



Summary:

CY 2018 C.L.E.A.R. Act Report

**Community Law Enforcement Action Reporting Act
Pursuant to Senate Bill 2015-185**

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Colorado Commission on Criminal and Juvenile Justice
October 11, 2019



Background

In 2015, the General Assembly passed Senate Bill 185, the **Community Law Enforcement Action Reporting Act (C.L.E.A.R. Act)** mandating that the Division of Criminal Justice (DCJ) analyze and report data annually from:

- law enforcement agencies
- the Judicial Department
- 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.



Criminal Justice Decision Points

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



Race/ethnicity of Colorado population ages 10+, 2018

Race/ethnicity	Adult %	Juvenile %
Black/African Am	4	5
Hispanic	19	31
Other	4	5
White	73	59
Total	100	100

Data Source: Colorado Department of Local Affairs, Office of the State Demographer.



Arrests/summons by race/ethnicity, 2018

Race/ethnicity	%
Black/African Am	12
Hispanic*	28
Other	2
White	58
Total	100%

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

CO Population		
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Court of case filing, by race/ethnicity

CO Population		
Race/ethnicity	Adult %	Juv %
Black/African Am	4	5
Hispanic	19	31
Other	4	5
White	73	59

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

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



Preview of upcoming slides

Initial Sentence by race/ethnicity

	Black/ African Am		Hispanic		Other		White	
	%	N	%	N	%	N	%	N
Initial Sentence								
Community Corrections								
Community Service								
Credit for Time Served								
Deferred Judgment								
Dept of Corrections								
Division of Youth Corrections								
Fines								
Jail								
Probation/Intensive Supervision								
Unsupervised Probation								
Youthful Offender System								
Total								



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Initial Sentence in **County** Court, by race/ethnicity

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

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Initial Sentence in **District** Court, by race/ethnicity

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

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



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Initial Sentence in **Juvenile** Court, by race/ethnicity

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

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



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Initial Sentence in **Juvenile** Court, **VIOLENT** offenses, by race/ethnicity

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

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



In 2018, statewide:

Black/African Americans represented 4% of the adult state population and accounted for...

- 12% of arrests
- 11% of adult district court filings

Hispanic adults represented 28% of the population and accounted for...

- 28% of arrests
- 30% of adult district court filings



2018 Statewide Summary

- Black/African Americans more likely to be arrested
- Black/African Americans less likely to get deferred judgments
- Black/African Americans more likely to receive sentence to confinement

But many factors can influence a sentencing decision



Statistically controlled for:

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

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



After controlling for the factors just described....

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 (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 (or Hispanic) juveniles more or less likely to receive a sentence to DYS?



2018 Summary

Jurisdiction	Hispanic Adults DOC	Black/African Am Adults DOC	Hispanic Adults NO Def J	Black/African Am Adults NO Def J	Hispanic Juveniles NO Def J	Black/African Am Juveniles NO Def J	Hispanic Juveniles DYS	Black/African American Juveniles DYS
Statewide	X	X	X	X	X	X	X	
1 st JD	X	X		X	X	X	X	X
2 nd JD		X	X	X	X	X	X	X
4 th JD	X	X			X	X*	X	X
18 th JD	X	X	X	X	X	X	X	X

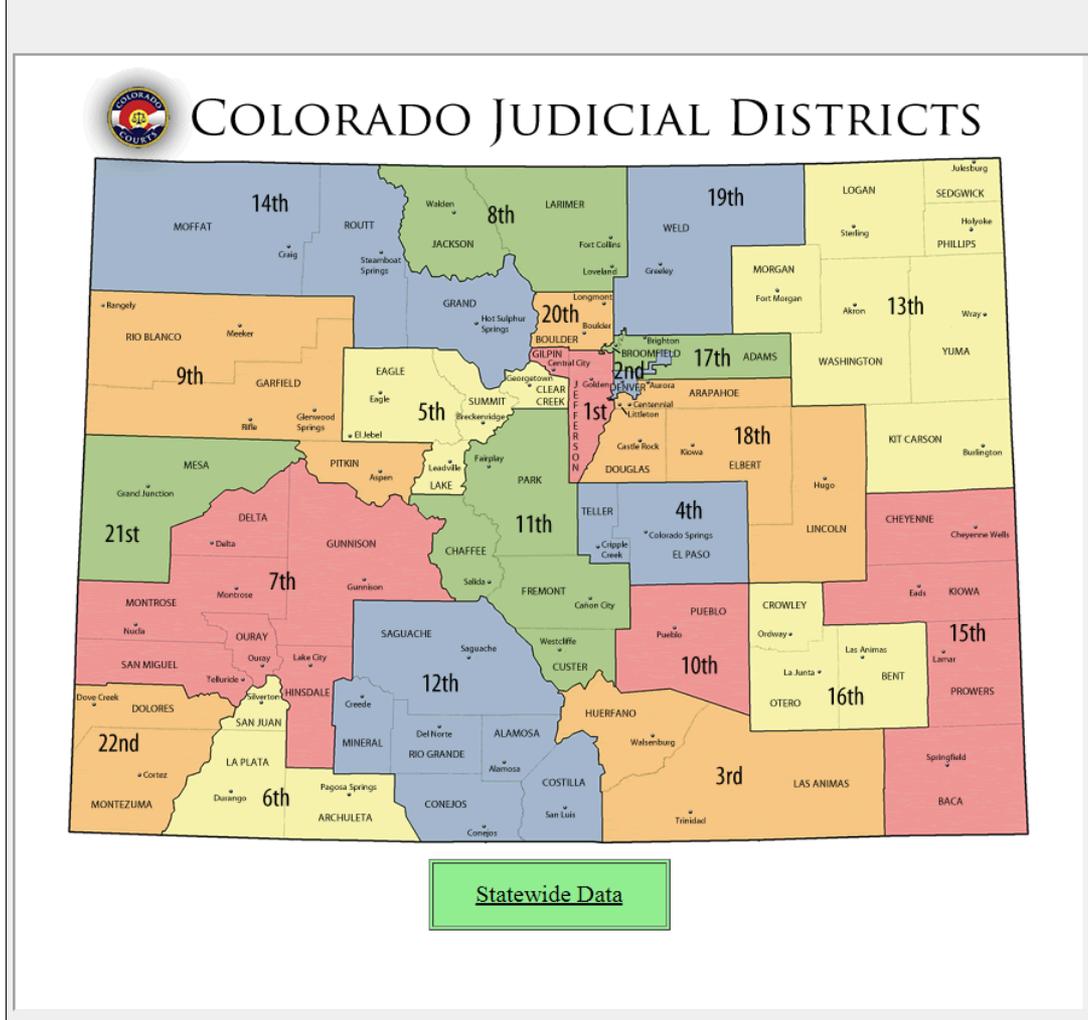
X means that, compared to Whites, the group had a greater/lesser likelihood of receiving that sentence.

*The difference was very small.



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Race and Ethnicity at Decision Points by Judicial Districts





From the Brennan Center for Justice

Reducing racial/ethnic disparities in jails (2015)

Roundtable participants included Former Commissioner Raemisch

Officials in local jurisdictions can create a cross-agency Task Force to reduce racial disparities

1. Identify drivers; pinpoint where disparities are most pervasive.
2. Specify goals and measures of success for the jurisdiction.
3. Require training for all system actors to overcome implicit racial bias; for anyone who exercises discretion.
4. Encourage prosecutors to prioritize serious and violent offenses; don't conflate "success" with number of prosecutions or convictions.
5. Increase indigent representation in misdemeanor cases when jail time is an available punishment.
6. Provide "bench cards" to judges to combat implicit bias and unnecessary use of jail.



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



Thank you for your attention today