

CLEAR Act Methods & Results

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of the Sentencing Reform Task Force (SRTF) of the Colorado Commission on Criminal and Juvenile Justice (CCJJ)



COLORADO
Department of Public Safety

CCJJ.Colorado.gov

Overview

- Legislative Priorities
- Methodology
- Results
- Possible Solutions

Legislative Requirements

- The CLEAR Act mandates that the Division of Criminal Justice (DCJ) annually analyze and report on decisions made at different points in the justice system
- Data analyzed by race/ethnicity, gender, adult/juvenile status, and offense type. Senate Bill 15-185 mandated DCJ to report these data disaggregated by offense type.
- Reporting is done at the state and judicial district level
- Reports and dashboard found here:
ors.colorado.gov/ors-sb185

Criminal Justice Decision Points

- **Arrest**
 - on view/probable cause
 - custody/warrant
 - summons
- Court filing
- Case outcome
- **Initial sentence**
- Revocation
- Parole

Methodology

Data sources:

- ❖ Arrest: CBI National Incidence-Based Reporting System
 - ❖ Court filing, outcome & sentencing: State Judicial Branch
 - ❖ Probation: State Judicial Branch
 - ❖ Parole: Department of Corrections
-
- ❖ Analyses conducted by DCJ
 - ❖ Results presented by race/ethnicity, gender, crime type, and judicial district
 - ❖ Hispanic ethnicity is not captured by court data. DCJ wrote an algorithm that predicts ethnicity and it cross-checks well with other datasets.

Reporting Methods-Report

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

Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

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

Race/ethnicity	N population	% population	N arrests	% arrests
White	3,593,144	71%	19,659	57%
Hispanic	1,039,802	20%	59,848	29%
Black	228,485	4%	25,604	12%
Other	231,101	5%	4,285	2%

Population distribution in Colorado, by race/ethnicity, 2019

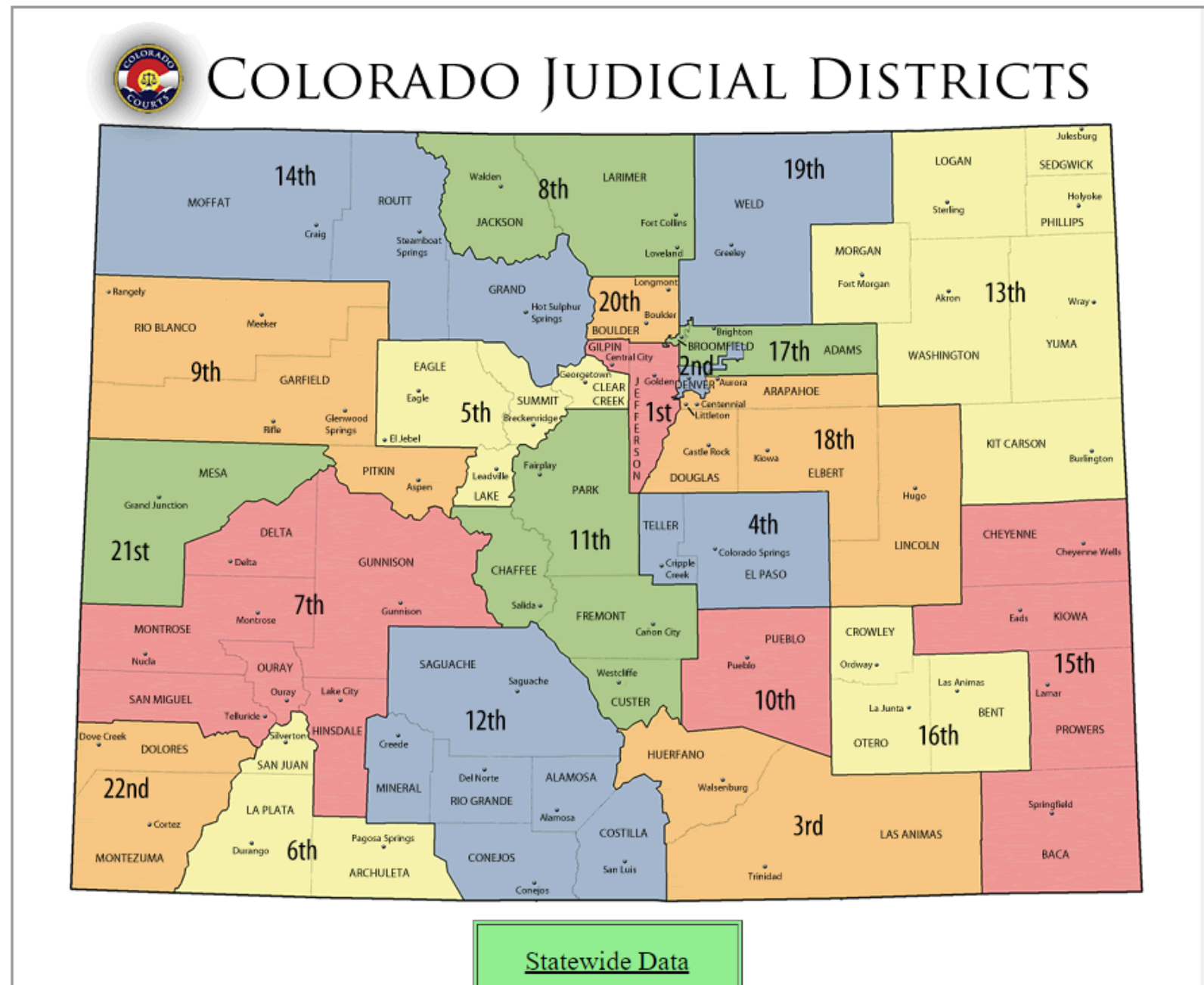
Source: Colorado State Demography at
demography.dola.colorado.gov

Note: Juvenile population is 10-17 years old.

Source: Colorado Bureau of Investigation,
National Incident-Based Reporting System. Data
extracted 6/10/2020.

Reporting Methods-Dashboard

Race/Ethnicity at Criminal Justice Decision Points - 2019 Map



Arrest Rates

Arrests Dashboard

Arrest_Summons Case Filed Filing Outcome Sentences Revocations

Judicial District: All

Arrest/Summons by Race and Ethnicity

Race/Ethnicity Distribution - 2019

	Adult		Juvenile		Grand Total	
White	3,246,785	72%	346,359	59%	3,593,144	71%
Hispanic	854,792	19%	185,010	31%	1,039,802	20%
Black	196,354	4%	32,131	5%	228,485	4%
Other	203,442	5%	27,659	5%	231,101	5%
Grand Total	4,501,373	100%	591,158	100%	5,092,532	100%

Provided by the State Demography office, <https://demography.dola.colorado.gov>
Note: Juvenile population is 10-17 years old.

Per the CLEAR Act, the data presented here include information concerning arrests classified as on view/probable cause (an arrest without a warrant but with probable cause, resulting in physical restraint), summons (an order to appear in court), and custody/warrant (an arrest that involves an outstanding warrant and physical restraint). More than 209,000 NIBRS incidents were analyzed for 2019; 36% were on view/probable cause arrests, about 33% were summonses, and 31% were custody/warrant arrests.

Law enforcement data for the period between January 1, 2019 and December 31, 2019 were obtained from the Colorado Bureau of Investigation's National Incident-Based Reporting System (NIBRS). The arrest information includes 17 offense categories summarized from more than 40. Please see Appendix A of the REPORT for details regarding the offense categories.

Race/ethnicity was determined using a statistical model. See Appendix C of the REPORT for more information.

The 17 categories of offenses have been summarized into Violent, Property, Other and Drug crime groups. Click on any of these to obtain information on specific types of crimes that fall into these larger categories. In 2019, Violent offenses represented 13% of arrests/summonses, Property offenses represented 15% of arrests/summonses, Other offenses were 63% of arrests/summonses, and Drugs were 10% of

☒ (All)
☐ Female
☐ Male

☒ (All)
☐ Adult
☐ Juvenile

All Offenses Combined

	On-view/probable cause	Custody/warrant	Summons	Grand Total
White	55%	55%	61%	57%
Hispanic	30%	31%	26%	29%
Black	14%	12%	11%	12%
Other	2%	2%	2%	2%

Violent Offenses

(All)

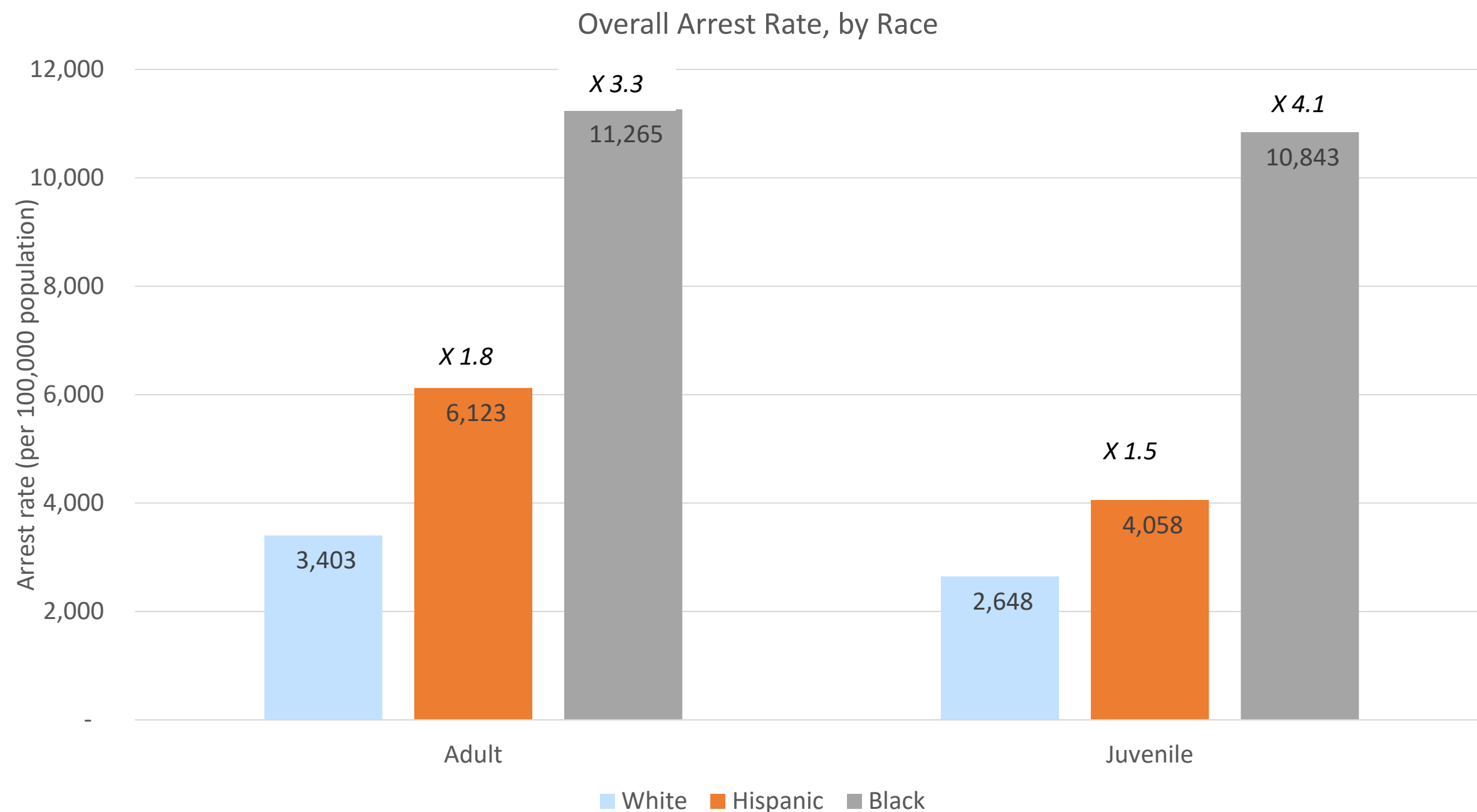
	On-view/probable cause	Custody/warrant	Summons	Grand Total
White	50%	51%	54%	51%
Hispanic	29%	30%	29%	29%
Black	19%	17%	15%	18%
Other	2%	2%	2%	2%

Property Offenses

(All)

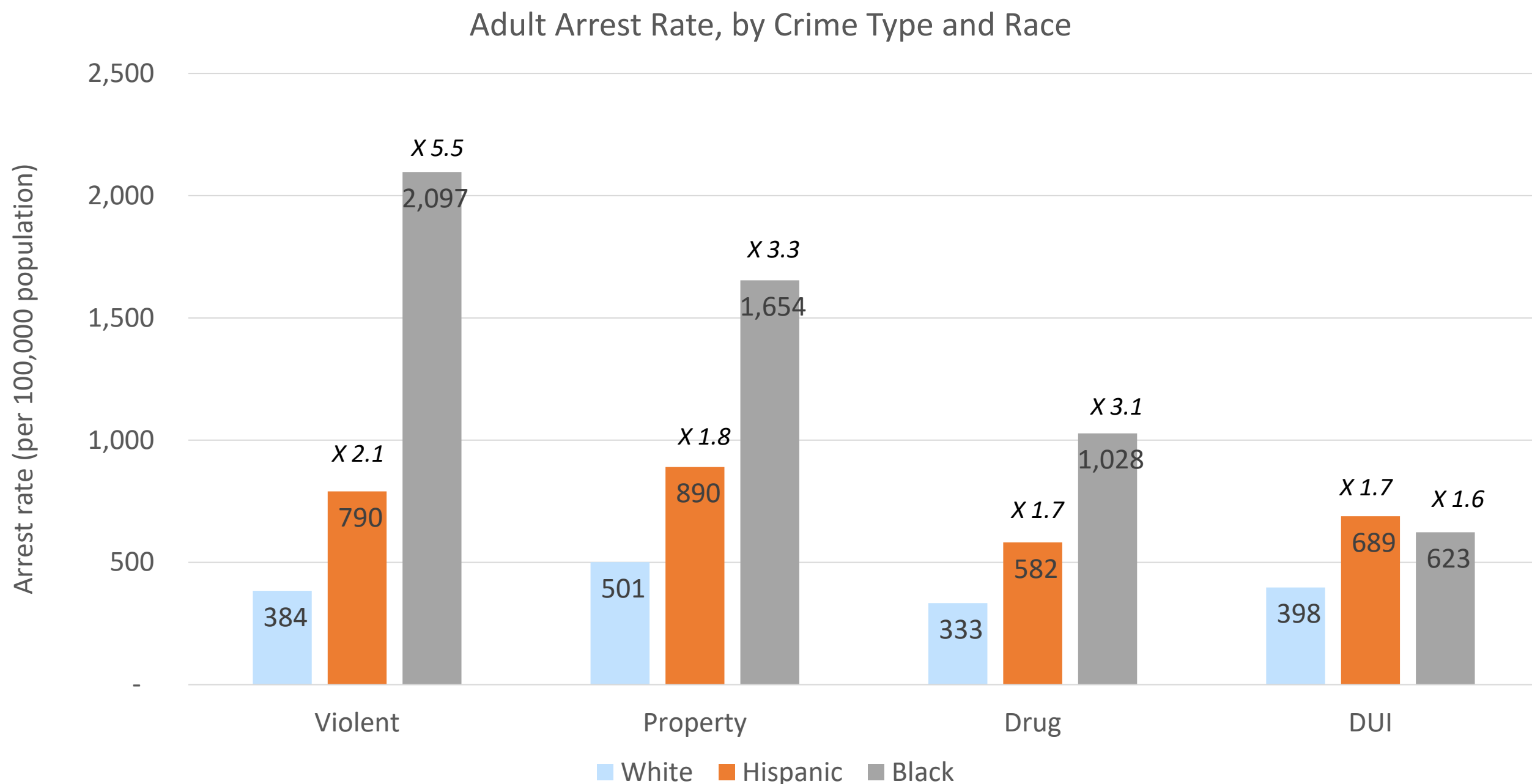
	On-view/probable cause	Custody/warrant	Summons	Grand Total
White	54%	57%	60%	58%
Hispanic	30%	29%	27%	28%
Black	14%	12%	11%	12%
Other	1%	2%	2%	2%

Arrest Rates & Disparity, 2019



Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Adult Arrest Rates & Disparity, 2019

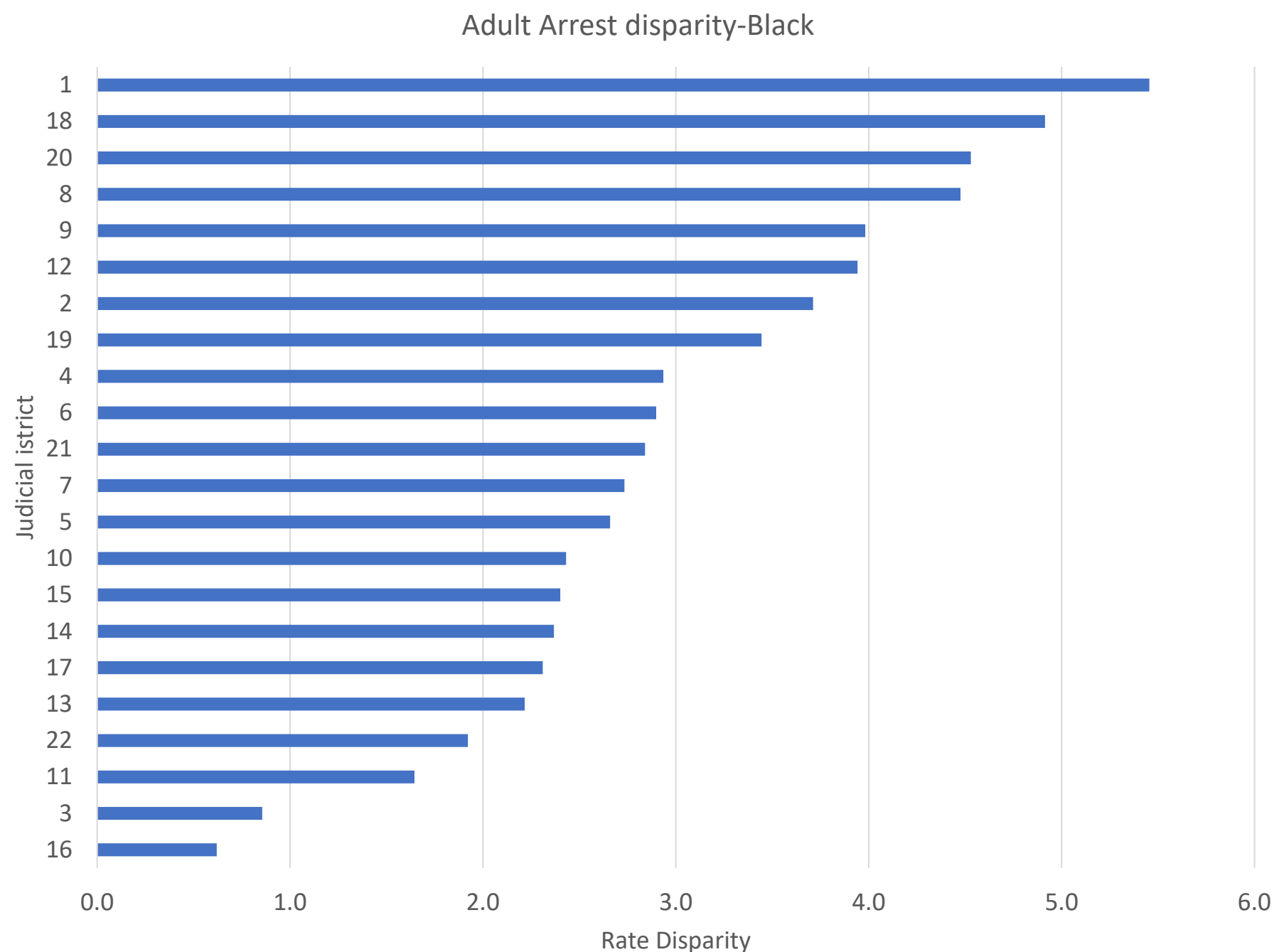


Note: Violent offenses include murder, robbery, sexual assault, aggravated assault, **simple assault**, and kidnapping.

Property offenses include burglary, theft, motor vehicle theft, arson, and fraud.

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Adult Black Arrest Disparity, 2019

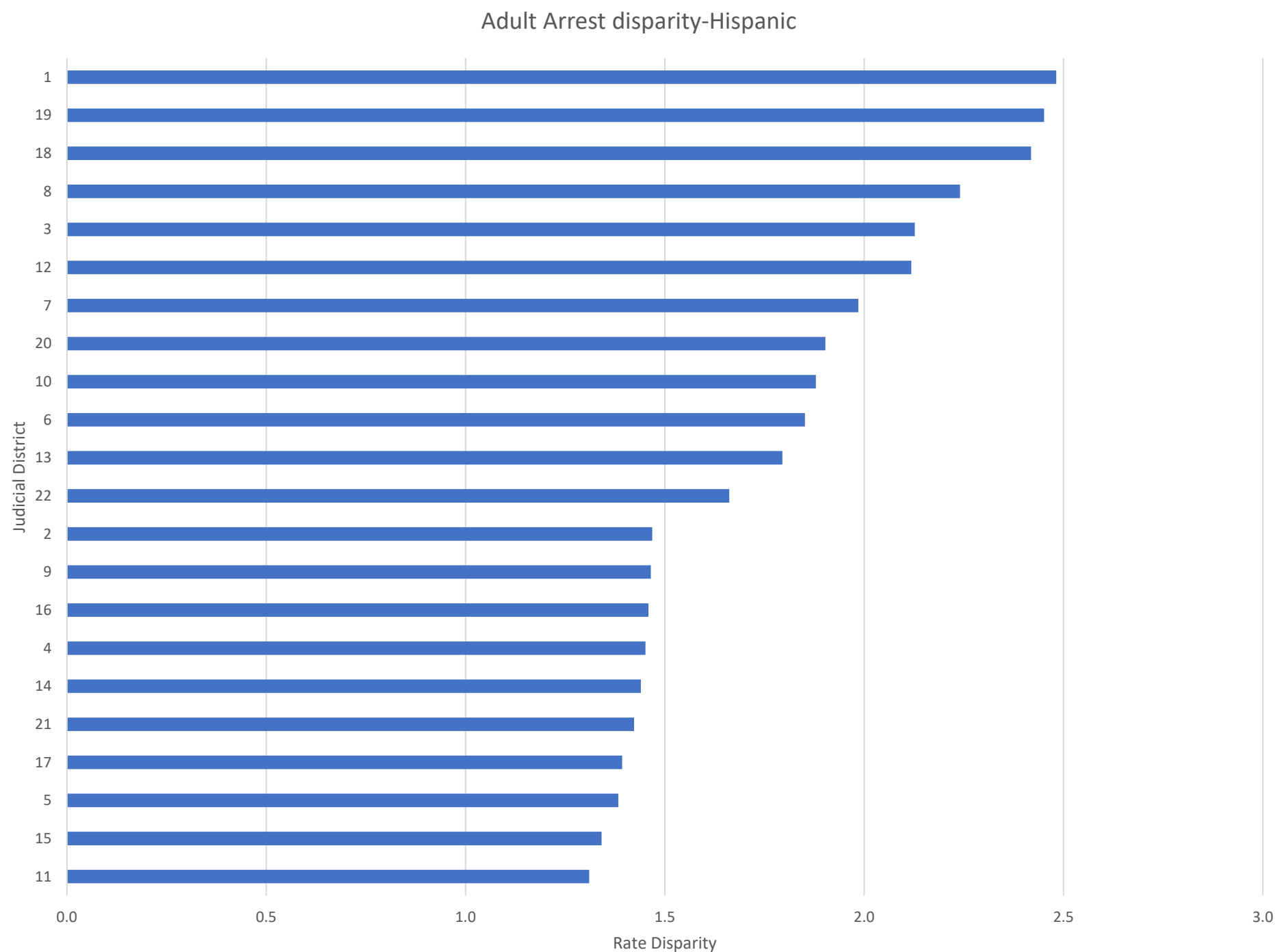


Note: Violent offenses include murder, robbery, sexual assault, aggravated assault, **simple assault**, and kidnapping.

Property offenses include burglary, theft, motor vehicle theft, arson, and fraud.

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Adult Hispanic Arrest Disparity, 2019

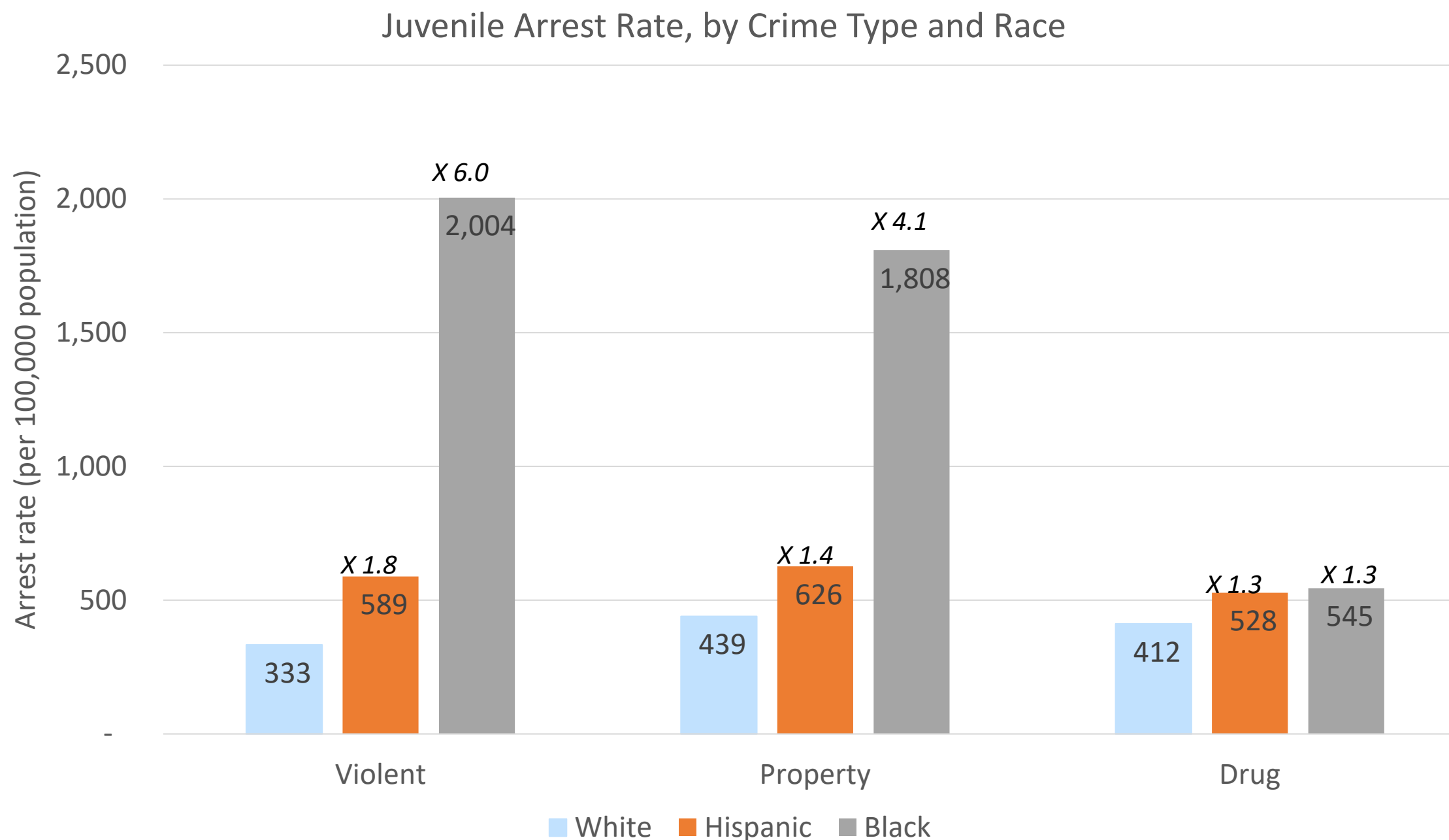


Note: Violent offenses include murder, robbery, sexual assault, aggravated assault, **simple assault**, and kidnapping.

Property offenses include burglary, theft, motor vehicle theft, arson, and fraud.

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Juvenile Arrest Rates & Disparity, 2019

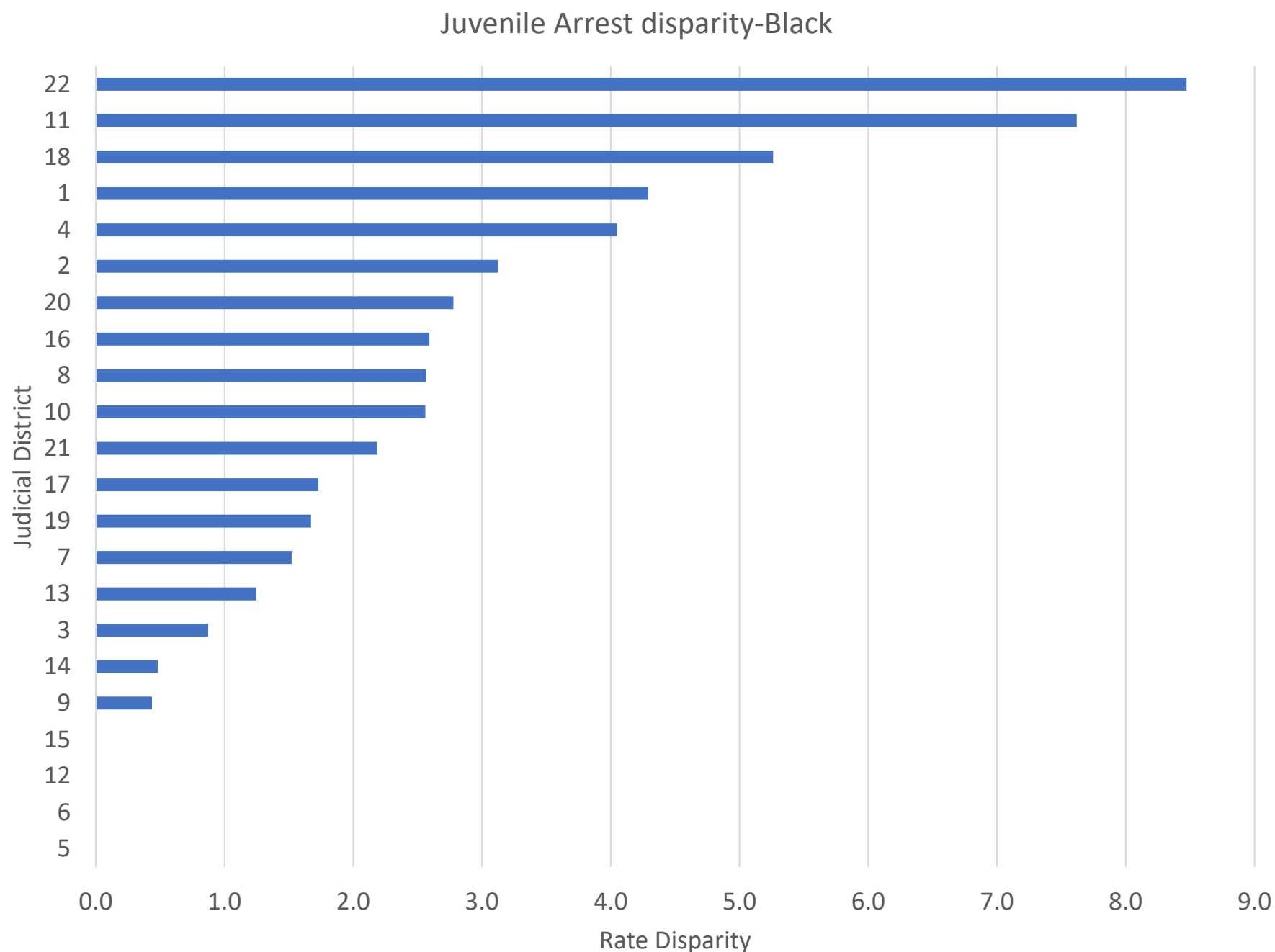


Note: Violent offenses include murder, robbery, sexual assault, aggravated assault, **simple assault**, and kidnapping.

Property offenses include burglary, theft, motor vehicle theft, arson, and fraud.

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Juvenile Black Arrest Disparity, 2019

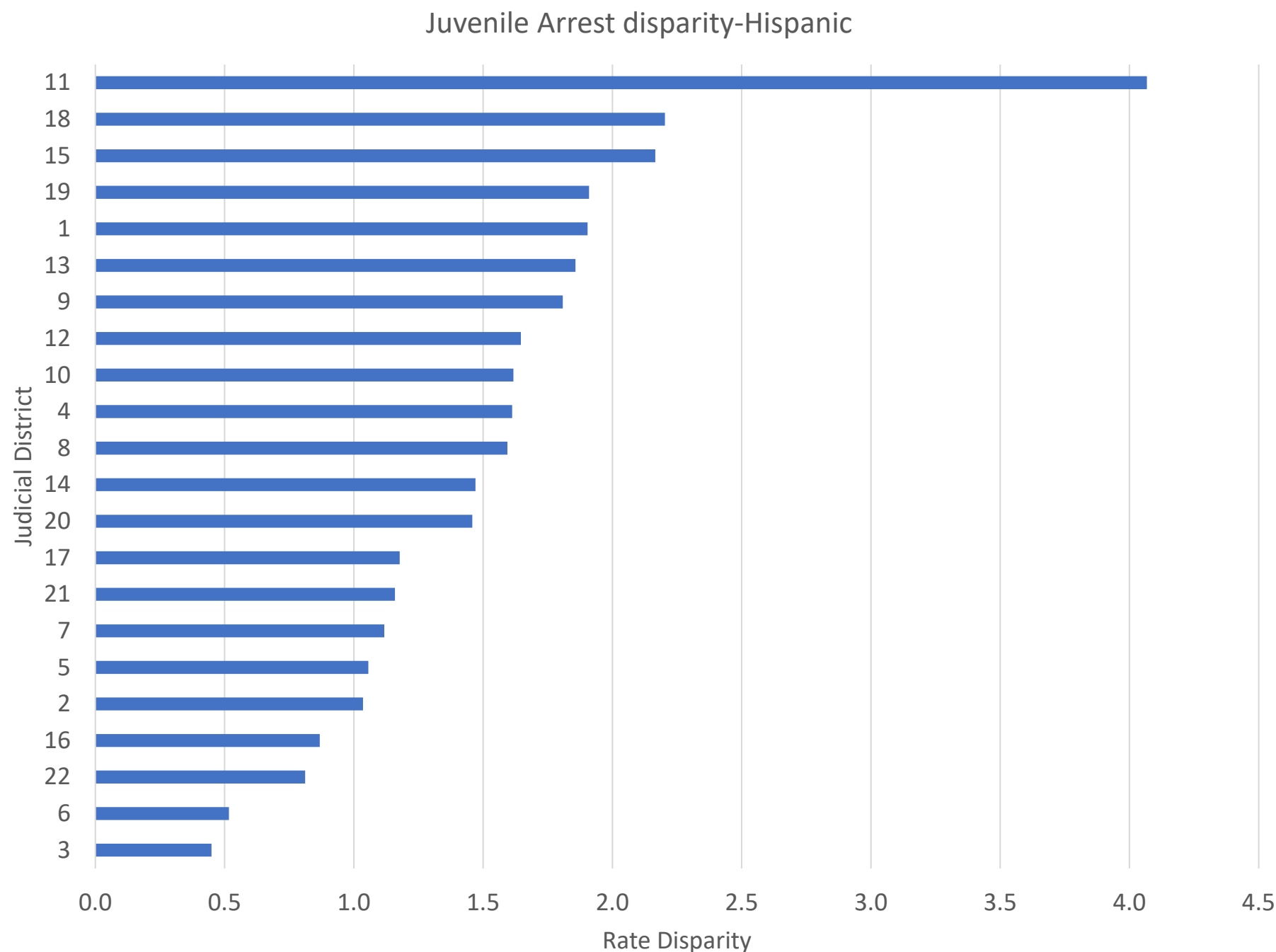


Note: Violent offenses include murder, robbery, sexual assault, aggravated assault, **simple assault**, and kidnapping.

Property offenses include burglary, theft, motor vehicle theft, arson, and fraud.

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Juvenile Hispanic Arrest Disparity, 2019



Note: Violent offenses include murder, robbery, sexual assault, aggravated assault, **simple assault**, and kidnapping.

Property offenses include burglary, theft, motor vehicle theft, arson, and fraud.

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Data extracted 6/10/2020.

Court Filings & Sentences

Court Filings-Dashboard

Arrest_Summons

Case Filed

Filing Outcome

Sentences

Revocations

Judicial District: All

Cases Filed by Race and Ethnicity

Race/Ethnicity Distribution - 2019

	Adult		Juvenile		Grand Total	
White	3,246,785	72%	346,359	59%	3,593,144	71%
Hispanic	854,792	19%	185,010	31%	1,039,802	20%
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Provided by the State Demography office, <https://demography.dola.colorado.gov>

Note: Juvenile population is 10-17 years old.

ICON is the Colorado Judicial Branch's information management system, and this is the source of the information presented below for calendar year 2019. ICON contains county and district court case filings and dispositions statewide, with the exception of Denver County Court which is not in ICON. Consequently, Denver County Court data are excluded from all analyses presented here.

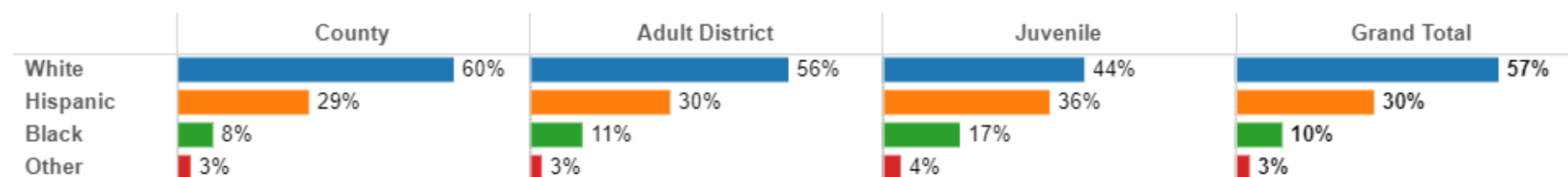
The crime information analyzed here reflects the most serious filing or conviction charge, based on misdemeanor or felony classification, for 25 offense categories summarized from hundreds of criminal statutes. The 25 offense categories are collapsed below into four broad groups: Violent, Property, Other and Drunkenness. Click on any of these to obtain information on specific types of crimes that fall into these larger categories. See Appendix B in the REPORT for information regarding the crime categories.

The data are presented by court type: county, adult district, and juvenile. County court contains both adult and juvenile misdemeanor cases. Juveniles who were charged as adults are in adult district court. These cases are not in this analysis unless they appeared in a District or County court case.

Note that the information presented here reflects the analysis of 115,964 cases not individuals. Individuals may have multiple, concurrent cases, and cases typically have multiple charges. This analysis focuses on the most serious charge as defined by felony or misdemeanor level. All offenses include attempts, solicitation, and conspiracy.

- ☒ (All)
☐ Female
☐ Male
- ☒ (All)
☐ Adult
☐ Juvenile
☐ Unknown

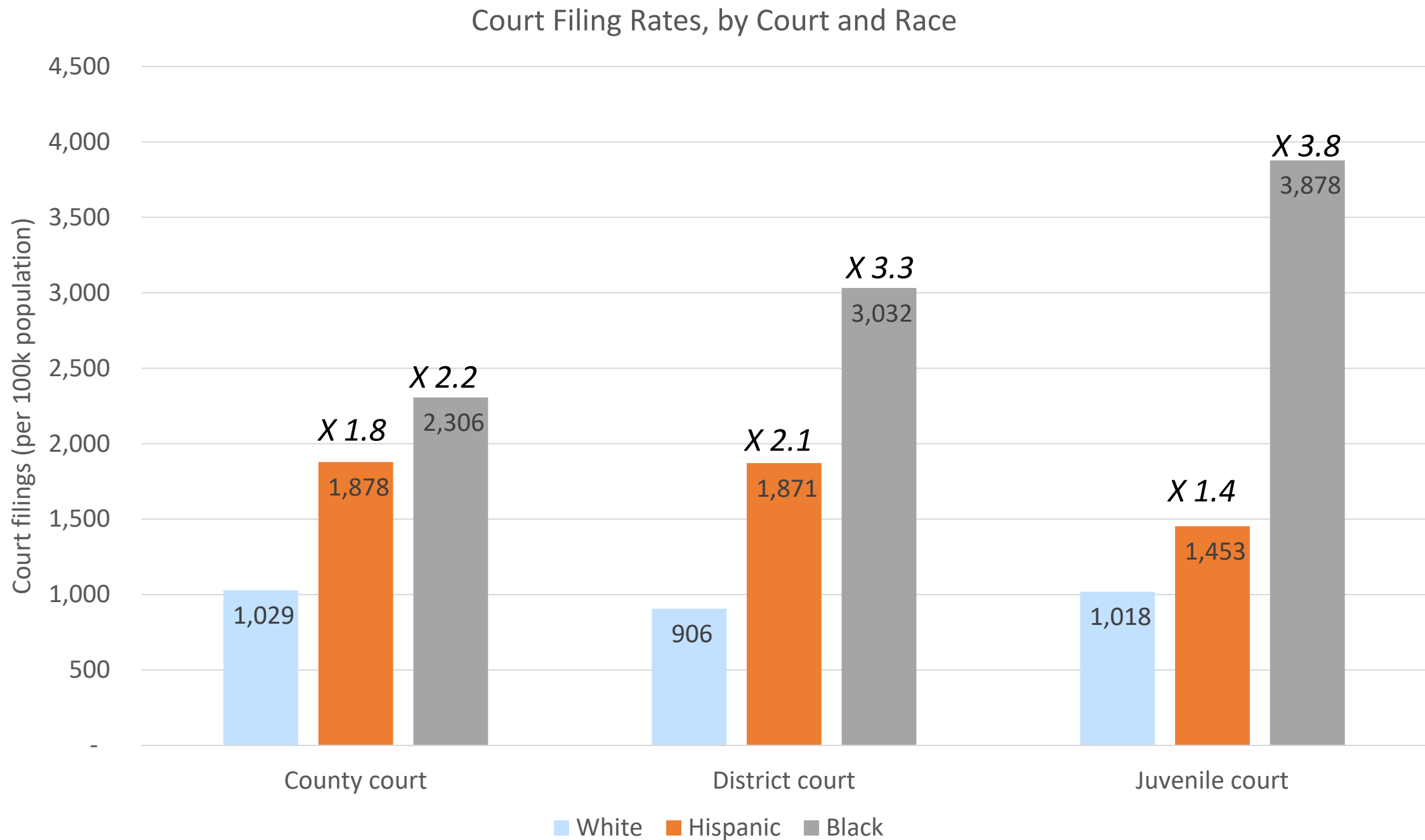
All Offenses Combined



* The Judicial Department collects race but not ethnicity. Therefore, hispanic ethnicity was determined using a DCJ-developed statistical model. See APPENDIX C of the REPORT for more information.

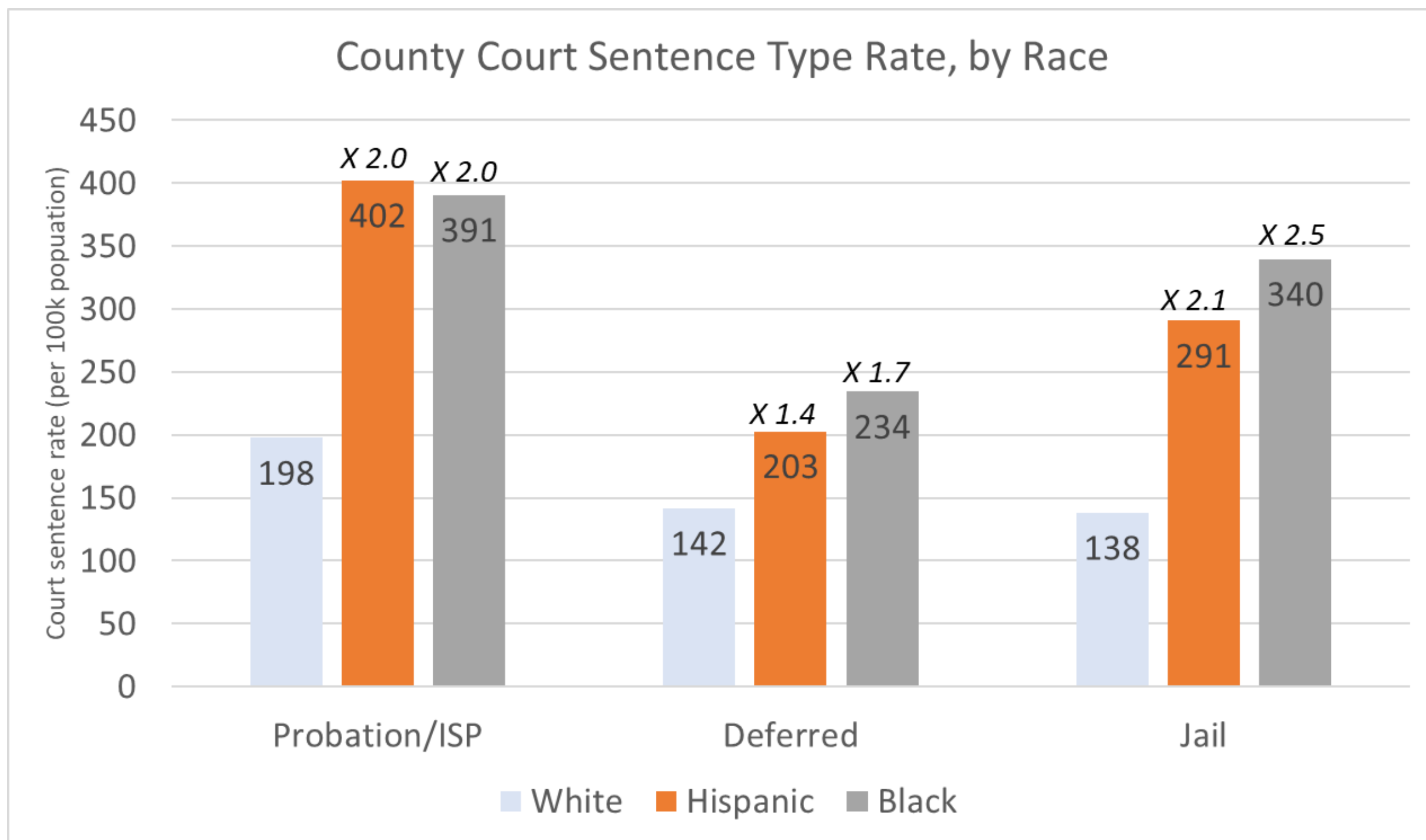
Source: Colorado State Judicial Branch with analysis by Division of Criminal Justice.

Court Filing Rates & Disparity, 2019



Source: Colorado State Judicial Branch with analysis by Division of Criminal Justice.

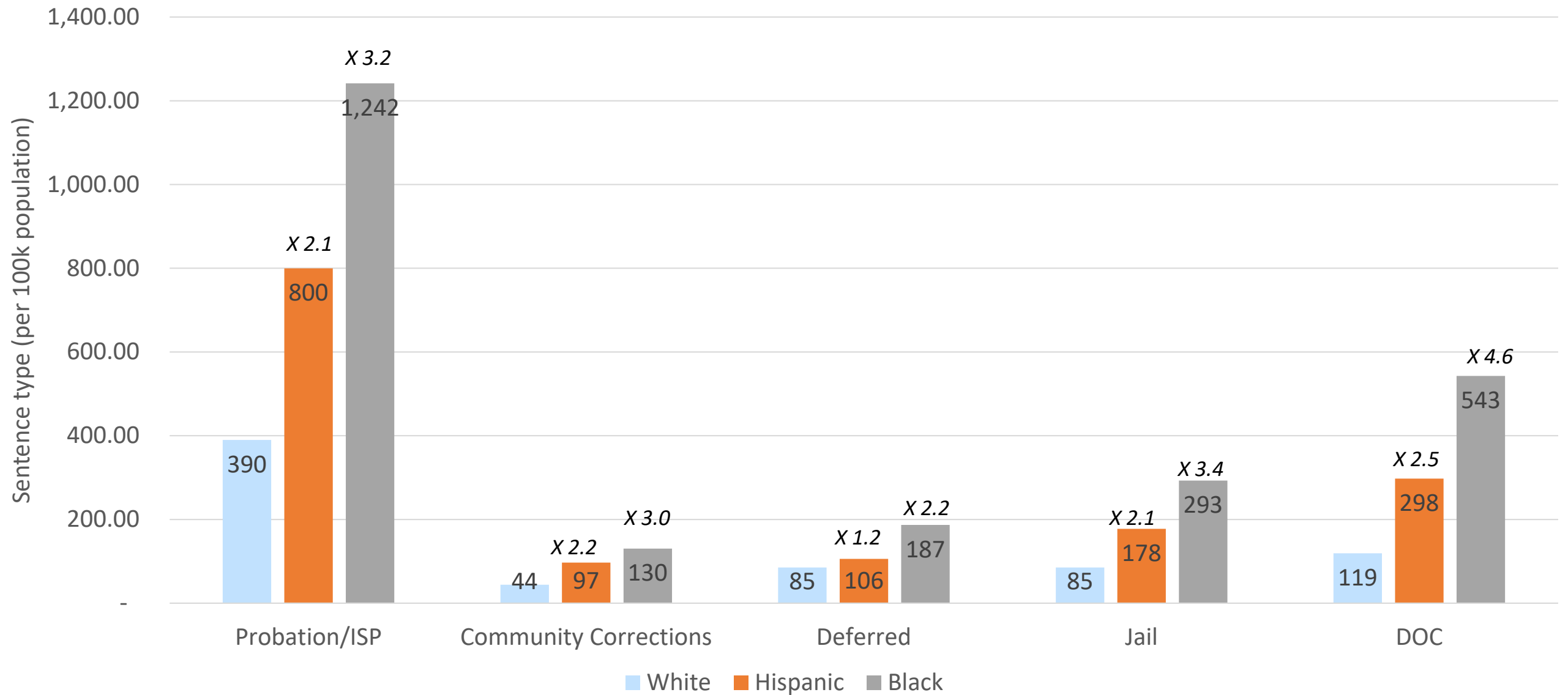
County Court Sentencing Rates & Disparity, 2019



Source: Colorado State Judicial Branch with analysis by Division of Criminal Justice.

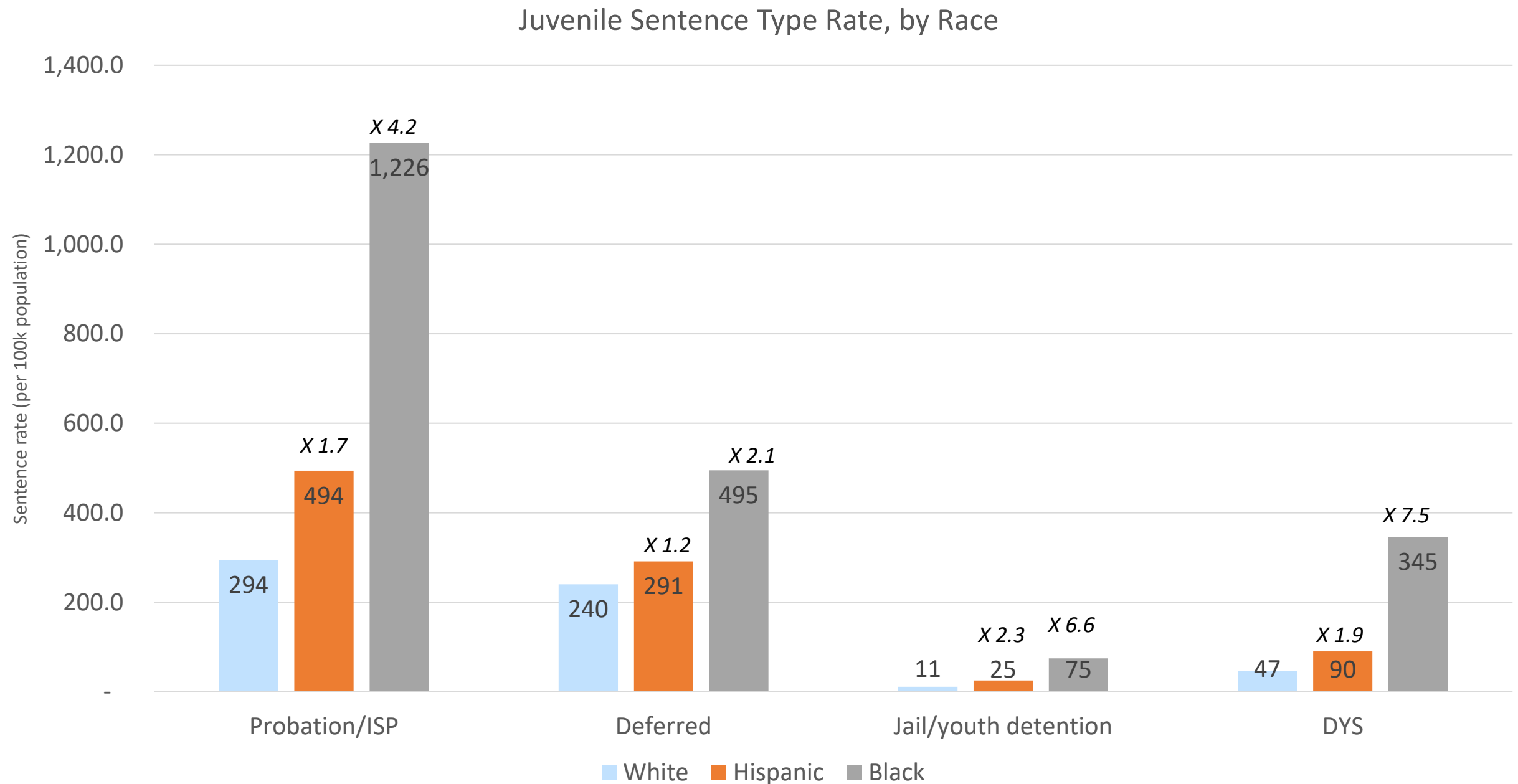
District Court Sentencing Rates & Disparity, 2019

District Court Sentence Type Rate, by Race



Source: Colorado State Judicial Branch with analysis by Division of Criminal Justice.

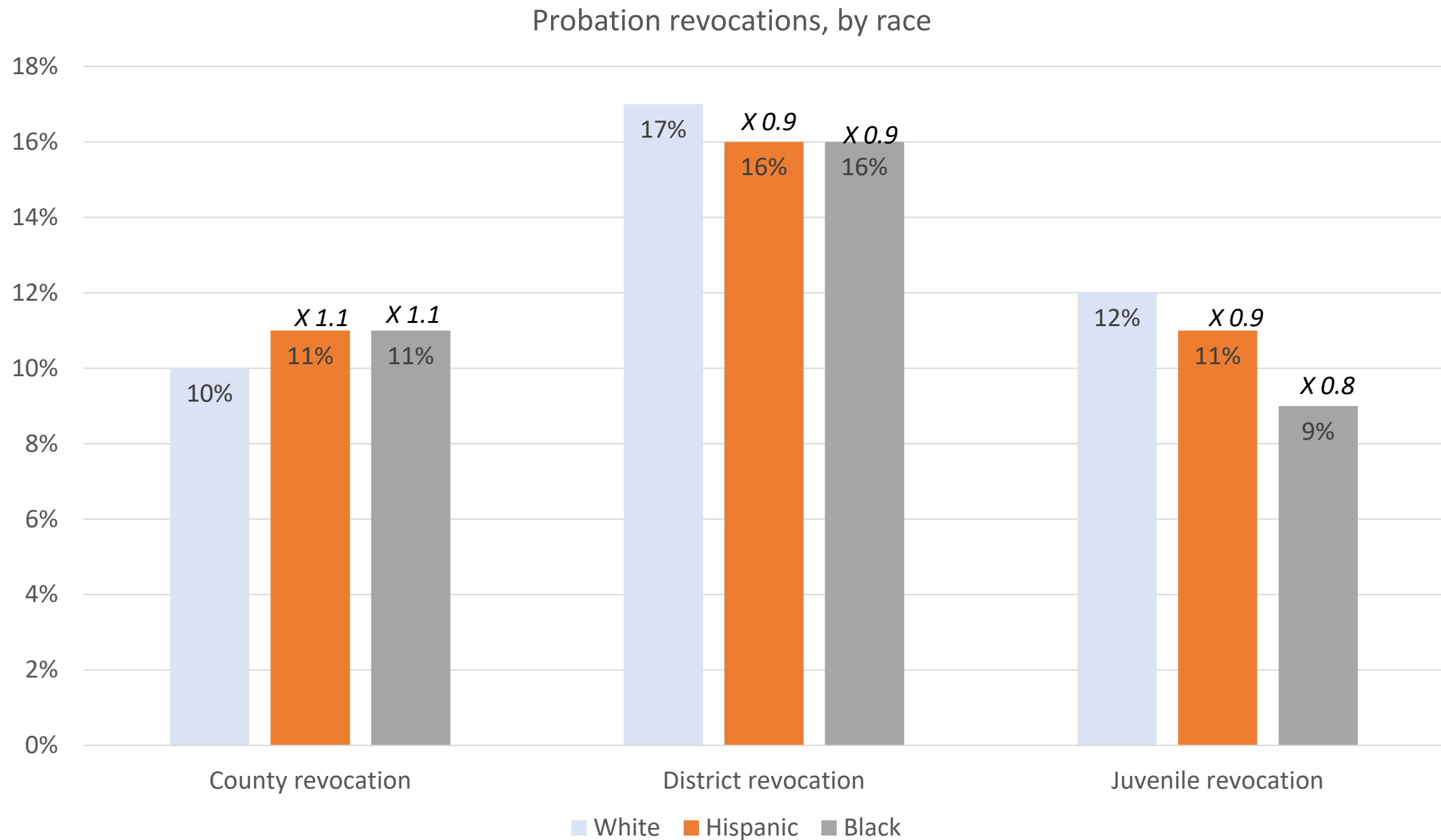
Juvenile Sentencing Rates & Disparity, 2019



Note: Community sentence includes probation/intensive supervision or deferred judgment. Incarceration includes prison & jail.
Source: Colorado State Judicial Branch with analysis by Division of Criminal Justice.

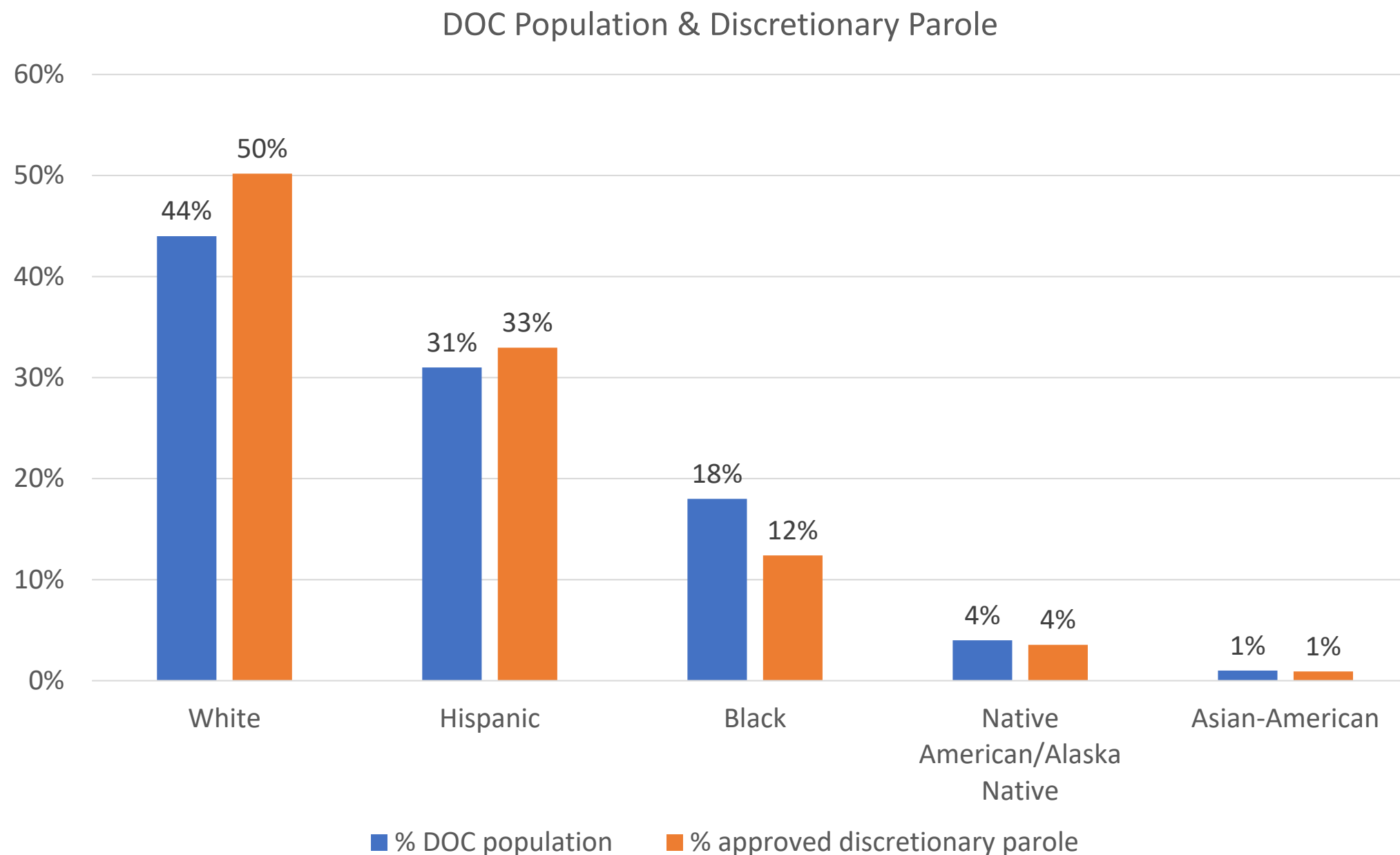
Probation Revocations

Probation Revocation Rates & Disparity, 2019



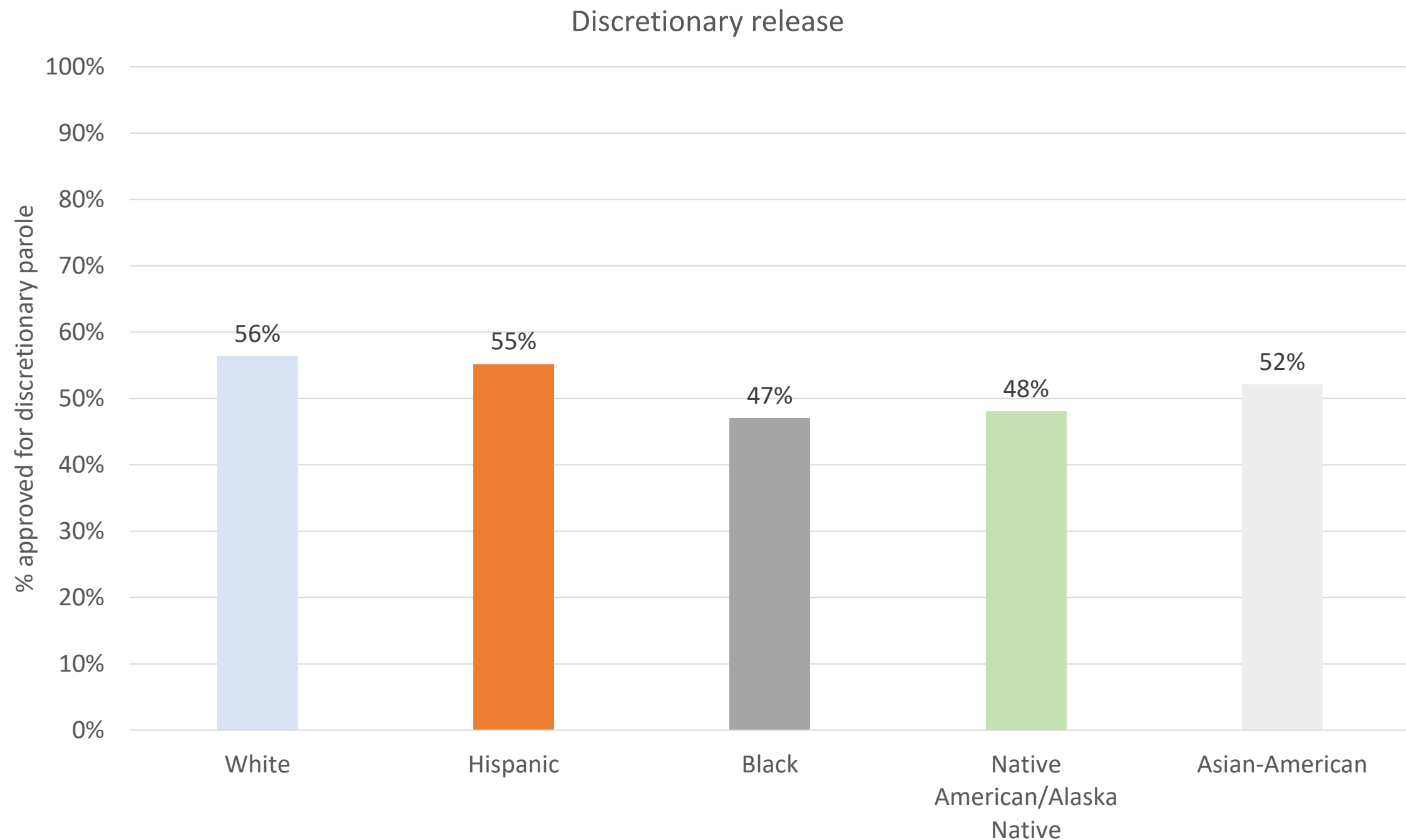
Parole Decisions

DOC Population & Parole Discretionary Release, 2019



Source: cdoc.colorado.gov/about/data-and-reports/statistics

Parole Discretionary Release Decision, 2019



Possible Solutions

1. Focus on low level offenses

- Once stopped, Black/African Americans more likely to be arrested
- 2014 study by National Bureau of Economic Research found charges more likely to be filed following arrest compared to previous decades
- *Expand pre-arrest diversion programs*
- *Expand pre-charge and pretrial diversion programs*

2. Focus on unnecessary use of pretrial detention

- Research shows length of pretrial detention is linked to longer post-sentence confinement in jail and prison
- Blacks more likely to be confined pre-trial
- Leads to loss of job, housing, healthcare
- *Use risk assessment tools*
- *Expand pretrial services programs*
- *Divert low-level offenders*
- *Eliminate money-based pretrial systems*

3. Consider the aggressive collection of criminal justice debt

- Racial disparities are reinforced by socioeconomic inequality
- *Assess individuals' abilities to pay*

4. Everyone who exercises discretion: Undergo training to identify and confront implicit racial/ethnic bias

From the President's Task Force on 21st Century Policing

Law enforcement agencies should...

- Embrace a guardian mindset, promoting the dignity of all individuals and protecting everyone's Constitutional rights (Procedural Justice)
- Consider the collateral damage of any given safety strategy on public trust
- Strive to create a diverse workforce
- Infuse community policing and problem solving principles throughout the organizational structure
- Work with schools to develop alternatives to suspension/expulsion
- Ensure training occurs throughout an officer's career with procedural justice at the center/lessons to improve social interactions/lessons on addiction/ lessons on recognizing and confronting implicit bias



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