

# Minority Overrepresentation Subcommittee Recommendations

January 13, 2012

## **FY12-MOR1: Inclusion of minority data in legislative fiscal notes.**

Modify legislation to include gender and minority data in all fiscal notes written for criminal justice bills.  
Include victim information?

### **Discussion:**

The minority data information is intended to provide a general overview of supervised populations by gender, race and ethnicity, where available, as well as census data. The Iowa fiscal note template should be used as a model.

## **FY12-MOR2: Inclusion of minority impact state in Commission legislative recommendations.**

Commission legislative recommendations shall include a minority impact statement.

### **Discussion:**

Tables 1 and 2, below, show that depending on race and ethnicity, the percentages at every stage of the criminal justice system diverge from the population numbers, especially for Black Coloradans. Because Hispanics are often combined with Whites, it is difficult to determine an accurate percentage of Hispanics in various levels of the criminal justice system.<sup>1</sup> Although Blacks comprised only 4.4% of the state population, they are found in increasing numbers at different levels of the system: 11.8 % of all arrests, 11.8 % of all filings, 12.4% of all convictions, 19% of all DOC admissions, 22.7% of all parole technical violations, and 24.7% of all parole terminations for a new crime. Thus, their percentage of the population at many stages of the criminal justice system exceeds their proportion of the state population.

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<sup>1</sup> The U.S. Census collects ethnicity data (Hispanic vs. non-Hispanic) separately from race.

**Table 1. Colorado racial disparity in adult population: General population, arrest, filings, findings and placements, 2008/2009**

	N	American Indian	Asian	Black	Hispanic	White	Other	Unknown	Total
<b>General Population</b>									
<b>Colorado Adult Population<sup>a</sup></b>	<b>4,497,149</b>	<b>1.2%</b>	<b>2.7%</b>	<b>4.4%</b>	<b>89.5%</b>	<b>2.0</b>			<b>100%</b>
<b>Arrests<sup>b</sup></b>									
Colorado Adult Arrests <sup>c</sup>	158,062	0.8%	0.9%	11.8%	86.10%			0.60%	100%
<b>Filings<sup>d</sup></b>									
Filings	39,464	0.7%	0.7%	11.8%	9.5%	75.3%	1.3%	0.6%	100.0%
<b>Findings<sup>e</sup></b>									
No Conviction	5897	0.6%	0.6%	10.9%	6.8%	77.3%	2.7%	1.0%	100.0%
Deferred	3190	0.4%	1.1%	9.1%	6.9%	80.9%	1.4%	0.3%	100.0%
Convicted	25,307	0.7%	0.7%	12.4%	10.7%	74.5%	0.8%	0.2%	100.0%
<b>Sentence<sup>f</sup></b>									
Other <sup>g</sup>	834	0.6%	1.2%	5.2%	4.1%	85.9%	1.7%	1.4%	100.0%
Probation	13,469	0.6%	1.0%	11.4%	9.5%	76.4%	1.0%	0.1%	100.0%
ISP	909	0.6%	1.1%	17.1%	9.9%	70.7%	0.7%	0.0%	100.0%
Jail	3045	1.0%	0.6%	9.0%	11.2%	76.7%	1.1%	0.5%	100.0%
Probation and Jail	3814	0.7%	0.6%	8.1%	11.9%	77.9%	0.6%	0.1%	100.0%
Community Corrections	1354	0.7%	0.2%	14.0%	7.3%	77.1%	0.4%	0.2%	100.0%
DOC	6774	0.6%	0.7%	17.5%	12.1%	68.0%	0.9%	0.3%	100.0%

**Source:** Information regarding the source of each piece of data is presented in the corresponding footnote. This table was compiled by the Division of Criminal Justice, Office of Research and Statistics.

<sup>a</sup> <http://quickfacts.census.gov/qfd/states/08000.html> (as of July 1, 2009). Note: A separate listing for Hispanic is not included for Census data because the U.S. Census Bureau considers Hispanic ethnicity to mean persons of Spanish/Hispanic/Latino origin including those of Mexican, Cuban, Puerto Rican, Dominican Republic, Spanish, and Central or South American origin living in the US who may be of any race (White, Black, Asian, etc.).

<sup>b</sup> Uniform Crime Report data provided by the Colorado Bureau of Investigation, Colorado Dept. of Public Safety. Data reflect CY 2008 arrests and are the most recent currently available.

<sup>c</sup> Hispanic ethnicity is included in the White race in Uniform Crime Report data.

<sup>d</sup> Total number of filings taken from FY 2009 Judicial Branch Annual Report. Racial/ethnic breakouts extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

<sup>e</sup> FY 2009 criminal court filing data were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

<sup>f</sup> Initial sentences imposed in FY 2009 were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

<sup>g</sup> "Other" sentences include things such as fines/fees/surcharges, community service, and treatment. This list is not all inclusive.

**Table 2. Colorado racial disparity in adult population: Probation, DOC and parole, 2008/2009**

	N	American Indian	Asian	Black	Hispanic	White	Other	Unknown	Total
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<b>Probation Sentence<sup>a</sup> (cases)</b>	<b>13,469</b>	<b>0.6%</b>	<b>1.0%</b>	<b>11.4%</b>	<b>9.5%</b>	<b>76.4%</b>	<b>1.0%</b>	<b>0.1%</b>	<b>100.0%</b>
<b>Probation Terminations<sup>b</sup> (people)</b>									
Successful	23,415	0.8%	1.1%	5.5%	12.5%	79.5%	0.7%		100%
Technical Violation	2,722	1.7%	0.5%	11.3%	17.0%	68.9%	0.5%		100%
New Crime	1,762	0.9%	1.1%	11.6%	18.1%	68.0%	0.4%		100%
Absconder	4,506	2.8%	0.7%	10.7%	19.7%	65.7%	0.5%		100%
<b>DOC Sentence<sup>c</sup> (cases)</b>	<b>6774</b>	<b>0.6%</b>	<b>0.7%</b>	<b>17.5%</b>	<b>12.1%</b>	<b>68.0%</b>	<b>0.9%</b>	<b>0.3%</b>	<b>100.0%</b>
<b>Department of Corrections (people)</b>									
Admits <sup>d</sup>	10,861	3.2%	0.8%	19.0%	33.3%	43.7%			100%
Stock Population <sup>e</sup>	22,961	3.0%	0.0%	20.0%	32.0%	45.0%			100%
YOS admits <sup>f</sup>	61	0.0%	0.0%	16.0%	62.0%	21.0%			100%
COPD convictions <sup>g</sup>	19,602	2.8%	80.0%	21.6%	34.6%	40.1%			100%
<b>Parole</b>									
Parole Population <sup>h</sup>	11,439	2.0%	1.0%	16.0%	34.0%	47.0%			100%
Technical Parole Returns (no new crime) <sup>i</sup>	3773	3.8%	0.7%	22.7%	29.1%	43.8%			100%
Parole Returns with a new crime <sup>j</sup>	1132	4.0%	0.9%	24.7%	29.2%	41.3%			100%

**Source:** Information regarding the source of each piece of data is presented in the corresponding footnote. This table was compiled by the Division of Criminal Justice, Office of Research and Statistics.

**Note:** Judicial race data is often imported via other computer systems which may not distinguish between race and ethnicity (particularly "White" and "Hispanic"). As a result, the ability to accurately interpret this data is limited.

<sup>a</sup> Initial sentences imposed in FY 2009 were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

<sup>b</sup> Office of Probation Services, Colorado State Court Administrator's Office. Includes adult terminations from regular, intensive, and private probation.

<sup>c</sup> Initial sentences imposed in FY 2009 were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

<sup>d</sup> Data provided by the Office of Planning and Analysis, Colorado Department of Corrections and analyzed by the Office of Research and Statistics, Colorado Division of Criminal Justice. Admits includes new court commitments as well as "other" admissions such as bond returns, dual commitments, probation returns (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

<sup>e</sup> FY 2009 DOC annual report available at <http://www.doc.state.co.us/statistical-reports-and-bulletins>.

<sup>f</sup> Ibid.

<sup>g</sup> Office of Planning and Analysis, Colorado Department of Corrections

<sup>h</sup> FY 2009 DOC annual report available at <http://doc.state.co.us/statistical-reports-and-bulletins>.

<sup>i</sup> Data provided by the Office of Planning and Analysis, Colorado Department of Corrections and analyzed by the Office of Research and Statistics, Colorado Division of Criminal Justice.

<sup>j</sup> Ibid.