

# Domestic Violence Case Processing in Colorado

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# Study #1: Profile of Colorado Domestic Violence Cases, FY 2009-2014

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## EXECUTIVE SUMMARY

The purpose of the exploratory study presented here was to better understand the process by which the domestic violence (DV) cases (misdemeanor and felony) are “flagged” in the state court administrative record data set, to profile those cases, and to compare recidivism rates of those who received DV treatment with those who did not. Because we were unable to identify with confidence cases referred to DV treatment, we identified a comparison group of non-DV cases and analyzed recidivism. The following is a summary of the study’s findings:

- 15% of misdemeanor/felony filings between 2009 and 2014 had DV flags.
- Approximately 25% of cases with DV flags were female defendants.
- The top three filing and conviction charge categories for cases containing the DV flag were misdemeanor assault, followed by “other property,”<sup>1</sup> followed by felony assault.
- Approximately one-third of cases with a DV flag were dismissed or found not guilty; women were more likely than men to have this occur. This compares to a dismissed/not guilty rate of 25% for non-DV cases.
- Compared to similar cases without a DV flag, a larger proportion of those cases with a DV flag had minimal criminal histories and fewer DV flagged cases fell into the high risk age group of 18-27, suggesting that the DV cohort may have lower recidivism rates than the comparison group. This was not the case:<sup>2</sup>
  - The one-year new court filing rate (any crime) for those convicted or deferred and sentenced to probation was 14% compared to 12% for DV flagged cases and non-DV flagged cases, respectively.
  - Those who received a conviction rather than a deferred judgement had higher recidivism rates. This is not surprising given that deferred judgements are typically given in cases with minimal criminal history. One-year recidivism rates for those who received a deferred judgement was 9% for both groups compared to 14% (convicted, no DV flag) and 17% (convicted, DV flag).
  - DV recidivism (that is, new court filing for an offense with a DV flag) was much higher (12%) for the DV flagged cohort compared to those in the comparison group (5%).
  - 86% of the recidivism offenses for those with a DV flag were for a subsequent DV flagged offense.

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<sup>1</sup> “Other property” includes criminal mischief (84%), criminal trespass (13%), tampering (3%).

<sup>2</sup> The study cohorts consisted of cases that received a conviction or deferred judgement and were sentenced to probation supervision.

These findings are consistent with prior research that found domestic violence offenders were more likely to recidivate with both domestic violence and nondomestic violence offenses (Adler, 2009; Klein, Wilson, Crowe and DeMichele, 2008; Richards, Jennings, Tomsich, and Gover, 2014), and studies that show some notable proportion of domestic violence offenders tend to commit further domestic violence (Cosimo, 2009; Petrucci, 2010; Richards et al., 2012). In fact, Richards et al. (2014) found that those with a previous arrest for domestic violence had an 86% greater risk of domestic violence rearrest compared to those not previously arrested for domestic violence crimes.

## INTRODUCTION

In 2000, the Colorado General Assembly created the Domestic Violence Offender Management Board (DVOMB) to ensure the “consistent and comprehensive evaluation, treatment, and continued monitoring of domestic violence offenders...” (Colorado Revised Statutes, 16-11.8-101). In 2001, the DVOMB promulgated standards of practice for treatment providers (most recently revised in 2013; see <https://docs.google.com/a/state.co.us/file/d/0Bwm-b0jkgjy4S11YRnBPMzhqdFE/edit>). Since 2001, all individuals whose offense included a factual basis that involved a domestic violence offense are mandated to be evaluated for treatment and, if recommended by the evaluator, enter treatment with an “approved treatment provider,” that is, a provider who meets the qualifications and practice requirements specified by the DVOMB.

Since 2007, the State Court Administrator’s Office’s management information system (ICON) has “flagged” misdemeanor and felony cases with a factual basis of domestic violence (DV). While the SAC routinely uses ICON to conduct recidivism and policy analyses, it has not studied cases flagged with domestic violence offenses. This *exploratory study* created a database that can be used in the future to study case processing (plea bargaining, time to disposition, etc.), profiles of offenders, characteristics of recidivists, and other analyzes that may assist the DVOMB in its work. The DVOMB is scheduled to “sunset” in 2017 (in Colorado, most boards and commissions have a sunset date in statute that results in hearings and debates about the value of the entity and whether or not the sunset date should be extended). As mentioned previously, little is known about cases flagged with domestic violence. The ability to develop this database for further analyses ensures that the sunset debates will have the benefit of basic information about domestic violence cases, especially recidivism information.

Please note that this is an exploratory study, undertaken to better understand the nature of the “flagged” cases in this administrative data set, and with the intent of determining if our efforts to identify cases mandated to treatment would be successful. While we present recidivism data below, our efforts to identify cases that were involved in DV treatment were met with significant challenges. The court record does not contain information about treatment participation nor, perhaps more importantly, does it contain information about treatment outcome (completion, for example). We electronically searched the clerks’ narrative for indications of a court order for evaluation and/or treatment (by looking for key words), but this approach may overlook cases that were referred for treatment. Additionally, we do not know if the defendant actually went to treatment, engaged in treatment, dropped out or completed treatment. Finally, we cannot be sure that the

“treatment” referred to in the clerks’ notes is not another type of treatment, such as substance abuse treatment. Thus, this exploratory study found that the data in ICON is severely limited if the research question involves the impact of DV (or any other) treatment on recidivism. This is unfortunate given the mandatory nature of DV treatment in Colorado, and the consequent lack of outcome data available to the DVOMB during its sunset review.

## METHOD

We identified all cases filed in district or county court<sup>3</sup> between July 1, 2008 and June 30, 2014 (FY 2009 through FY2014) to examine changes over time. Although the flagging of DV cases began in 2007, our review of FY 2007 and FY 2008 cases suggested that the use of the flag was not fully implemented until FY 2009. See Table 1 for a count of cases used in this analysis.

Domestic violence cases in ICON are initially flagged as *Alleged*, and these cases are later *Proven* or *Not Proven* by the district attorney. The final status (based on the date) is the correct status, according to conversations with those in Judicial who manage ICON. *Proven* cases along with *Deferred Judgment* cases are required to participate in domestic violence evaluation/treatment. The *Deferred Judgment* cases are likely to have successfully completed treatment, whereas the status of treatment completion is otherwise unknown for those in the *Proven* category.

The purpose of this study is to:

- Create a profile of cases with the domestic violence flag;
- Analyze the changes to this profile from FY 2009 to 2014;
- Analyze the treatment indicator for those with DV proven; and
- Analyze the recidivism of those with the treatment indicator compared to those without.

As it turned out, the treatment indicators were found to be less reliable than expected. Instead of comparing recidivism for DV cases with and without treatment, we studied cases with the DV flag with a comparison group of cases without a DV flag.

This report is organized as follows: Findings from the profile analyses are presented first. This is followed by a description of our efforts to identify cases that were ordered for DV evaluation or treatment. Finally we present the recidivism analysis comparing cases with the DV flag to a similarly-charged cohort of cases without a DV flag.

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<sup>3</sup>Denver County Court has a self-contained system of administrative records that does not feed into the state judicial ICON system. Therefore, Denver County cases are unavailable for analysis and are not included in this study. Note that recidivism events will not include those that occurred in Denver County Court.

## FINDINGS

### Profile of cases with DV flag

Between FY 2009 and FY 2014, overall filings declined from 126,008 to 107,174, a reduction of 15%. The percentage of cases with the DV flag remained stable at 15% over this period. (Table 1). It seems noteworthy that 15% of all cases filed in district, county, and juvenile court were initially related to an alleged domestic violence event.<sup>4</sup>

Table 1. All filings, and cases with DV flag, FY 2009-2014

Court Type	2009	2010	2011	2012	2013	2014
District	39,464	36,993	35,966	35,551	37,737	37,966
County*	72,876	69,695	67,137	70,068	62,710	60,585
Juvenile Delinquency	13,668	11,640	11,286	10,017	9,124	8,623
<b>Total</b>	<b>126,008</b>	<b>118,328</b>	<b>114,389</b>	<b>115,636</b>	<b>109,571</b>	<b>107,174</b>

Cases with DV Flag	18,230	17,962	17,514	17,331	15,925	16,098 <sup>5</sup>
	15%	15%	15%	15%	15%	15%

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.

Not surprisingly, the most common filing charge for cases with a DV flag is assault: misdemeanor and felony assaults combined represented 76% of flagged cases in 2014. The top three filing charge categories for cases containing the DV flag remained the same from FY 2009 to FY 2014: misdemeanor assault, followed by "other property,"<sup>6</sup> followed by felony assault (Table 2). Overall, the filing charges are quite consistent over time.

<sup>4</sup> According to the Bureau of Justice Statistics' *Criminal Victimization 2014* report (Truman and Langton, August 2015), 57% of domestic violence crimes are reported to law enforcement. For more information, see <http://www.bjs.gov/content/pub/pdf/cv14.pdf>.

<sup>5</sup> Note that the Colorado Bureau of Investigation 2014 report on Domestic Violence offenses identified 16,700 victims. For more information, see [http://crimeinco.cbi.state.co.us/cic2k14/supplemental\\_reports/domestic.html](http://crimeinco.cbi.state.co.us/cic2k14/supplemental_reports/domestic.html).

<sup>6</sup> "Other property" includes the following offenses: criminal mischief (84%), criminal trespass (13%), and tampering (3%).

Table 2. Top filing charge category for cases with DV flag, FY 2009-2014

Charge category	Fiscal Year					
	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>18,230</b>	<b>17,962</b>	<b>17,514</b>	<b>17,331</b>	<b>15,925</b>	<b>16,098</b>
Misdemeanor Assault	68%	67%	67%	67%	67%	66%
Other Property *	11%	11%	11%	11%	12%	12%
Felony Assault	8%	9%	9%	9%	9%	10%
Miscellaneous Misdemeanor	4%	4%	4%	3%	3%	3%
Burglary	3%	3%	3%	3%	3%	3%
Kidnap	2%	2%	2%	2%	2%	2%
Sex Assault	1%	1%	1%	1%	1%	1%
Miscellaneous Felony	1%	1%	1%	1%	1%	1%
Theft	1%	1%	1%	1%	1%	<1%
Murder	<1%	1%	<1%	<1%	<1%	<1%
Other Custody Violations	<1%	<1%	<1%	<1%	<1%	<1%
Drug Possession	<1%	<1%	<1%	<1%	<1%	<1%
Robbery	<1%	<1%	<1%	<1%	<1%	<1%
Weapons	<1%	<1%	<1%	<1%	<1%	<1%
MVT	<1%	<1%	<1%	<1%	<1%	<1%
Forgery	<1%	<1%	<1%	<1%	<1%	<1%
Drugs	<1%	<1%	<1%	<1%	<1%	<1%
Arson	<1%	<1%	<1%	<1%	<1%	<1%
Traffic Misdemeanor	<1%	<1%	<1%	<1%	<1%	<1%
Fraud	<1%	<1%	<1%	<1%	<1%	<1%
Traffic Felony	<1%	<1%	<1%	<1%	<1%	<1%
Extortion	<1%	<1%	<1%	<1%	<1%	<1%
Other Sex Crime	<1%	<1%	<1%	<1%	<1%	<1%
Sex Offender Fail to Register	<1%	<1%	<1%	<1%	<1%	0%
Other Homicide	<1%	<1%	<1%	<1%	<1%	<1%
Escape	<1%	0%	<1%	<1%	<1%	<1%
Inchoate	<1%	0%	0%	0%	0%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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.

\*“Other property” includes the following offenses: criminal mischief (84%), criminal trespass (13%), and tampering (3%).

The proportion of females with the DV flag increased from 21% in FY 2008 to 25% in FY 2014 while the proportion of males declined (Table 3). The 18 to 24 age group was the largest population (21-25%) with the DV flag (Table 4).

Table 3. Filings with DV flag by gender, FY 2009-2014

Gender	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>18,230</b>	<b>17,962</b>	<b>17,514</b>	<b>17,331</b>	<b>15,925</b>	<b>16,098</b>
Female	22%	22%	23%	24%	24%	25%
Male	78%	78%	77%	76%	76%	75%
Unknown	<1%	<1%	<1%	0%	<1%	<1%
Blank	<1%	<1%	<1%	<1%	<1%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 4. Filings with DV flag by age at filing, FY 2009-2014

Age at filing	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>18,230</b>	<b>17,962</b>	<b>17,514</b>	<b>17,331</b>	<b>15,925</b>	<b>16,098</b>
<18	1%	1%	1%	1%	1%	1%
18 - 24	25%	24%	24%	23%	22%	21%
25 - 29	20%	19%	20%	20%	20%	19%
30 - 34	15%	16%	15%	17%	17%	18%
35 - 39	13%	13%	12%	12%	13%	13%
40 - 44	11%	11%	11%	10%	10%	10%
45 - 49	8%	8%	8%	8%	8%	8%
>50	8%	8%	9%	9%	9%	10%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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.

Approximately one-third of cases filed with a DV flag are dismissed or found not guilty (Table 5), and women (at 39%-44%) are more likely than men (29%-32%) to have the case dismissed (Table 6). When compared to non-DV flagged cases filed in 2014, the proportion of DV cases dismissed/not guilty is considerably higher than the 25% dismissed/not guilty rate for non-DV cases (Table 6a).

Overall, convictions/deferred judgements in cases with the DV flag declined from 66% in FY 2009 to 61% in FY 2014 (Table 5).<sup>7</sup> FY 2014 had the largest proportion of cases without findings, however, and this is likely because cases had not had enough time to be disposed at the time of analysis. When outcome by gender is considered (Table 6), females received convictions or deferred judgments 60% of the time in FY 2009 while males received convictions or deferred judgments 68% of the time. These rates declined to 54% for females and 64% for males by FY 2014.

<sup>7</sup> Note that we have combined cases with a conviction and cases granted a deferred judgment since we are profiling cases with the DV flag. Deferred judgments are typically granted in circumstances with minimal or no known criminal history, so these cases are, in fact, different from convicted cases. However, our interest lies with the DV flag; the potential difference in criminal history is not important here.

Table 5. Case outcomes for cases with DV flag, FY 2009-2014

Outcome	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>18,230</b>	<b>17,962</b>	<b>17,514</b>	<b>17,331</b>	<b>15,925</b>	<b>16,098</b>
Convicted/Def Judgment	66%	64%	64%	63%	65%	61%
Dismissed/Not Guilty	33%	34%	34%	35%	33%	32%
No Findings	1%	2%	2%	2%	2%	6%*
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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. \*Some 2014 cases had not yet resolved at the time this analysis was conducted.

Table 6. Case outcomes for cases with DV flag by gender, FY 2009-2014

Gender/Outcome	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>18,230</b>	<b>17,962</b>	<b>17,514</b>	<b>17,331</b>	<b>15,925</b>	<b>16,098</b>
<b>Female</b>	<b>22%</b>	<b>22%</b>	<b>23%</b>	<b>24%</b>	<b>24%</b>	<b>25%</b>
Convicted/Def Judgment	60%	56%	57%	55%	56%	54%
Dismissed/Not Guilty	39%	43%	42%	44%	42%	42%
No Findings	1%	1%	1%	1%	2%	4%
<b>Male</b>	<b>78%</b>	<b>78%</b>	<b>77%</b>	<b>76%</b>	<b>76%</b>	<b>75%</b>
Convicted/Def Judgment	68%	66%	67%	66%	67%	64%
Dismissed/Not Guilty	31%	32%	32%	32%	30%	29%
No Findings	1%	2%	2%	2%	3%	7%
<b>Unknown</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>
Convicted/Def Judgment	64%	47%	57%	75%	54%	100%
Dismissed/Not Guilty	32%	42%	29%	25%	38%	0%
No Findings	5%	11%	14%	0%	8%	0%
<b>Blank</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>
Convicted/Def Judgment	50%	75%	33%	50%	100%	33%
Dismissed/Not Guilty	50%	25%	67%	50%	0%	67%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 6a. Case outcome for non DV cases filed in FY 2014

Case Outcome	%	N
Convicted	75%	57,594
Dismissed/Not Guilty	25%	19,251
<b>Total</b>	<b>100%</b>	<b>76,845</b>

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 7 indicates that convictions/deferred judgments by race/ethnicity with the DV flag remained relatively stable from FY 2009 to FY 2014. However, it is important to note that the measurement of Hispanic ethnicity in



Judicial’s data is problematic. Judicial records race/ethnicity based on the Federal Bureau of Investigation’s national AFIS (Automated Fingerprint Information System) fingerprint card data, and AFIS collects only race and not ethnicity. In 2010, according to the State Demographer’s Office, approximately 20% of the Colorado population was Hispanic, 4% was Black, and just over 70% was White.<sup>8</sup>

Table 7. Convictions/deferred judgments with DV Flag by race/ethnicity\*, FY 2009-2014

Race/ethnicity	2009	2010	2011	2012	2013	2014
	<b>12,051</b>	<b>11,512</b>	<b>11,295</b>	<b>10,952</b>	<b>10,327</b>	<b>9,880</b>
Asian	1%	1%	1%	1%	1%	1%
Black	7%	7%	8%	8%	8%	8%
Hispanic	8%	9%	8%	7%	7%	6%
Native Am.	1%	1%	1%	1%	1%	1%
Other	1%	1%	1%	1%	1%	1%
White	82%	82%	82%	82%	82%	83%
Blank	<1%	<1%	<1%	<1%	<1%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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. \*Judicial race data often does not distinguish between race and ethnicity (particularly "White" and "Hispanic"). As a result, the ability to accurately interpret this information is limited.

Not surprisingly, mirroring the filing charges displayed in Table 2, the top four categories of conviction charges for cases with the DV flag were misdemeanor assault, other property (the most common offense in this category was criminal mischief), miscellaneous misdemeanor, and felony assault (Table 8). The proportions of cases in these categories remained stable from FY 2009 to FY 2014.

<sup>8</sup> See <http://dola.colorado.gov/dlg/demog/2010data/race%20and%20hispanic%20origin%20counties.pdf>.

Table 8. Top conviction charge category with DV flag, FY 2009-2014

Conviction Charge Category	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>12,051</b>	<b>11,512</b>	<b>11,295</b>	<b>10,952</b>	<b>10,327</b>	<b>9,880</b>
Misdemeanor Assault	66%	66%	65%	64%	64%	64%
Other Property*	13%	13%	13%	14%	14%	14%
Miscellaneous Misdemeanor	8%	7%	7%	8%	8%	8%
Felony Assault	7%	7%	8%	8%	8%	8%
Kidnap	1%	2%	1%	1%	1%	1%
Burglary	1%	1%	1%	1%	1%	1%
Traffic Misd	1%	1%	1%	1%	1%	0%
Misc Felony	<1%	1%	1%	1%	1%	1%
Drug Poss	1%	<1%	<1%	1%	<1%	<1%
Theft	<1%	<1%	<1%	1%	1%	1%
Weapons	<1%	<1%	<1%	<1%	<1%	0%
Sex Assault	<1%	<1%	1%	1%	<1%	<1%
Forgery	<1%	<1%	<1%	<1%	<1%	<1%
Murder	<1%	<1%	<1%	<1%	<1%	<1%
Other Custody Violations	<1%	<1%	<1%	<1%	<1%	<1%
Motor Vehicle Theft	<1%	<1%	<1%	<1%	<1%	<1%
Robbery	<1%	<1%	<1%	<1%	<1%	<1%
Arson	<1%	<1%	<1%	<1%	<1%	<1%
Traffic Felony	<1%	<1%	<1%	<1%	<1%	<1%
Drugs	<1%	<1%	<1%	<1%	<1%	<1%
Fraud	0%	<1%	<1%	<1%	<1%	<1%
Other Homicide	<1%	<1%	<1%	<1%	<1%	<1%
Extortion	<1%	<1%	<1%	<1%	<1%	<1%
Escape	<1%	<1%	0%	<1%	<1%	<1%
Sex Offender Failure to Register	<1%	<1%	<1%	<1%	<1%	0%
Other Sex Crime	<1%	<1%	<1%	<1%	<1%	<1%
Inchoate	<1%	<1%	<1%	0%	0%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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.

\*"Other property" includes the following offenses: criminal mischief (84%), criminal trespass (13%), and tampering (3%).

### Summary

Perhaps the most sobering finding is that 15% of all misdemeanor/felony filings analyzed during the study period had DV flags, meaning that intimate partner violence offenses were common among court filings. Approximately one-quarter of the cases with DV flags were female defendants. Not surprisingly, DV flagged cases were most frequently charged with misdemeanor assault, followed by "other" misdemeanor property

offenses,<sup>9</sup> followed by felony assault. Finally, cases with the DV flag are more likely to be dismissed compared to cases without a DV flag: approximately one-third of cases with a DV flag were dismissed or found not guilty, and women were more likely than men to have this occur. This compares to a dismissed/not guilty rate of 25% for non-DV cases during the same time period.

## Problems identifying DV treatment

As stated previously, for cases with an underlying factual basis of domestic violence (DV), evaluation for treatment and DV treatment is required for those whose case is *Proven* and also for those who received a *Deferred Judgment* (C.R.S. 18-6-801).<sup>10</sup> Treatment efficacy is an important question in the field of domestic violence, and in Colorado as well, because of statutorially mandated evaluation/treatment.<sup>11</sup> However, in ICON there is not a specific flag for evaluation ordered, or treatment ordered, received or completed. *This is a considerable problem, and undermines our confidence in the treatment/no treatment variable.* The court order to be evaluated for treatment can be found in clerks' notes regarding the sentence. Each clerk has his/her own style of notation to indicate treatment, e.g., using abbreviations or fully spelling out the words. Table 9 and 9a show the extent to which "treatment" or "evaluation" is mentioned in the court record narrative. Note that these references could denote drug/alcohol treatment.

From FY 2009 to FY 2014, treatment indication increased from 57% to 62% of all cases in which there was a conviction or a deferred judgment (Table 9); a similar trend is shown when the data are disaggregated by gender (Table 9a). We have no way of knowing if these figures reflect our *lack* of ability to identify treatment from the clerks' notes, if judges were not ordering evaluation/treatment as required and so are out of compliance with the statute, or if the judge determined that treatment was inappropriate (see Footnote 10).

As previously discussed, please note that we have combined cases with a conviction with cases granted a deferred judgment since we are exploring cases with the DV flag who are mandated to evaluation/treatment. Deferred judgments are typically granted in circumstances with minimal or no known criminal history, so these cases are, in fact, different from convicted cases. However, our interest lies with the DV flag and our availability to determine if the case was referred to evaluation/treatment, as mandated in statute. The potential difference in criminal history is not important here.

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<sup>9</sup> "Other property" includes the following offenses: criminal mischief (84%), criminal trespass (13%), and tampering (3%).

<sup>10</sup> The judge is given the discretion to *not* order domestic violence treatment if "an intake evaluation conducted by an approved treatment program provider discloses that sentencing to a treatment program would be inappropriate, the person shall be referred back to the court for alternative disposition." (See C.R.S.18-6-801(1)(b).)

<sup>11</sup> While we might expect cases that participated in DV treatment to have lower recidivism rates, in general the literature has not found consistent support for improved outcomes post-treatment (Babcock, Green & Robie, 2004; Sartin, Hansen & Huss, 2006).

Table 9. Convictions/deferred judgments with evaluation/treatment indicated,\* FY 2009-2014

Eval/Treatment indicated	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>12,051</b>	<b>11,512</b>	<b>11,295</b>	<b>10,952</b>	<b>10,327</b>	<b>9,880</b>
No	43%	41%	37%	35%	36%	38%
Yes	57%	59%	63%	65%	64%	62%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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. \*Searched for words "domestic violence", "evaluation", "DV", and "treatment", "TX" appearing together.

Table 9a. By Gender: Convictions/Deferred Judgments with evaluation/treatment indicated,\* FY 2009-2014

Eval/ Treatment indicated	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>12,035</b>	<b>11,500</b>	<b>11,286</b>	<b>10,948</b>	<b>10,319</b>	<b>9,873</b>
<b>Female</b>	<b>20%</b>	<b>19%</b>	<b>20%</b>	<b>21%</b>	<b>21%</b>	<b>22%</b>
No	47%	42%	41%	40%	41%	43%
Yes	53%	58%	59%	60%	59%	57%
<b>Male</b>	<b>80%</b>	<b>81%</b>	<b>80%</b>	<b>79%</b>	<b>79%</b>	<b>78%</b>
No	49%	48%	44%	43%	43%	44%
Yes	51%	52%	56%	57%	57%	56%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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. \*Searched for words "domestic violence", "evaluation", "DV", and "treatment", "TX" appearing together.

Table 10 shows the DV flags in use by ICON. At the beginning of a case, DV is *alleged* (DVA). When the case concludes, DV is either *proven* (DVP) or *not proven* (DVN). The flag DVW is used to *withdraw* the DV allegation after the successful completion of a deferred sentence. As Table 10 shows, a small proportion of DVA flags were not changed to either DVP, DVN or DVW (7% to 11%). The majority of cases were proven, ranging from 72% to 82%. An additional 2% to 9% successfully completed the terms of a deferred judgment. The DV allegation was not proven in 8% to 11% of cases. When disaggregating the data by gender (Table 10a), it appears that men were slightly more likely to have the DV case proven compared to women; women were more likely in recent years to have the DV allegation withdrawn due to successful completion of a deferred judgement.

Table 10. DV Flags for Convictions/Deferred Judgments, FY 2009-2014

DV Flag	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>12,051</b>	<b>11,512</b>	<b>11,295</b>	<b>10,952</b>	<b>10,327</b>	<b>9,880</b>
DV alleged	7%	8%	10%	11%	9%	7%
DV not proven	11%	10%	8%	8%	9%	8%
DV proven	80%	79%	74%	72%	73%	82%
DV withdrawn/DJ success	2%	3%	8%	8%	9%	3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 10a. By Gender: DV Flags for Convictions/Deferred Judgments, FY 2009-2014

DV Flag	Fiscal Year						
	2008	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>9,196</b>	<b>12,035</b>	<b>11,500</b>	<b>11,286</b>	<b>10,948</b>	<b>10,319</b>	<b>9,873</b>
<b>Female</b>	<b>20%</b>	<b>20%</b>	<b>19%</b>	<b>20%</b>	<b>21%</b>	<b>21%</b>	<b>22%</b>
DV alleged	17%	8%	7%	9%	10%	8%	8%
DV not proven	11%	14%	11%	10%	11%	11%	11%
DV proven	70%	75%	77%	67%	64%	64%	75%
DV withdrawn/DJ success	2%	2%	5%	14%	15%	16%	7%
<b>Male</b>	<b>80%</b>	<b>80%</b>	<b>81%</b>	<b>80%</b>	<b>79%</b>	<b>79%</b>	<b>78%</b>
DV alleged	16%	7%	8%	11%	11%	9%	7%
DV not proven	9%	10%	10%	8%	7%	8%	8%
DV proven	73%	82%	80%	76%	75%	76%	84%
DV withdrawn/DJ success	1%	2%	3%	6%	7%	7%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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.

## Recidivism analysis

At this point in the analysis, we intended to compare recidivism rates—as measured by new misdemeanor or felony court filing within one year of the original filing—of individuals who participated in DV treatment with those who did not. However, because we are not confident in the identification of cases that were ordered to or received treatment, we pursued an analysis that compared cases with a DV conviction with cases convicted of similar underlying crimes but without a DV flag and sentenced to probation. Cases in the comparison group were selected for the period of FY 2008 to FY2014 that had a top *conviction* charge listed in Table 11, the charges most likely to be associated with a DV flag. This allows the analysis of recidivism rates between DV offenders and non-DV offenders. See Tables 12-15 for a comparison of the groups.

Table 11. Charges selected for comparison group

Colorado Revised Statute	Description
18-3-203	Assault 2
18-3-204	Assault 3
18-3-206	Felony Menacing
18-3-302	Kidnapping 2
18-4-501	Criminal Mischief
18-4-502	Trespass 1
18-6-803.5	Protection Order Violation
18-9-111	Harassment

Table 12. Selected conviction offenses with and without DV flag, FY 2008-2014

Statute	Description	DV Flag		Total
		No	Yes	
18-3-203	Assault 2	14	1	15
18-3-204	Assault 3	737	2,053	2,790
18-3-206	Felony Menacing	332	198	530
18-4-501	Criminal Mischief	4,109	4,568	8,677
18-4-502	Trespass 1	2,907	636	3,543
18-6-803.5	Protection Order Violation	2,086	1,126	3,212
18-9-111	Harassment	98	147	245
<b>Total</b>		<b>10,283</b>	<b>8,729</b>	<b>19,012</b>

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.

Tables 13, 14 and 15 compare the groups on gender, race/ethnicity, and age. Note that there are more men (Table 13) and 18-27 year olds in the comparison group, characteristics that make this group at greater risk of recidivism than the DV Flag group.

Table 13. Convictions with and without DV flag by gender, 2008-2014

Gender	DV Flag		Total	
	No	Yes	N	%
Female	45%	55%	3,913	100%
Male	56%	44%	15,080	100%
Unknown	42%	58%	12	100%
Blank	100%	0%	7	100%
<b>Total</b>	<b>54%</b>	<b>46%</b>	<b>19,012</b>	<b>100%</b>

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 14. Convictions with and without DV flag by race,\* 2008-2014

Race	DV Flag		Total	
	No	Yes	N	%
Asian	47%	53%	141	100%
Black	53%	47%	1,219	100%
Hispanic	55%	45%	1,362	100%
Native Am.	59%	41%	175	100%
Other	59%	41%	168	100%
White	54%	46%	15,930	100%
Blank	94%	6%	17	100%
<b>Total</b>	<b>54%</b>	<b>46%</b>	<b>19,012</b>	<b>100%</b>

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. \*Judicial's ICON data often does not distinguish between race and ethnicity (particularly "White" and "Hispanic"). As a result, the ability to accurately interpret this information is limited.

Table 15. Convictions with and without DV flag by age at filing, 2008-2014

Age at filing	DV Flag	
	No	Yes
<b>N</b>	<b>10,283</b>	<b>8,729</b>
<18 or (blank)	<1%	<1%
18-27	52%	39%
28-37	23%	31%
38-47	14%	20%
48-57	8%	8%
58-68	2%	2%
>68	<1%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>

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 15a. Criminal history score for those convicted and sentenced to probation, 2008-2014

CRIMINAL HISTORY Score*	DV Flag	
	No	Yes
	<b>10,486</b>	<b>8,761</b>
<1	61%	70%
1-2	16%	13%
3-4	9%	7%
5-6	5%	4%
7-8	3%	2%
9-10	2%	1%
>11	4%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>

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. DCJ's criminal history score is an index measure of juvenile and adult criminal history information.

\*The criminal history score is calculated as follows: (# juvenile adjudications x 0.5) + (# juvenile secure placements x 1.0) + (# violent convictions x 1.5) + # felony convictions x 1.0) + (# revocations x 0.75)+ (# DOC placements).

Table 15a compares the criminal history of those with and without a DV flag for those convicted and sentenced to probation. The criminal history score is an index that was developed by the SAC to describe and compare offender cohorts, and is computed as follows:

$$\text{Score} = (\# \text{ juvenile adjudications} \times 0.5) + (\# \text{ juvenile secure placements} \times 1.0) + (\# \text{ violent convictions} \times 1.5) + (\# \text{ felony convictions} \times 1.0) + (\# \text{ revocations} \times 0.75) + (\# \text{ Department of Corrections placements})^{12}$$

As can be seen in Table 15a, a larger proportion of cases with a DV flag have very low (<1) criminal history scores compared to cases without a DV flag (70% versus 61%, respectively). This, in addition to the fact that fewer DV flagged cases fell into the high-risk age group of 18-27 (Table 15), suggests that the DV cohort may have a lower recidivism rate than the comparison group. However, this is not the case, as we see in the next analysis.

### Recidivism for offenders convicted/deferred and sentenced to probation, and at risk one year

Recidivism is defined as new misdemeanor/felony filing occurring within one year of the imposition of a probation sentence. Domestic violence recidivism (Table 17) was determined using the DV flag associated with the new filing.

Not surprisingly, as shown in Table 16, cases granted a deferred judgment—which usually occurs only when a defendant has minimal criminal history—had lower recidivism rates than those who received a conviction. Measuring both overall recidivism and DV-flagged recidivism, those with a deferred judgment had slightly lower overall recidivism rates (Table 16) and much lower DV recidivism rates (Table 17). Those cases with No

<sup>12</sup> Note that this information was not available from Denver County Court. Recidivism information also excludes activity in Denver County Court.



DV Flag had slightly lower overall recidivism rates compared to those with a DV flag (12% compared to 14%) (Table 16). In terms of DV recidivism, 5% of those without a DV flag recidivated with a DV-flagged offense within one year. This compares to a 12% DV recidivism for those with the DV flag. It is noteworthy that the vast majority (86%: 12/14) of the recidivism offenses for those with a DV flag were for a subsequent DV offense: 14% in Table 16 versus 12% in Table 17.

Table 16. One-year recidivism (new court filing) for those convicted or deferred, and sentenced to probation, 2008-2014

	N	One Year Recidivism		Total
		No	Yes	
<b>No DV Flag</b>	<b>10,283</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>
Conviction	6,647	86%	14%	100%
Deferred Judgment	3,636	91%	9%	100%
<b>DV Flag</b>	<b>8,729</b>	<b>86%</b>	<b>14%</b>	<b>100%</b>
Conviction	5,063	83%	17%	100%
Deferred Judgment	3,666	91%	9%	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 17. One-year domestic violence recidivism (new court filing) for those convicted or deferred, and sentenced to probation, 2008-2014

	N	One Year DV Recidivism		Total
		No	Yes	
<b>No DV Flag</b>	<b>10,283</b>	<b>95%</b>	<b>5%</b>	<b>100%</b>
Convicted	6,647	94%	6%	100%
Deferred Judgment	3,636	97%	3%	100%
<b>DV Flag</b>	<b>8,729</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>
Convicted	5,063	85%	15%	100%
Deferred Judgment	3,666	92%	8%	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.

## Conclusion

The focus of this exploratory study was to better understand both the process by which DV cases, both misdemeanor and felony, are “flagged” in the state court administrative record data set, to profile those cases, and to analyze recidivism rates. We found that 15% of the cases filed since 2009 had a DV flag. Approximately one in four of these cases had female defendants. Not surprisingly, misdemeanor and felony assault were among the most common charges for cases with the DV flag. Approximately one-third of cases were dismissed or found not guilty; this compares to a dismissed/not guilty rate of 25% for cases without a DV flag. Cases with a DV flag, compared to similar court cases without a DV flag, were more likely to have minimal criminal histories, however, this group was more likely to return to court with a new filing within one year

(14% compared to 12% for non-DV flagged cases). One-year DV recidivism for DV-flagged cases was much higher than the comparison group, at 12% compared to 5%. In fact, 86% of the recidivism offenses for those with a DV flag were for a subsequent DV flagged offense.

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## Study #2: Disposition Matching Analysis With a Focus on Domestic Violence

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### Background and study purpose

Domestic violence often involves repeat offenders. It is imperative that court officials know the history of a case when domestic violence is involved. The purpose of the study presented here was to evaluate the completeness of RAP (Record of Arrest and Prosecution) sheet information with respect to the domestic violence (DV) cases. Using the flagged cases described above in Study #1, we explored whether the filing was the result of a DV arrest and is therefore delineated as a DV case in the original arrest record. We compared the arrest charges to the conviction charges among *proven* cases in ICON to assess the frequency with which the DV conviction disposition is reflected on the RAP sheet. Finally, we disaggregate the findings (the match rate) by judicial district to determine if record completeness varies by geographic location.

As part of this process, we describe the disposition matching process in place between ICON (the Judicial Branch database) and the RAP sheet data contained in the state's central criminal history data repository, maintained by the Colorado Bureau of Investigation (CBI).

**Method.** The sample selected for the analyses presented above (Study #1) was used to analyze the quality of disposition matching between court records and the state's criminal history data file which is the RAP sheet based on fingerprint data. Quality is measured by the extent to which court information appears in the RAP sheet/criminal history file. The first step in measuring that quality is to determine if court filings can be matched backward to an arrest in the criminal history file. Criminal history records were obtained for the DV sample from CBI. The CBI was provided names, birthdates and SIDs (the state identification number) for those in the sample; CBI returned matching criminal history records. Then the criminal history records were matched to the sample using the 16-digit court docket number.

**Description of the process.** In Colorado, the matching of arrest to court disposition is an automated process. Colorado Revised Statute (C.R.S.) 24-33.5-412 requires that every law enforcement, correctional and judicial entity, agency or facility furnish to the Colorado Bureau of Investigation (CBI) all arrest, identification and final charge dispositional information on persons arrested. The criminal history data file is fingerprint-based. To that end, C.R.S. 16-21-104(1) requires the court to order an offender to be fingerprinted and photographed at the first appearance after the filing of charges, if this has not been done. Per C.R.S. 16-21-104(2), these prints are to be forwarded to the CBI within 24 hours and the court is required to report the final disposition concerning an offender to the Bureau within seventy-two hours after final disposition.

The Colorado Integrated Criminal Justice Information System (CICJIS), managed by the Department of Public Safety, facilitates the flow of arrest and court information between agencies. When a person is arrested and fingerprinted, the information is sent electronically to the court. In the court system, a clerk assigns a docket number to incoming arrests and enters any other necessary information. In cases when a summons is issued there is no arrest, and therefore none of the arresting information is present at the court. In this case, then, the docket number from the court-ordered fingerprinting is used to link the court record to the summons.

Once a case concludes, the filed charges and their dispositions and sentences are automatically transmitted to the defendant’s criminal history record. This linking is accomplished through the arrest number and the agency’s ORI number. Monthly disposition mis-match reports are available and agencies are encouraged to resolve un-matched arrests. The current match rate is reported to be 95% statewide across all crime types.

For this analysis, the CBI was provided names, birthdates and SIDs (the state identification number) for those in the sample; CBI returned matching criminal history records. Then the criminal history records were matched to the Study #1 sample using the 16-digit court docket number.

## Findings

The number of cases matching the 16-digit court docket numbers to criminal history records for the DV sample improved from 31% in FY 2008 to 95% in FY 2014 (Table 18). There was no difference in matching between males and females (Table 19).

Table 18. Percent DV cases with docket numbers matching to criminal history records, 2008-2014

Docket Matched	Fiscal Year						
	2008	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>1,350</b>	<b>1,785</b>	<b>1,837</b>	<b>1,771</b>	<b>1,730</b>	<b>1,679</b>	<b>1,567</b>
Yes	31%	51%	87%	95%	96%	93%	95%
No	69%	49%	13%	5%	4%	7%	5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Data Sources: 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. Excludes Denver County Court cases. Criminal history records were obtained from the Colorado Bureau of Investigation.

Table 19. Percent DV cases with docket numbers matching to criminal history record, by gender

Gender/ Docket Matched	Fiscal Year						
	2008	2009	2010	2011	2012	2013	2014
<b>Female</b>	<b>272</b>	<b>374</b>	<b>420</b>	<b>403</b>	<b>413</b>	<b>414</b>	<b>407</b>
Yes	31%	54%	86%	94%	96%	91%	95%
No	69%	46%	14%	6%	4%	9%	5%
<b>Male</b>	<b>1073</b>	<b>1409</b>	<b>1415</b>	<b>1368</b>	<b>1316</b>	<b>1263</b>	<b>1160</b>
Yes	31%	50%	87%	95%	96%	94%	95%
No	69%	50%	13%	5%	4%	6%	5%
<b>Unknown/Blank</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>
Yes	20%	100%	100%		100%	100%	
No	80%	0%	0%		0%	0%	
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Data Sources: 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. Excludes Denver County Court cases. Criminal history records were obtained from the Colorado Bureau of Investigation.

Table 20. Percent DV cases with docket numbers matching to criminal history record, by judicial district

District	Fiscal Year							Overall
	2008	2009	2010	2011	2012	2013	2014	
1	23%	44%	71%	80%	96%	92%	91%	73%
2*	100%	100%	97%	97%	100%	100%	100%	99%
3	43%	43%	94%	100%	100%	100%	88%	79%
4	25%	42%	96%	98%	95%	89%	97%	79%
5	42%	39%	75%	91%	87%	98%	96%	75%
6	53%	46%	97%	97%	100%	100%	83%	84%
7	26%	41%	81%	93%	97%	92%	98%	74%
8	23%	62%	96%	98%	95%	98%	96%	82%
9	12%	43%	89%	97%	93%	95%	98%	76%
10	38%	61%	93%	96%	97%	76%	92%	79%
11	21%	59%	86%	100%	100%	100%	97%	80%
12	28%	42%	67%	91%	89%	84%	84%	73%
13	39%	56%	88%	94%	96%	100%	93%	81%
14	38%	53%	78%	100%	100%	88%	100%	83%
15	38%	57%	85%	100%	92%	100%	100%	84%
16	15%	72%	100%	96%	94%	89%	96%	82%
17	29%	65%	91%	98%	99%	98%	98%	84%
18	53%	49%	74%	93%	96%	96%	96%	80%
19	19%	42%	95%	98%	98%	95%	97%	78%
20	44%	57%	92%	98%	96%	92%	92%	83%
21	30%	54%	85%	95%	91%	96%	97%	80%
22	33%	31%	92%	100%	100%	100%	92%	76%

Data Sources: 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. Criminal history records were obtained from the Colorado Bureau of Investigation.

\*Judicial District #2 is the City and County of Denver. This analysis excludes Denver County Court cases because this system is not a part of ICON.

Of those records in the sample that did match a criminal history record, the RAP sheet was examined to see if there was a factual basis of domestic violence indicated on the arrest record (Table 21). The rate of DV on the arrest charges increased from 60% in FY 2008 to 77% in FY 2014. Note that there may be other reasons why DV is not identified on an arrest record but is indicated in the court filing.

Table 21. Factual basis of DV on matching original arrest record

DV factual basis on arrest	Fiscal Year						
	2008	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>422</b>	<b>905</b>	<b>1604</b>	<b>1683</b>	<b>1662</b>	<b>1566</b>	<b>1492</b>
Yes	60%	60%	67%	67%	67%	75%	77%
No	40%	40%	33%	33%	33%	25%	23%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Data Sources: 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. Excludes Denver County Court cases. Criminal history records were obtained from the Colorado Bureau of Investigation.

Table 22 reflects that most judicial districts showed an improvement over time in having the domestic violence factual basis identified in the arrest charges of the original arrest.

Table 22. Factual basis of domestic violence indicated on the arrest record

Judicial District	Fiscal Year							Overall
	2008	2009	2010	2011	2012	2013	2014	
1	18%	36%	29%	45%	31%	48%	68%	42%
2*	5%	5%	0%	0%	0%	0%	0%	1%
3	33%	50%	94%	77%	83%	81%	73%	75%
4	80%	88%	95%	95%	93%	90%	91%	92%
5	70%	76%	88%	83%	93%	93%	83%	86%
6	75%	94%	83%	88%	72%	94%	85%	85%
7	50%	68%	77%	83%	86%	82%	95%	81%
8	81%	80%	88%	85%	88%	91%	92%	87%
9	100%	80%	79%	79%	82%	79%	79%	80%
10	52%	65%	72%	48%	60%	54%	61%	59%
11	50%	62%	69%	82%	74%	84%	62%	73%
12	80%	82%	91%	77%	75%	54%	69%	74%
13	89%	59%	75%	81%	88%	89%	78%	80%
14	80%	63%	71%	61%	79%	91%	92%	77%
15	100%	50%	36%	100%	82%	69%	67%	69%
16	67%	44%	37%	27%	76%	71%	36%	50%
17	67%	66%	82%	77%	77%	76%	75%	75%
18	76%	53%	73%	60%	73%	66%	75%	68%
19	0%	0%	0%	1%	16%	85%	95%	32%
20	81%	71%	70%	74%	56%	71%	74%	70%
21	0%	6%	23%	19%	55%	59%	52%	36%
22	100%	80%	75%	91%	60%	83%	91%	82%

Data Sources: 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. Criminal history records were obtained from the Colorado Bureau of Investigation.

\* Excludes Denver County Court cases (judicial district 2 is Denver County).

The Domestic Violence flag did not, however, transfer from the court records to the criminal history file. There is a field in the court charges of the criminal history record that allows for the court’s DV flag to populate the RAP sheet, but this rarely occurs. Table 23 shows that only 1 to 3 percent of DV cases had DV factual basis listed on the court charges that were documented in the criminal history record.

Table 23. Factual basis of DV court charges in the matching original arrest record

DV factual basis on court charges	2008	2009	2010	2011	2012	2013	2014
<b>N</b>	<b>422</b>	<b>905</b>	<b>1604</b>	<b>1683</b>	<b>1662</b>	<b>1566</b>	<b>1492</b>
Yes	3%	2%	1%	1%	1%	1%	0%
No	97%	98%	99%	99%	99%	99%	100%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Data Sources: 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. Excludes Denver County Court cases. Criminal history records were obtained from the Colorado Bureau of Investigation.

For those cases in the sample that had the DV *proven* flag, the criminal history record does not reflect this (or the other flag descriptors in the court system, including *withdrawn*, *not proven*, and *applied in error*). Instead, it lists that the factual basis of domestic violence was present (either on the arrest charges or court charges), not proven.

In sum, a person looking at the RAP sheet in Colorado can see that there was an element of DV involved in the case, but there is no resolution regarding the that aspect of the case unless the person looks at the case disposition and infers what happened (i.e., the charge was assault and the disposition was jail time). While RAP sheet records may be incomplete concerning DV-flagged court cases, the court record available to the judge matched to the criminal history record 95% of the time in 2014.