**
	Drugs	80%	20%	15
	Other	85%	15%	103
	Property	84%	16%	101
	Violent	80%	20%	160
Hispanic*		**82%**	**18%**	**1,027**
	Drugs	79%	21%	53
	Other	83%	17%	291
	Property	75%	25%	251
	Violent	85%	15%	432
Other		**90%**	**10%**	**109**
	Drugs	100%	0%	8
	Other	95%	5%	20
	Property	84%	16%	43
	Violent	92%	8%	38
White		**83%**	**17%**	**1,199**
	Drugs	89%	11%	109
	Other	89%	11%	239
	Property	77%	23%	338
	Violent	83%	17%	513
Total		**83%**	**17%**	**2,714**

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 adjudication charge

Gender	Offense	No	Yes	Total
Female		**83%**	**17%**	**589**
	Drugs	86%	14%	51
	Other	84%	16%	91
	Property	81%	19%	158
	Violent	82%	18%	289
Male		**83%**	**17%**	**2,125**
	Drugs	86%	14%	134
	Other	86%	14%	562
	Property	77%	23%	575
	Violent	84%	16%	854
Total		**83%**	**17%**	**2,714**

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.

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Summary: Revocations. Cases sentenced in 2022 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, 27% of county court cases, 40% of district court cases, and 30% 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 2022, across all court types and for those with a probation or a deferred judgment sentence, 79% of cases with a revocation were reinstated, 20% were not reinstated, and for the remaining 0.1% the outcome was unclear.

Overall, 23% of county court cases receiving a probation/deferred judgment in 2022 were revoked. Black/African Americans were revoked at a rate of 26% compared to 23% overall. Females in county court were less likely to get revoked than males (20% compared to 24%, respectively).

In district court, 30% of cases were revoked. Drug and Property cases across race/ethnicity groups, compared to the Other and Violent offense categories, were the most likely to be revoked. Women and men in adult district court were equal to get revoked (30%).

In juvenile court, 17% of cases sentenced to probation/deferred judgment in 2022 were revoked. Hispanics were most likely to be revoked (18% compared to 17% overall). Females and males were equally revoked at a rate of 17%.

Court processing summary.   In 2022, Black/African Americans represented 4% of the adult state population but accounted for 11% of court cases filed and 13% of adult district court filings. Hispanic adults represented 20% of the population and 32% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% of Black/African American juveniles in the population; Hispanic youth were 32% of the population and 38% of cases filed.

In county court, Black/African Americans and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to the other two race/ethnicity categories. In adult district court, 21% of initial sentences for Black/African Americans and 20% of initial sentences for Hispanics were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. When the offense was Violent, Black/African Americans were sentenced to prison in 23% of cases compared to 19% overall. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 30% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, drug and property cases compared to the Other and Violent offense categories, were generally the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were equally revoked at a rate of 34%. In juvenile court, 17% of cases sentenced to probation/deferred judgment in 2022 were revoked; 18% of Hispanics were revoked.

Section 4: Colorado State Parole Board Decisions

The following information was provided by the Colorado Department of Corrections' Office of Planning and Analysis. The data include race/ethnicity and gender information for final decisions made by the Parole Board in calendar year 2022. As shown in Table 4-1, women were involved in 11% of Parole Board application hearings. Table 4-2 depicts that nearly half (48%) of application hearings involved Whites, 15% involved Black/African Americans, 32% involved Hispanics, 1% involved Asian Americans, and 4% involved Native Americans.

Table 4-1. Parole Board Application Hearings conducted, by gender, CY 2022*

Gender	%	N
Female	11%	1,516
Male	89%	11,870
Total	**100%**	**13,386**

Data Source: Colorado Department of Corrections, Parole Board.
*Includes all Application Hearings conducted during the calendar year 2022, including those tabled and those taken to the full Board.

Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2022*

Race/ethnicity	%	N
Asian American	1%	136
Black	15%	1,969
Hawaiian/Pacific Islander	<1%	24
Hispanic	32%	4,252
Native American	4%	564
Other	<1%	23
Unknown	<1%	15
White	48%	6,403
Total	**100%**	**13,386**

Data Source: Colorado Department of Corrections, Parole Board.
*Includes all Application Hearings conducted during the calendar year 2022, including those tabled and those taken to the full Board.

Table 4-3 presents information about defer/release decisions made during discretionary application hearings. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred). In mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 2022, 57% of inmates were deferred and 43% were released. Females were more likely to be released (60%) than males (41%).

Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2022*

Gender	Defer		Discretionary Release		Total	
	%	**N**	**%**	**N**	**%**	**N**
Female	40%	361	60%	543	100%	904
Male	59%	4,467	41%	3,077	100%	7,544
Total	**57%**	**4,828**	**43%**	**3,620**	**100%**	**8,448**

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

Table 4-4 reflects application-hearing outcomes by race/ethnicity categories. Black/African Americans, Hispanics, and Whites all had roughly the same chance of being released (42%, 43%, and 43%, respectively).

Table 4-4. Parole Board Application Hearings Decisions, by race/ethnicity CY 2022*

Race/Ethnicity	Defer		Discretionary Release		Total	
	%	**N**	**%**	**N**	**%**	**N**
Asian American	55%	51	45%	41	100%	92
Black	58%	688	42%	491	100%	1,179
Hawaiian/Pacific Islander	43%	6	57%	8	100%	14
Hispanic	57%	1,559	43%	1,167	100%	2,726
Native American	62%	223	38%	139	100%	362
Other	38%	6	62%	10	100%	16
Unknown	73%	8	27%	3	100%	11
White	57%	2,287	43%	1,761	100%	4,048
Total	**57%**	**4,828**	**43%**	**3,620**	**100%**	**8,448**

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

Summary: Parole Board data. The Parole Board conducted 13,386 parole application hearings in 2022. In terms of gender, 11% were women and 89% were men. Of those application hearings, 48% involved White inmates, while 15% were Black/African American, 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 the 8,448 discretionary hearings in 2022, 57% of offenders were deferred and 43% were released.

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Section 5: Race/Ethnicity and Sentencing Analysis

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

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

Results

1. After controlling for the factors described below, Hispanics were more likely than Whites to receive a DOC sentence; Black/African-Americans were not more likely than Whites to receive a DOC sentence.

2. After controlling for the factors described below, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.

3. After controlling for the factors described below, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment in juvenile court.

4. After controlling for the factors described below, Hispanics were more likely than Whites to receive a sentence to the Division of Youth Services; Black/African-Americans were not more likely than Whites to receive a sentence to the Division of Youth Services.

Method

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

For sentences to the Department of Corrections, these factors were as follows:

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

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.

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.

The gender and race/ethnicity of the defendant were included in all three sentencing models. The specific violent crimes used in the model were 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.

Logistic regression models produce odds ratios, which are the odds for a subpopulation to receive a sentence divided by the odds that a member of the reference group (in this case, Whites) receives the same sentence. For example:

- When comparing the Black/African-American group to the reference (White) group, an odds ratio of 1 means that both groups receive the same sentences at the same rates.

- When comparing the Black/African-American group to the reference (White) group, an odds ratio *great* than 1 means that members of the Black/African-American group receive particular sentences at a rate *higher* than members of the reference group.

- When comparing the Black/African-American group to the reference (White) group, an odds ratio *less* than 1 means that members of the Black/African-American group receive particular sentences at a rate *lower* than members of the reference group.

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) are reported below. Interpreting the confidence interval for an odds-ratio hinges on whether the interval contains the value 1. As explained above, an odds ratio of 1 means that there was no measurable difference between the group of interest and the reference group. If a 95% confident interval contains 1, then we *cannot* say with that level of confidence that the two groups receive sentences differently. However, if a 95% confidence interval contains only numbers *greater than 1*, then we can say with 95% confidence that the group of interest receives sentences at a (statistically) significantly higher rate. Conversely, if a 95% confidence interval contains only numbers *less than 1*, then we can say with 95% confidence that the group of interest receives sentences at a (statistically) significantly lower rate.

In other words, if a 95% confidence interval *does not* contain 1, we may say that there is *a less than 5% chance* that the difference in rates between the group of interest and the reference group was an anomaly and can be explained by chance.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections (DOC) for felony convictions in adult district court in 2022 were examined (Table 5-1). Whites accounted for 52% of cases leading to felony convictions, Hispanics accounted for 32% of cases leading to felony convictions, and Blacks/African-Americans accounted for 13% of cases leading to felony convictions. Table 5-1 also shows the percentage of cases for each racial group which received a DOC sentence, with Whites receiving a DOC sentence 30% of the time, Hispanics receiving a DOC sentence 33% of the time, and Blacks receiving a DOC sentence 32% of the time.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2022, members of the Black/African-American group who received felony convictions were sentenced to DOC at a rate 1.01 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.90, 1.12), so we cannot say that there was a significant difference between the rates at which these two groups received DOC sentences. Members of the Hispanic group who received felony convictions were sentenced to DOC at a rate 1.21 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 1.12, 1.31), and so we can say with high confidence that the Hispanic group was sentenced to DOC at a statistically significantly higher rate than the White group. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-1.
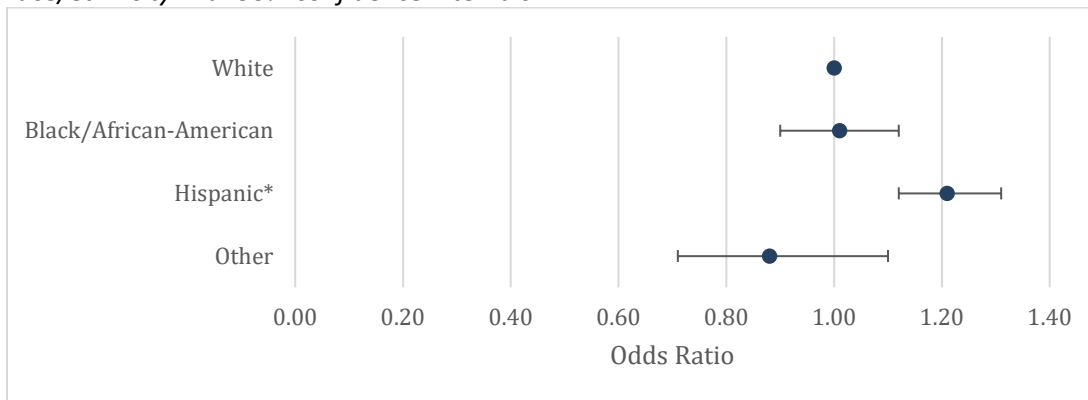
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Table 5-1. DOC Sentences for felony convictions by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No DOC Sentence	DOC Sentence	Significant Difference from Reference
White	10,261 (52%)	70%	30%	Reference
Black	2,517 (13%)	68%	32%	No
Hispanic*	6,282 (32%)	67%	33%	Yes
Other	588 (3%)	76%	24%	No
Total	**19,648 (100%)**	**69%**	**31%**	--

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. In the logistic regression White is the reference category.

Figure 5-1. Odds ratio of receiving a DOC sentence for felony convictions in Adult District Court by race/ethnicity with 95% confidence intervals

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. In the logistic regression White is the reference category.

Deferred Sentences - Adults in District Court

Deferred sentences for *all* convictions in adult district court in 2022 were examined (Table 5-2). As can be seen in Table 5-2, Whites accounted for 53% of all such convictions, Blacks/African-Americans accounted for 12%, and Hispanics accounted for 32%. Of those convictions, Whites received deferred sentences 12% of the time, while Blacks/African-Americans and Hispanics received deferred sentences 10% and 9% of the time, respectively.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2022, members of the Black/African-American group received deferred sentences at a rate 0.81 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.71, 0.91). Members of the Hispanic group received deferred sentences at a rate 0.74 times that of their White counterparts., and the 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 0.67, 0.81). As such, we can conclude with high confidence that the Black/African-

American and Hispanic subpopulations *both* received deferred sentences at a statistically significantly lower rate than the White subpopulation in 2022. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-2.

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

Race/Ethnicity	Total N (Percent of N)	No Deferred Sentence	Deferred Sentence	Significant Difference from Reference
White	17,020 (53%)	88%	12%	Reference
Black	3,867 (12%)	90%	10%	Yes
Hispanic*	10,438 (32%)	91%	9%	Yes
Other	990 (3%)	81%	19%	Yes
Total	**32,315 (100%)**	**89%**	**11%**	--

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.

Figure 5-2. Odds ratio of receiving a deferred sentence for all convictions in Adult District Court by race/ethnicity with 95% confidence intervals
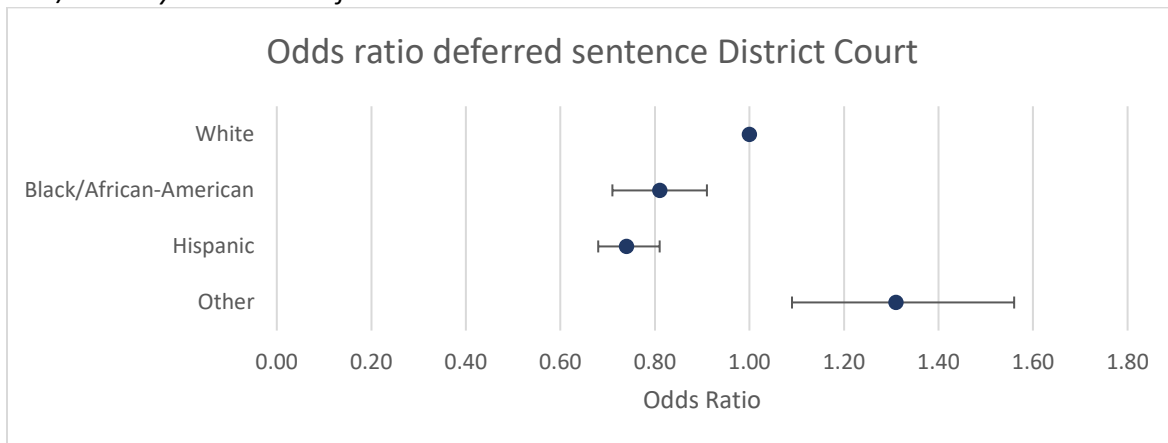
Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Deferred Sentences - Juvenile Court

Deferred sentences for all adjudications in juvenile court in 2022 were examined (Table 5-3). The White subpopulation accounted for 43% of all adjudications in juvenile court, where as the Black/African-American and Hispanic subpopulations accounted for 15% and 38% of adjudications in juvenile court, respectively. While the White subpopulation received deferred sentences 48% of the time, the Black/African-American and Hispanic subpopulations received deferred sentences 31% and 35% of the time, respectively.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2022, members of the Black/African-American

group who received an adjudication in juvenile court were given a deferred sentence at a rate 0.53 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.41, 0.69). Members of the Hispanic group who received an adjudication in juvenile court were given a deferred sentence at a rate 0.53 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 0.44, 0.64). As such, we can conclude with high confidence that the Black/African-American and Hispanic subpopulations *both* received deferred sentences at a statistically significantly lower rate than the White subpopulation in 2022. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-3.

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

Race/Ethnicity	Total N (Percent of N)	No Deferred Sentence	Deferred Sentence	Significant Difference fromR eference
White	1,324 (43%)	52%	48%	Reference
Black	465 (15%)	69%	31%	Yes
Hispanic*	1,186 (38%)	65%	35%	Yes
Other	121 (4%)	48%	52%	No
Total	**3,096 (100%)**	**60%**	**40%**	--

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.

Figure 5-3. Odds ratio of receiving a deferred sentence for all adjudications in Juvenile Court by race/ethnicity with 95% confidence intervals
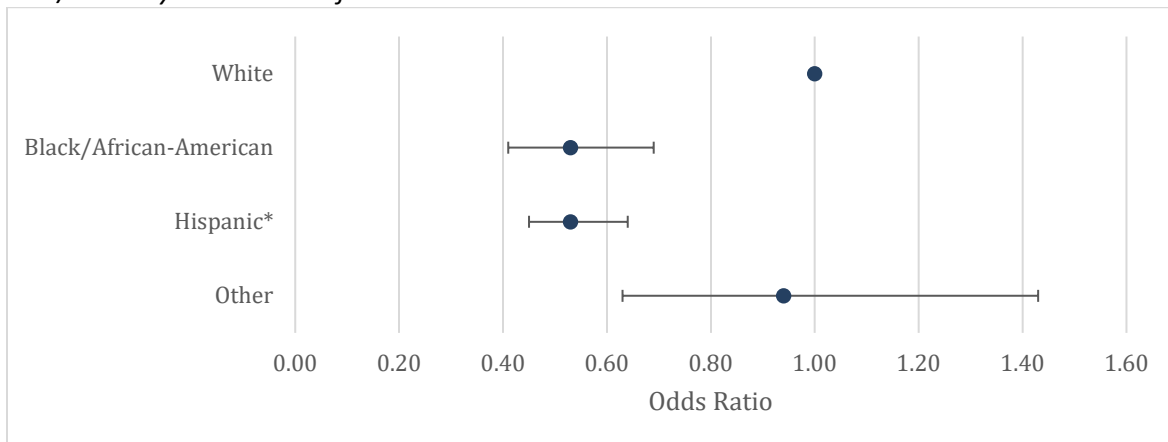
Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Division of Youth Services Sentences

We compare the rate at which adjudications for members of each racial group resulted in sentences to the Division of Youth Services (DYS) in 2022 (Table 5-4). The White subpopulation accounted for 43% of adjudications in Juvenile Court, whereas the Black/African-American and Hispanic subpopulations accounted for 15% and 38% of such adjudications. Of these, approximately 6% of juvenile court adjudications for members of the White group resulted in a DYS sentence, whereas adjudications for members of the Black/African-American and Hispanic groups resulted in DYS sentences 15% and 9% of the time, respectively.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2022, members of the Black/African-American group who received an adjudication in Juvenile Court were sentenced to DYS at a rate 1.93 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 1.30, 2.84), and so we cannot say with high confidence that members of the Black/African-American group were sentenced to DYS at a different rate than their White counterparts.

Members of the Hispanic group who received an adjudication in Juvenile Court were sentenced to DYS at a rate 1.54 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 1.10, 2.16), indicating that we can conclude with high confidence that members of the Hispanic subpopulation were sentence to DYS at a statistically significantly higher rate than their White counterparts. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-4.

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

Race/Ethnicity	Total N (Percent of N)	No DYS Sentence	DYS Sentence	Significant Difference From Reference
White	1,324 (43%)	94%	6%	Reference
Black	465 (15%)	85%	15%	Yes
Hispanic*	1,186 (38%)	91%	9%	Yes
Other	121 (4%)	97%	3%	No
Total	**3,096 (100%)**	**91%**	**9%**	**--**

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.

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Figure 5-4. Odds ratio of receiving a Division of Youth Services sentence for all adjudications in Juvenile Court by race/ethnicity with 95% confidence intervals
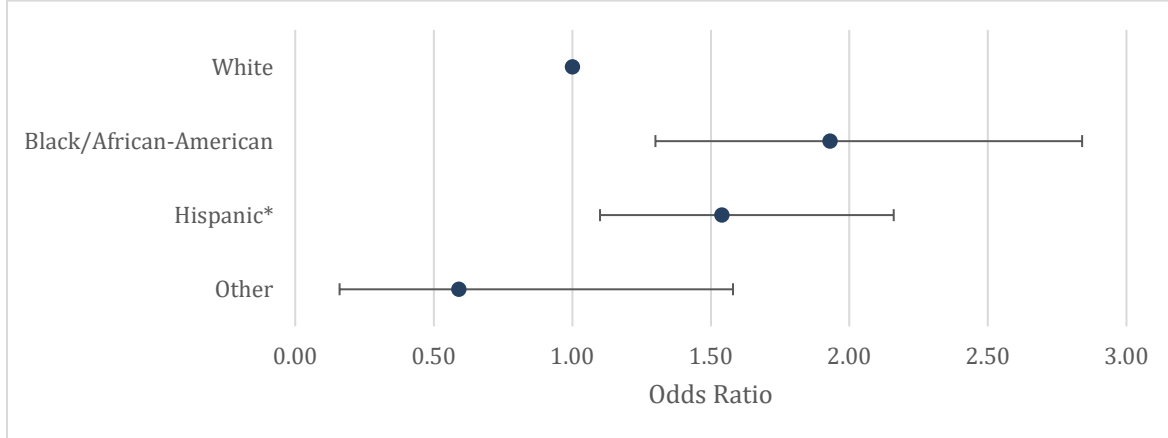
Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Summary: Additional analyses. Because of the disparities in initial sentences for Black/African American and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Hispanics were more likely than Whites to receive a DOC sentence while Black/African Americans were no more likely to receive a DOC sentence. Additionally, Black/African Americans and Hispanics—adult and juveniles--were still more less likely 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, 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/African American and Hispanic defendants.

Appendix A

NIBRS Group A & B Arrest Crimes

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

Category	Subcategory	NIBRS Offense
		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	
		Aggravated Assault
	Homicide	
		Homicide
	Kidnapping	
		Kidnapping
	Other Homicide	
		Manslaughter
	Robbery	
		Robbery
	Sex Assault	
		Incest
		Rape
		Sexual Assault
		Sodomy
		Statutory Rape
	Simple Assault	
		Intimidation
		Simple Assault

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Appendix B

Most serious filing/conviction charge categories

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

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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. Name, date of birth (DOB), and SID (State Identification number) matched these records 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 model is validated using AUC (Area Under the Curve) which 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. The development model achieved an AUC of .95 and the validation AUC was also .95. 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 2022 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 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.

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