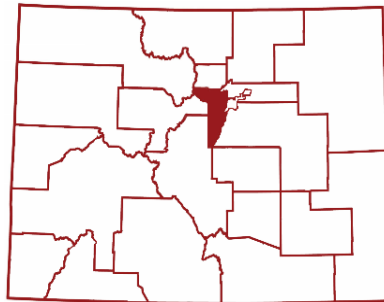


Senate Bill 15-185 CLEAR Act

2016

Community Law Enforcement Action Reporting Act

1st Judicial District



1st Judicial District: Population race/ethnicity estimates, 2016

Age Group	Race/ethnicity	%	N
Adult		80%	459,388
	Black	1%	4,862
	Hispanic	14%	62,164
	Other	4%	18,084
	White	81%	374,278
Juvenile		20%	117,987
	Black	2%	2,045
	Hispanic	24%	28,045
	Other	5%	5,836
	White	70%	82,060
All		100%	577,375

Data source: Office of the State Demographer,
<https://demography.dola.colorado.gov/population/data/race-estimate/#county-race-by-age-estimates>

October 2017



COLORADO
Department of Public Safety

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

Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

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The corresponding web-based interactive data dashboard is located at:
colorado.gov/dcj-ors/ors-SB185



Preface

In 2015, the General Assembly passed Senate Bill 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 2016.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. In 2017, following the publication of the first CLEAR Act report,¹ the findings from the statewide analysis were presented to the Colorado Commission on Criminal and Juvenile Justice.² At the conclusion of the presentation, the Commission voted unanimously to request that the next analyses disaggregate the data by judicial district so that local stakeholders could examine if and where disparities exist, and develop strategies to address them.

This report provides information about arrests and court cases for the 1st Judicial District for events that occurred in 2016. The statewide report and individual judicial district reports may be found at: colorado.gov/dcj-ors/ors-SB185.

The findings presented here collapse 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 the link above.

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.

¹ This report is available at <http://cdpsdocs.state.co.us/ors/docs/reports/2017-SB15-185-Rpt.pdf>.

² For more information about the Commission, see <https://www.colorado.gov/ccjj>.

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 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 2016.

In 2017, following the publication of the first CLEAR Act report,³ the findings from the statewide analysis were presented to the Colorado Commission on Criminal and Juvenile Justice.⁴ At the conclusion of the presentation, the Commission voted unanimously to request that the next analyses disaggregate the data by judicial district so that local stakeholders could examine if and where disparities exist, and develop strategies to address them. This report of 2016 data was prepared for the 1st Judicial District.

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,⁵ 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 are presented in the corresponding web-based interactive dashboard available at: colorado.gov/dcj-ors/ors-SB185.

The state Demographer's Office estimates that in 2016, the population in Colorado's 1st Judicial District was 577,375. The adult population was comprised as follows: White, 81%; Black, 1%; Hispanic, 14%; and Other, 4%. The juvenile population was comprised as follows: White, 70%, Black, 2%, Hispanic 24%, and Other 5%. Males made up 50% of the state population and females made up the other half of the population.

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 2016 Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON.

To improve upon the accuracy of the race/ethnicity designation in court data in this analysis, court cases were matched to the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) arrest data, which contains both race and ethnicity. To obtain ethnicity information, the defendant's name and date of birth in the court record was matched to arrest data and the ethnicity was extracted for all arrests. If the ethnicity recorded for any

³ This report is available at <http://cdpsdocs.state.co.us/ors/docs/reports/2016-SB15-185-Rpt.pdf>.

⁴ For more information about the Commission, see <https://www.colorado.gov/ccji>.

⁵ The arrest information includes 17 offense categories summarized from more than 40, and the court data includes 24 offense categories summarized from more than 1500 statutes.

arrest was found to be Hispanic, then the race/ethnicity was set to Hispanic. Otherwise, the original race/ethnicity designation from the court record was used.

Law enforcement data. In 2016 law enforcement made/issued nearly 22,000 arrests/summonses in the 1st Judicial District. 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 2016, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses and Violent crimes accounted for another 9% of arrests/summonses, Property offenses accounted for 22% of arrests/summonses, and the remainder of arrests/summonses (60%) fell into the Other crime category. Blacks represented 1% of the population in the 1st Judicial District in 2016, but accounted for 6% of arrests/summonses. Hispanics represented 16% of the population and 21% of arrests/summonses. Males represented about 50% of the state population and 70% of arrests. Females were much more likely to be involved in 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.

Court Filings. This study of 11,307 case filings in county, district, and juvenile courts combined found that, while Blacks represented 1% of the population in the 1st Judicial District, and 6% of the arrests/summonses in 2016, they accounted for 7% of district court filings. In juvenile court, Blacks represented 9% of cases, compared to 2% Black juveniles in the population. Hispanic adults made up 16% of the adult population in the 1st Judicial District but had 29% of district court filings in 2016. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property crimes (34% compared to 27%, respectively) and slightly less to be involved in Violent offenses (32% compared to 34%, respectively). Only 1% of cases completed a trial in county and district court; 2% of juvenile court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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, 24% of cases in county court were dismissed, as were 9% of cases in district court and 26% of cases in juvenile court. One-third (39%) of county court cases were convicted as charged compared to 23% in district court and 37% in juvenile court. One-quarter (29%) of county court cases were convicted of a different charge, as were over half (55%) of district court cases, and 37% of juvenile court cases.

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. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

This section provided the initial sentence for each of the four offense types for county court cases in the 1st Judicial District in 2016. Women were considerably more likely than men to receive a deferred judgment in county court (25% compared to 12%, respectively). Men were more likely than women to receive a jail sentence (31% for men compared to 21% for women), and men were more likely to be granted an initial sentence to probation (34% compared to 27% for women).

In county court, those in the Other race/ethnicity category were much more likely to receive a deferred judgment (31% compared to 10-18% for other race/ethnicities); Hispanics were especially unlikely to receive a deferred judgment, at 10%, followed by Blacks at 12% compared to 18% for Whites. Blacks and Hispanics were considerably more likely to receive jail time (41% and 35%, respectively), compared to 16% of Other cases and 24% of White cases.

For those with Other as the most serious county court conviction charge, Blacks and Hispanics were more likely to receive a jail sentence. For those with Property or Violent offenses, Blacks and Hispanics were more likely to receive jail sentences.

This analysis of the initial sentence by offense type for district court cases in the 1st Judicial District found that probation was the most frequently occurring initial sentence, imposed 73% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 14% of Drug cases, 37% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed infrequently and were most likely to be imposed in Property cases (8%), and least likely to be imposed in Other cases (2%).

One-quarter (24%) of initial sentences for Blacks were to the Department of Corrections, and 27% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups.

For Drug cases, Hispanics were less likely to receive a deferred judgment than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to prison and to jail. For Other offenses, Blacks and Hispanics were more likely to receive prison sentences; Hispanics were much more likely to receive a prison sentence for Property and Violent crimes

In juvenile court, across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred judgment (29% and 22%, respectively compared to 46% and 42%) and more likely to receive an initial sentence to the Division of Youth Services (26% and 21%, respectively, compared to 8%).

Revocations: Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 1st Judicial District are included in the analyses presented here.⁶ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals.** Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that

⁶ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

in 2016, 22% of adult state probation terminations were the result of a revocation.⁷ The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, adult district, and juvenile district courts *statewide*, 49% of cases were reinstated, 44% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

Overall, 25% of county court cases receiving a probation/deferred judgment in the 1st Judicial District in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked in county court compared to the overall revocation rate (34% and 30% respectively, compared to 15% and 23%). Blacks were least likely to be revoked when the most serious crime was Other (however, because of the small number of cases, this information should be interpreted with caution), and most likely to be revoked when sentenced for Violent offense. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories.

In juvenile court, 30% of cases sentenced to probation/deferred judgment in 2016 in the 1st Judicial District were revoked. Hispanics were most likely to get revoked. Females were revoked at a rate of 28% compared to 30% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (35%) and males with Property cases were most likely to be revoked (38%).

Additional analyses. To better understand the disparity across race/ethnicity in initial sentences in district court and juvenile court, 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 allow for the examination of the impact of concurrent and prior cases, including current and prior violent offenses,⁸ may have on those decisions.

After controlling for the additional factors, Hispanics were statistically significantly more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Hispanics were statistically significantly less likely than Whites to receive a deferred judgment. Finally, after controlling for the additional factors, Hispanic youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences between White and Hispanic defendants.

⁷ *Judicial Branch Annual Statistical Report, Fiscal Year 2016*, Table 48, page 120.

⁸ 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.

Section 1: 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 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 2016, 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; and
- Revocations for probation and deferred judgments.

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 more than 1500 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 are presented in the corresponding web-based interactive dashboard available at: colorado.gov/dcj-ors/ors-SB185.

In 2017, following the publication of the first CLEAR Act report, the findings from the statewide analysis were presented to the Colorado Commission on Criminal and Juvenile Justice. At the conclusion of the presentation, the Commission voted unanimously to request that the next analyses disaggregate the data by judicial district so that local stakeholders could examine if and where disparities exist, and develop strategies to address them. Information by judicial district and details by offense type may be found at the interactive dashboard available at: 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.

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 2016 Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON.

To improve upon the accuracy of the race/ethnicity designation in court data in this analysis, court cases were matched to the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) arrest data, which contains both race and ethnicity. To obtain ethnicity information, the defendant's name and date of birth in the court record was matched to arrest data and the ethnicity was extracted for all arrests. If the ethnicity recorded for any arrest was found to be Hispanic, then the race/ethnicity was set to Hispanic. Otherwise, the original race/ethnicity designation from the court record was used.

The NIBRS arrest data contained all arrests from 2011 to 2016. Matching involved finding an exact match on name and date of birth between the data sets. For the analysis of charges, no match was found for 15% of cases, statewide. For the analysis of sentences, no match was found for 13% of cases, statewide. The lack of a match was due primarily to differences in the spelling of names and differences in dates of birth.

Organization of this report: This report is organized into four sections. This 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 analysis 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 describes the findings from additional analyses undertaken to better understand the impact of concurrent cases and criminal history on the initial sentence.

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2016 and December 31, 2016 was obtained from the Colorado Bureau of Investigation's National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests.⁹ 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;

⁹ Note that the arrests by Colorado State Patrol officers could not be allocated by judicial districts because CSP regions do not correspond directly to judicial district boundaries. Arrests by CSP are included only in this study's statewide report and not the individual judicial district reports. The statewide report is available at colorado.gov/dcj-ors/ors-SB185.

- 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.”¹⁰ 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). Nearly 22,000 NIBRS incidents in the 1st Judicial District were analyzed for calendar year 2016 (Table 1-1).

Table 1-1. Arrests by type, 1st Judicial District, 2016

Arrest type	%	N
Custody/warrant	32%	6,962
On-view/probable cause	25%	5,438
Summons	43%	9,540
All	100%	21,940

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/1/2017.

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.

The NIBRS data contain both race and ethnicity information.

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, with the exception of Denver County Court.¹¹ 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 is in Table 1-2.

Table 1-2. Court of case filing, 1st Judicial District, 2016

Court	%	N
Adult District	38%	4,351
County	55%	6,270
Juvenile	6%	686
All	100%	11,307

¹⁰ Group B crimes include bad checks, curfew/loitering/vagrancy, disorderly conduct, driving under the influence, drunkenness, family offenses (nonviolent), liquor law violations, voyeurism, runaway, trespass of real property, all other offenses.

¹¹ Denver County Court is not part of ICON and consequently this information is excluded from the information presented in this report and on the interactive web dashboard.

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.

Note that the information presented here reflects the analysis of more than 11,000 **cases not individuals**. Individuals may have multiple, concurrent cases,¹² and cases typically have multiple charges. 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 categories¹³ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.¹⁴ The analysis of the 24 offense categories is available on the interactive data dashboard. See Appendix B for the list of offenses that were combined into the four broad 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 filing. Cases sentenced to probation or a deferred judgment that were revoked are reported, but those sentenced near the end of 2016 may not have had time to revoke.

As previously mentioned, Judicial systematically collects information about race but not ethnicity. This means that, when the data is disaggregated by race/ethnicity, most Hispanics are in the White category. For example, in 2016 Hispanics represented 22% of the Colorado population, but only 6% of cases statewide were classified as Hispanic in ICON.

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. To improve upon the accuracy of the race/ethnicity designation in court data in this analysis, court cases were matched to the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) arrest data, which contains both race and ethnicity. To obtain ethnicity information, the defendant's name and date of birth in the court record was matched to arrest data and the ethnicity was extracted for all arrests. If the ethnicity recorded for any arrest was found to be Hispanic, then the race/ethnicity was set to Hispanic. Otherwise, the original race/ethnicity designation from the court record was used.

The NIBRS arrest data contained all Colorado arrests from 2011 to 2016. Matching involved finding an exact match on name and date of birth between the data sets. For the analysis of *charges*, no match was found for 15% of cases statewide. For the analysis of *sentences*, no match was found for 13% of cases statewide. The lack of a match in the arrest data was due primarily to differences in the spelling of names, and differences in dates of birth.

¹² This study found that in 2016, statewide, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

¹³ The 24 offense categories are summarized from more than 1500 statutes.

¹⁴ Note that all offenses include attempts, solicitations, and conspiracies.

Section 2: Law Enforcement Information

Arrest/summons

The findings presented in this report summarize multiple offense types into four broad categories of crime types: Drugs, Other, Property and Violent (Table 2-1) (see Appendix A for a list of crimes in each category). The interactive dashboard, at colorado.gov/dcj-ors/ors-SB185, provides information on 17 arrest offense types. The analysis 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/summons captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2016.

Table 2-1. Arrests by offense

Offense	%	N
Drugs	9%	1,974
Other	60%	13,212
Property	22%	4,830
Violent	9%	1,924
All	100%	21,940

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Table 2-2 reflects over 21,000 arrests/summons captured in NIBRS for calendar year 2016 in the 1st Judicial District, by race/ethnicity. Blacks represented 1% of the population in 2016, but accounted for 6% of arrests/summons in the 1st Judicial District. Hispanics represented 16% of the population and accounted for 21% of arrests. The Other race/ethnicity category represented 4% of the population, and was underrepresented in arrests (2%), as were Whites which represented 79% of the population and 71% of arrests/summons in the 1st Judicial District.

Table 2-2. Arrests by race/ethnicity

Race/ethnicity	%	N
Black	6%	1,307
Hispanic	21%	4,623
Other	2%	381
White	71%	15,629
All	100%	21,940

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Table 2-3 shows that juveniles accounted for 6% of on view/probable cause arrests, and that 14% of those arrests were for violent crimes, a proportion similar to adults (14%). Juveniles accounted for 7% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for one-fifth (21%) of summonsed cases (Table 2-5). Not surprisingly, violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

Table 2-3. Arrest type On-View/Probable Cause, by age group and offense

Age Group	Offense	%	N
Adult		94%	5,112
	Drugs	11%	558
	Other	59%	3,019
	Property	16%	809
	Violent	14%	726
Juvenile		6%	326
	Drugs	9%	30
	Other	52%	168
	Property	25%	81
	Violent	14%	47
All		100%	5,438

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

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

Age Group	Offense	%	N
Adult		93%	6,444
	Drugs	4%	275
	Other	79%	5,118
	Property	9%	566
	Violent	8%	485
Juvenile		7%	518
	Drugs	5%	26
	Other	65%	339
	Property	17%	89
	Violent	12%	64
All		100%	6,962

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

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

Age Group	Offense	%	N
Adult		79%	7,566
	Drugs	7%	534
	Other	49%	3,737
	Property	37%	2,823
	Violent	6%	472
Juvenile		21%	1,974
	Drugs	28%	551
	Other	42%	831
	Property	23%	462
	Violent	7%	130
All		100%	9,540

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Combining juveniles and adults, the following three tables show type of arrest/summons by offense type, disaggregated by race/ethnicity. First, Table 2-6 shows that 11% of probable cause arrests were for Drug related offenses, 59% were for Other offenses, 16% for Property offenses, and 14% for Violent offenses. While Blacks made up 1% of the population in the 1st Judicial District, Table 2-6 shows that they were arrested at multiple times that rate for probable cause arrests in 2016: 4% of Drug arrests were Blacks, 6% of arrests for Other offenses were Blacks, 16% of Property arrests were Blacks, and 14% of Violent arrests were Blacks. Likewise, while Hispanics represented 16% of the population in 2016, they accounted for 25% of Other offenses, 26% of Property arrests and 24% of Violent probable cause arrests in the 1st Judicial District.

Table 2-6. Arrest type On-View/Probable Cause, by offense and race/ethnicity

Offense	Race/ethnicity	%	N
Drugs		11%	588
	Black	4%	25
	Hispanic	18%	108
	Other	2%	11
	White	76%	444
Other		59%	3,187
	Black	6%	178
	Hispanic	25%	797
	Other	2%	58
	White	68%	2,154
Property		16%	890
	Black	9%	76
	Hispanic	26%	232
	Other	1%	10
	White	64%	572
Violent		14%	773
	Black	9%	66
	Hispanic	24%	182
	Other	1%	10
	White	67%	515
All		100%	5,438

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Nearly 80% (78%) of these arrests involved an offense that fell into the Other offense category. While only 8% of these types of arrests involved a Violent offense, Blacks made up 10% of Violent crime warrant arrests and Hispanics made up 24%, which is greater than the proportion of Blacks (1%) and Hispanics (16%) in the 1st Judicial District.

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

Offense	Race/ethnicity	%	N
Drugs		4%	301
	Black	5%	15
	Hispanic	22%	67
	Other	2%	7
	White	70%	212
Other		78%	5,457
	Black	6%	334
	Hispanic	20%	1,080
	Other	1%	81
	White	73%	3,962
Property		9%	655
	Black	7%	46
	Hispanic	27%	177
	Other	2%	11
	White	64%	421
Violent		8%	549
	Black	10%	56
	Hispanic	24%	129
	Other	2%	12
	White	64%	352
All		100%	6,962

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Table 2-8 shows that summons were less likely to be issued for Violent offenses (6%) compared to Other (48%) and Property (34%) and that, of those summons issued for Violent crimes, 10% went to Blacks and 21% to Hispanics. Whites were least likely to be summonsed for a Violent crime (68%) and most likely for Drugs (79%).

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

Offense	Race/ethnicity	%	N
Drugs		11%	1,085
	Black	3%	30
	Hispanic	17%	182
	Other	1%	11
	White	79%	862
Other		48%	4,568
	Black	5%	214
	Hispanic	18%	829
	Other	2%	102
	White	75%	3,423
Property		34%	3,285
	Black	6%	209
	Hispanic	22%	716
	Other	2%	58
	White	70%	2,302
Violent		6%	602
	Black	10%	58
	Hispanic	21%	124
	Other	2%	10
	White	68%	410
All		100%	9,540

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

The following three tables show arrest/summons by broad offense category and gender. Although women make up half the population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 27-37% of arrests and 29-44% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were more likely to be involved in Property offenses compared with the other offense categories.

Table 2-9. Arrest type On-View/Probable Cause, by offense and gender

Offense	Gender	%	N
Drugs		11%	588
	Female	31%	182
	Male	69%	406
Other		59%	3,187
	Female	28%	899
	Male	72%	2,288
Property		16%	890
	Female	32%	288
	Male	68%	602
Violent		14%	773
	Female	28%	213
	Male	72%	560
All		100%	5,438

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Table 2-10. Arrest type Custody/Warrant, by offense and gender

Offense	Gender	%	N
Drugs		4%	301
	Female	27%	82
	Male	73%	219
Other		78%	5,457
	Female	29%	1,575
	Male	71%	3,882
Property		9%	655
	Female	37%	243
	Male	63%	412
Violent		8%	549
	Female	30%	164
	Male	70%	385
All		100%	6,962

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Table 2-11. Arrest type Summons, by offense and gender

Offense	Gender	%	N
Drugs		11%	1,085
	Female	29%	311
	Male	71%	774
Other		48%	4,568
	Female	31%	1,410
	Male	69%	3,158
Property		34%	3,285
	Female	44%	1,457
	Male	56%	1,828
Violent		6%	602
	Female	35%	209
	Male	65%	393
All		100%	9,540

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 6/7/2017.

Summary: Law enforcement data. In 2016 law enforcement made/issued nearly 22,000 arrests/summonses in the 1st Judicial District. 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 2016, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses and Violent crimes accounted for another 9% of arrests/summonses, Property offenses accounted for 22% of arrests/summonses, and the remainder of arrests/summonses (60%) fell into the Other crime category. Blacks represented 1% of the population in the 1st Judicial District in 2016, but accounted for 6% of arrests/summonses. Hispanics represented 16% of the population and 21% of arrests/summonses. Males represented about 50% of the state population and approximately 70% of arrests. Females were much more likely to be involved in 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, with the exception of Denver County Court.¹⁵ For this analysis, cases were selected for the 1st Judicial District. County court contains both adult and juvenile misdemeanor cases. The 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,¹⁶ and cases typically have multiple charges. 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 more than 1500 statutes, is available on the interactive data dashboard at colorado.gov/dcj-ors/ors-SB185. Appendix B for the list of offenses that were combined into the four broad categories.

Additionally, all offenses presented in the analysis of court data include attempts, solicitations, and conspiracies.

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.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 11,307 case filings in county, adult district, and juvenile courts combined in the 1st Judicial District. While Blacks represented 1% of the population and 6% of the arrests/summons in 2016, they accounted for 6% of court filings. Hispanics represented 16% of the population and 28% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

¹⁵ Denver County Court is not part of the statewide Judicial data management system.

¹⁶ This study found that in 2016, statewide, 18% of county court cases, 36% of district court cases, and 37% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

*Table 3-1. Overall filings by race/ethnicity**

Race/ethnicity	%	N
Black	6%	666
Hispanic	28%	3,118
Other	2%	270
White	64%	7,253
All	100%	11,307

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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 Drug offenses were the most serious filing charge in 11% of cases, and Violent charges comprised the largest category at 33% of charges filed. The race/ethnicity distribution was generally consistent across crime types.

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

Offense	Race/ethnicity	%	N
Drugs		11%	1,241
	Black	4%	55
	Hispanic	25%	316
	Other	2%	26
	White	68%	844
Other		27%	3,047
	Black	5%	157
	Hispanic	27%	832
	Other	3%	95
	White	64%	1,963
Property		29%	3,260
	Black	6%	186
	Hispanic	29%	937
	Other	2%	62
	White	64%	2,075
Violent		33%	3,759
	Black	7%	268
	Hispanic	27%	1,033
	Other	2%	87
	White	63%	2,371
All		100%	11,307

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-3 depicts that, across all court types, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property crimes (34% compared to 27%, respectively) and slightly less to be involved in Violent offenses (32% compared to 34%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	%	N
Female		28%	3,124
	Drugs	12%	367
	Other	23%	707
	Property	34%	1,052
	Violent	32%	998
Male		72%	8,183
	Drugs	11%	874
	Other	29%	2,340
	Property	27%	2,208
	Violent	34%	2,761
All		100%	11,307

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.

Court type

Table 3-4 breaks down race/ethnicity by the type of court for the 1st Judicial District. County court had the most cases in 2016 (55% of the total), followed by adult district court (38%) and juvenile court at 6%. Blacks, comprising 1% of the population in the 1st Judicial District, represented 5% of county court cases filed compared to 7% in adult district court and 6% in juvenile court. Hispanic made up 14% of the adult population in the 1st Judicial District and 29% of district court filings in 2016.

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

Court	Race/ethnicity	%	N
Adult District		38%	4,351
	Black	7%	285
	Hispanic	29%	1,251
	Other	2%	95
	White	63%	2,720
County		55%	6,270
	Black	5%	322
	Hispanic	26%	1,623
	Other	3%	158
	White	66%	4,167
Juvenile		6%	686
	Black	9%	59
	Hispanic	36%	244
	Other	2%	17
	White	53%	366
All		100%	11,307

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-5 provides the type of offense by court type. Nearly half (43%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (36%) and Drug and Other cases (each at 23%) comprised the largest categories of cases in adult district court. Property crimes (38%) and Violent crimes (39%) made up the majority 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 (29%) compared to adult district court (26%) and juvenile court (25%).

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

Court	Offense	%	N
Adult District		38%	4,351
	Drugs	23%	996
	Other	23%	989
	Property	36%	1,553
	Violent	19%	813
County		55%	6,270
	Drugs	3%	207
	Other	31%	1,939
	Property	23%	1,444
	Violent	43%	2,680
Juvenile		6%	686
	Drugs	6%	38
	Other	17%	119
	Property	38%	263
	Violent	39%	266
All		100%	11,307

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 3-6. Court of case filing, by gender

Court	Gender	%	N
Adult District		38%	4,351
	Female	26%	1,124
	Male	74%	3,227
County		55%	6,270
	Female	29%	1,826
	Male	71%	4,444
Juvenile		6%	686
	Female	25%	174
	Male	75%	512
All		100%	11,307

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.

Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial (2%). Table 3-8 combines information across court types and shows the number of trials completed by offense category. Cases with a Violent offense were most likely to complete a trial.

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

Court	Completed Trial	%	N
Adult District		38%	4,351
	No	98%	4,274
	Yes	2%	77
County		55%	6,270
	No	98%	6,164
	Yes	2%	106
Juvenile		6%	686
	No	98%	673
	Yes	2%	13
All		100%	11,307

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

Offense	Completed Trial	%	N
Drugs		11%	1,241
	No	100%	1,237
	Yes	<1%	4
Other		27%	3,047
	No	98%	2,995
	Yes	2%	52
Property		29%	3,260
	No	99%	3,235
	Yes	1%	25
Violent		33%	3,759
	No	97%	3,644
	Yes	3%	115
All		100%	11,307

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.

Summary: Filings. This study of 11,307 case filings in county, district, and juvenile courts combined found that, while Blacks represented 1% of the population in the 1st Judicial District, and 6% of the arrests/summons in 2016, they accounted for 7% of district court filings. In juvenile court, Blacks represented 9% of cases, compared to 2% Black juveniles in the population. Hispanic adults made up 16% of the adult population in the 1st Judicial District but had 29% of district court filings in 2016. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property crimes (34% compared to 27%, respectively) and slightly less to be involved in Violent offenses (32% compared to 34%, respectively). Only 1% of cases completed a trial in county and district court; 2% of juvenile court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case outcomes

The following three tables present the case outcomes for the 1st Judicial District, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2016. 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. In fact, overall, in nearly one-quarter (24%) of cases, all charges were dismissed in county court in 2016 (Table 3-9).

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 39% of cases were convicted as charged, and 29% were convicted of another crime. In adult district court (Table 3-10), 55% were convicted of another crime and one-fourth (23%) were convicted as charged. In juvenile court (Table 3-11), 29% were convicted of another offense and 37% were convicted as charged.

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

Race/ethnicity		Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	All	N
Black		39%	25%	20%	16%	100%	322
	Drugs	43%	0%	57%	0%	100%	7
	Other	44%	24%	14%	18%	100%	84
	Property	30%	36%	14%	21%	100%	73
	Violent	41%	22%	25%	13%	100%	158
Hispanic		40%	31%	19%	9%	100%	1,623
	Drugs	50%	17%	25%	8%	100%	36
	Other	36%	38%	13%	14%	100%	494
	Property	38%	38%	13%	11%	100%	389
	Violent	44%	23%	27%	5%	100%	704
Other		48%	27%	18%	8%	100%	158
	Drugs	50%	0%	50%	0%	100%	2
	Other	50%	31%	15%	4%	100%	52
	Property	44%	24%	18%	15%	100%	34
	Violent	49%	26%	19%	7%	100%	70
White		38%	28%	26%	8%	100%	4,167
	Drugs	39%	24%	31%	6%	100%	162
	Other	35%	31%	24%	10%	100%	1,309
	Property	36%	34%	20%	9%	100%	948
	Violent	40%	23%	30%	7%	100%	1,748
All		39%	29%	24%	9%	100%	6,270

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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

Race/ethnicity		Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	All	N
Black		19%	52%	11%	18%	100%	285
	Drugs	15%	55%	15%	15%	100%	47
	Other	16%	45%	12%	27%	100%	64
	Property	27%	50%	8%	15%	100%	103
	Violent	13%	58%	11%	18%	100%	71
Hispanic		23%	59%	7%	12%	100%	1,251
	Drugs	22%	61%	8%	9%	100%	268
	Other	24%	57%	4%	15%	100%	293
	Property	25%	60%	6%	9%	100%	455
	Violent	18%	56%	10%	16%	100%	235
Other		15%	52%	15%	19%	100%	95
	Drugs	22%	61%	4%	13%	100%	23
	Other	5%	37%	29%	29%	100%	41
	Property	15%	65%	5%	15%	100%	20
	Violent	36%	64%	0%	0%	100%	11
White		24%	53%	10%	13%	100%	2,720
	Drugs	23%	59%	8%	10%	100%	658
	Other	25%	46%	15%	14%	100%	591
	Property	26%	52%	7%	15%	100%	975
	Violent	18%	56%	12%	14%	100%	496
All		23%	55%	9%	13%	100%	4,351

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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

Race/ethnicity		Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	All	N
Black		36%	25%	32%	7%	100%	59
	Drugs	0%	100%	0%	0%	100%	1
	Other	22%	33%	22%	22%	100%	9
	Property	20%	70%	10%	0%	100%	10
	Violent	44%	10%	41%	5%	100%	39
Hispanic		36%	30%	26%	7%	100%	244
	Drugs	33%	50%	0%	17%	100%	12
	Other	44%	20%	18%	18%	100%	45
	Property	37%	39%	23%	2%	100%	93
	Violent	33%	24%	36%	6%	100%	94
Other		29%	29%	35%	6%	100%	17
	Drugs	100%	0%	0%	0%	100%	1
	Other	0%	100%	0%	0%	100%	2
	Property	38%	25%	38%	0%	100%	8
	Violent	17%	17%	50%	17%	100%	6
White		38%	29%	25%	8%	100%	366
	Drugs	42%	29%	8%	21%	100%	24
	Other	32%	25%	37%	6%	100%	63
	Property	38%	31%	27%	5%	100%	152
	Violent	42%	28%	20%	10%	100%	127
All		37%	29%	26%	8%	100%	686

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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, 24% of cases in county court were dismissed, as were 9% of cases in district court and 26% of cases in juvenile court. One-third (39%) of county court cases were convicted as charged compared to 23% in district court and 37% in juvenile court. One-quarter (29%) of county court cases were convicted of a different charge, as were over half (55%) of district court cases, and 37% of juvenile court cases.

Initial sentences

The tables below show cases sentenced between Jan 1, 2016 and Dec 31, 2016 in the 1st Judicial District, in county court, district court, and juvenile court. These cases are not necessarily the

same cases in the **Case Filings** section 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) from this jurisdiction will not match the number reported as admissions by DOC or DYS.

Cases generally have multiple initial sentences, usually include fines, and can also include community service and credit for time served. 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.

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. 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/juvenile history may also influence the initial sentence.

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in the 1st Judicial District in 2016. County court Drug cases resulted in a fine in 45% of cases, and community service for 31% of cases. Deferred judgments occurred for almost one-quarter of Property (22%) and 19% of Violent crime cases, 10% of Other cases, and 2% for Drug cases (this figure represents only 3 cases). Almost half (48%) of Violent cases received an initial sentence to probation.

Table 3-12. Initial sentence in County Court, by most serious conviction charge (N=4,346)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Service	44	31%	175	12%	192	18%	17	1%
Deferred	3	2%	152	10%	235	22%	302	19%
Fines/fees	65	45%	249	17%	135	12%	44	3%
Jail	18	12%	428	29%	329	30%	442	27%
Probation/Intensive Supervision	10	7%	449	30%	161	15%	782	48%
Unsupervised Probation	4	3%	44	3%	39	4%	27	2%
All	144	100%	1,497	100%	1,091	100%	1,614	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 3-13 reflects initial county court sentences by gender. Women were significantly more likely than men to receive a deferred judgment in county court (25% compared to 12%,

respectively). Men were more likely than women to receive a jail sentence (31% for men compared to 21% for women), and men were more likely to be granted an initial sentence to probation (34% compared to 27% for women).

Table 3-13. Initial sentence in County Court by gender (N=4,346)

Sentence	Female	%	Male	%
Community Service	142	11%	286	9%
Deferred	317	25%	375	12%
Fines/fees	157	12%	336	11%
Jail	268	21%	949	31%
Probation/Intensive Supervision	342	27%	1,060	34%
Unsupervised Probation	38	3%	76	2%
All	1,264	100%	3,082	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 3-14 presents the initial sentence in county court by race/ethnicity for the 1st Judicial District. Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (31% compared to 10-18% for other race/ethnicities); Hispanics were especially unlikely to receive a deferred judgment, at 10%, followed by Blacks at 12% compared to 18% for Whites. Blacks and Hispanics were considerably more likely to receive jail time (41% and 35%, respectively), compared to 16% of Other cases and 24% of White cases.

Table 3-14. Initial sentence in County Court by race/ethnicity (N=4,346)*

Sentence	Black	Hispanic	Other	White
N	221	1,223	122	2,780
Community Service	7%	10%	8%	10%
Deferred	12%	10%	31%	18%
Fines/fees	9%	9%	20%	12%
Jail	41%	35%	16%	24%
Probation/Intensive Supervision	30%	34%	22%	32%
Unsupervised Probation	1%	2%	2%	3%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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. The few numbers of cases in the Black and Other race/ethnicity categories require caution when interpreting the findings.

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity (N=144)*

Sentence	Black	Hispanic	Other	White
N	4	37	3	100
Community Service	50%	30%	33%	30%
Deferred	0%	0%	0%	3%
Fines/fees	25%	35%	67%	49%
Jail	0%	24%	0%	9%
Probation/Intensive Supervision	25%	11%	0%	5%
Unsupervised Probation	0%	0%	0%	4%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Blacks and Hispanics were more likely to receive a jail sentence. 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, Blacks and Hispanics were more likely to receive jail sentences compared to Whites.

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity (N=1,497)*

Sentence	Black	Hispanic	Other	White
N	78	402	48	969
Community Service	6%	10%	10%	13%
Deferred	9%	3%	21%	12%
Fines/fees	15%	10%	35%	18%
Jail	40%	41%	15%	23%
Probation/Intensive Supervision	29%	33%	17%	30%
Unsupervised Probation	0%	2%	2%	4%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity (N=1,091)*

Sentence	Black	Hispanic	Other	White
N	54	332	27	678
Community Service	17%	20%	11%	17%
Deferred	19%	19%	52%	22%
Fines/fees	11%	12%	11%	13%
Jail	43%	34%	11%	28%
Probation/Intensive Supervision	9%	13%	15%	16%
Unsupervised Probation	2%	2%	0%	4%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity (N=1,614)*

Sentence	Black	Hispanic	Other	White
N	85	452	44	1,033
Community Service	0%	1%	2%	1%
Deferred	11%	11%	32%	22%
Fines/fees	1%	2%	5%	3%
Jail	42%	31%	23%	25%
Probation/Intensive Supervision	45%	52%	34%	48%
Unsupervised Probation	1%	2%	5%	1%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

District court

Table 3-19 shows the initial sentence by offense type for district court cases in the 1st Judicial District. Probation was the most frequently occurring initial sentence, imposed 73% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 14% of Drug cases, 37% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed infrequently and were most likely to be imposed in Property cases (8%), and least likely to be imposed in Other cases (2%).

Table 3-20 indicates the initial sentence in district court by gender. Women were much more likely to receive probation compared to men (70% versus 55%, respectively) and less likely to receive a prison sentence (12% compared to 24%, respectively).

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge (N=3,634)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	26	3%	24	3%	115	9%	22	3%
Community Service	2	<1%	5	1%	3	<1%	0	0%
Deferred	36	4%	18	2%	103	8%	57	9%
Dept of Corrections	127	14%	266	37%	222	17%	135	20%
Fines/fees	7	1%	9	1%	15	1%	5	1%
Jail	54	6%	82	11%	90	7%	56	8%
Probation/Intensive Supervision	680	73%	323	44%	756	58%	393	59%
Youthful Offender System	0	0%	0	0%	1	<1%	2	<1%
All	932	100%	727	100%	1,305	100%	670	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. Initial sentence in Adult District Court by gender (N=3,634)

Sentence	Female	%	Male	%
Community Corrections	37	4%	150	6%
Community Service	1	<1%	9	<1%
Deferred	67	7%	147	5%
Dept of Corrections	116	12%	634	24%
Fines/fees	13	1%	23	1%
Jail	51	5%	231	9%
Probation/Intensive Supervision	663	70%	1,489	55%
Youthful Offender System	0	0%	3	<1%
All	948	100%	2,686	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. One-quarter (24%) of initial sentences for Blacks were to the Department of Corrections, and 27% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity (N=3,634)*

Sentence	Black	Hispanic	Other	White
N	209	1,123	76	2,226
Community Corrections	4%	5%	4%	5%
Community Service	<1%	<1%	1%	<1%
Deferred	6%	3%	9%	7%
Dept of Corrections	24%	27%	14%	18%
Fines/fees	<1%	1%	3%	1%
Jail	11%	8%	7%	7%
Probation/Intensive Supervision	54%	56%	62%	61%
Youthful Offender System	<1%	<1%	0%	<1%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

The following four tables show initial district court sentences for each of the offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Hispanics were less likely to receive a deferred judgment than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to prison and to jail. For Other offenses, Blacks and Hispanics were more likely to receive prison sentences; Hispanics were much more likely to receive a prison sentence for Property and Violent crimes (Tables 3-23, 3-24 and 3-25).

Table 3-22. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity (N=932)*

Sentence	Black	Hispanic	Other	White
N	31	290	21	590
Community Corrections	6%	4%	0%	2%
Community Service	3%	0%	0%	<1%
Deferred	6%	1%	5%	5%
Dept of Corrections	23%	18%	19%	11%
Fines/fees	0%	1%	0%	1%
Jail	16%	4%	0%	6%
Probation/Intensive Supervision	45%	71%	76%	75%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-23. Initial sentence for Other as most serious conviction in Adult District Court by race/ethnicity (N=727)*

Sentence	Black	Hispanic	Other	White
N	47	239	12	429
Community Corrections	6%	3%	0%	3%
Community Service	0%	0%	0%	1%
Deferred	2%	2%	0%	3%
Dept of Corrections	49%	45%	33%	31%
Fines/fees	0%	0%	17%	2%
Jail	15%	10%	17%	11%
Probation/Intensive Supervision	28%	40%	33%	49%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-24. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity (N=1,305)*

Sentence	Black	Hispanic	Other	White
N	73	404	29	799
Community Corrections	1%	9%	10%	10%
Community Service	0%	<1%	3%	<1%
Deferred	10%	4%	21%	9%
Dept of Corrections	12%	20%	3%	16%
Fines/fees	0%	1%	0%	1%
Jail	10%	7%	0%	7%
Probation/Intensive Supervision	67%	59%	62%	56%
Youthful Offender System	0%	0%	0%	<1%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-25. Initial sentence for Violent as most serious conviction in Adult District Court by race/ethnicity* (N=670)

Sentence	Black	Hispanic	Other	White
N	58	190	14	408
Community Corrections	3%	4%	0%	3%
Deferred	3%	4%	0%	12%
Dept of Corrections	19%	30%	14%	16%
Fines/fees	2%	0%	0%	1%
Jail	7%	13%	21%	6%
Probation/Intensive Supervision	64%	49%	64%	62%
Youthful Offender System	2%	1%	0%	0%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases, by crime type, for the 1st Judicial District. As with county and district court, initial sentences to probation were the most frequently occurring sentence, followed by deferred judgments. Drug cases and Violent cases were more likely than other offenses to receive a deferred judgment (39% and 42%, respectively) in juvenile court.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge (N=475)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Service	1	3%	3	3%	3	2%	0	0%
Deferred	13	39%	21	24%	57	31%	73	42%
Division of Youth Services	4	12%	16	18%	12	7%	33	19%
Fines/fees	1	3%	3	3%	4	2%	1	1%
Jail	1	3%	1	1%	1	1%	0	0%
Juvenile Detention	0	0%	1	1%	2	1%	0	0%
Probation/Intensive Supervision	13	39%	43	49%	102	56%	66	38%
All	33	100%	88	100%	181	100%	173	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. Initial sentence in Juvenile Court by gender (N=475)

Sentence	Female	%	Male	%
Community Service	2	2%	5	1%
Deferred	50	40%	114	33%
Division of Youth Services	13	10%	52	15%
Fines/fees	1	1%	8	2%
Jail	1	1%	2	1%
Juvenile Detention	0	0%	3	1%
Probation/Intensive Supervision	59	47%	165	47%
All	126	100%	349	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, Blacks and Hispanics were considerably less likely to receive a deferred judgment (29% and 22%, respectively compared to 46% and 42%) and more likely to receive an initial sentence to the Division of Youth Services (26% and 21%, respectively, compared to 8%).

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity (N=475)*

Sentence	Black	Hispanic	Other	White
N	34	169	13	259
Community Service	3%	2%	0%	1%
Deferred	29%	22%	46%	42%
Division of Youth Services	26%	21%	8%	8%
Fines/fees	0%	2%	0%	2%
Jail	3%	1%	8%	0%
Juvenile Detention	0%	1%	0%	1%
Probation/Intensive Supervision	38%	51%	38%	46%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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 cases 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 Violent offenses (Table 3-32), Blacks and Hispanics were less likely than the other race/ethnicity categories to receive a deferred judgment and were much more likely to receive an initial sentence to the Division of Youth Services.

Table 3-29. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity (N=33)*

Sentence	Hispanic	Other	White
N	13	2	18
Community Service	0%	0%	6%
Deferred	46%	0%	39%
Division of Youth Services	23%	50%	0%
Fines/fees	8%	0%	0%
Jail	0%	50%	0%
Probation/Intensive Supervision	23%	0%	56%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity (N=88)*

Sentence	Black	Hispanic	Other	White
N	6	38	2	42
Community Service	17%	5%	0%	0%
Deferred	17%	13%	50%	33%
Division of Youth Services	0%	18%	0%	21%
Fines/fees	0%	5%	0%	2%
Jail	17%	0%	0%	0%
Juvenile Detention	0%	3%	0%	0%
Probation/Intensive Supervision	50%	55%	50%	43%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity (N=181)*

Sentence	Black	Hispanic	Other	White
N	6	70	7	98
Community Service	0%	1%	0%	2%
Deferred	33%	24%	43%	36%
Division of Youth Services	0%	11%	0%	4%
Fines/fees	0%	0%	0%	4%
Jail	0%	1%	0%	0%
Juvenile Detention	0%	0%	0%	2%
Probation/Intensive Supervision	67%	61%	57%	52%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity (N=173)*

Sentence	Black	Hispanic	Other	White
N	22	48	2	101
Deferred	32%	21%	100%	53%
Division of Youth Services	41%	35%	0%	7%
Fines/fees	0%	2%	0%	0%
Probation/Intensive Supervision	27%	42%	0%	40%
All	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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

This section provided the initial sentence for each of the four offense types for county court cases in the 1st Judicial District in 2016. Women were considerably more likely than men to receive a deferred judgment in county court (25% compared to 12%, respectively). Men were more likely than women to receive a jail sentence (31% for men compared to 21% for women),

and men were more likely to be granted an initial sentence to probation (34% compared to 27% for women).

In county court, those in the Other race/ethnicity category were much more likely to receive a deferred judgment (31% compared to 10-18% for other race/ethnicities); Hispanics were especially unlikely to receive a deferred judgment, at 10%, followed by Blacks at 12% compared to 18% for Whites. Blacks and Hispanics were considerably more likely to receive jail time (41% and 35%, respectively), compared to 16% of Other cases and 24% of White cases.

For those with Other as the most serious county court conviction charge, Blacks and Hispanics were more likely to receive a jail sentence. For those with Property or Violent offenses, Blacks and Hispanics were more likely to receive jail sentences.

This analysis of the initial sentence by offense type for district court cases in the 1st Judicial District found that probation was the most frequently occurring initial sentence, imposed 73% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 14% of Drug cases, 37% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed infrequently and were most likely to be imposed in Property cases (8%), and least likely to be imposed in Other cases (2%).

One-quarter (24%) of initial sentences for Blacks were to the Department of Corrections, and 27% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups.

For Drug cases, Hispanics were less likely to receive a deferred judgment than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to prison and to jail. For Other offenses, Blacks and Hispanics were more likely to receive prison sentences; Hispanics were much more likely to receive a prison sentence for Property and Violent crimes

In juvenile court, across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred judgment (29% and 22%, respectively compared to 46% and 42%) and more likely to receive an initial sentence to the Division of Youth Services (26% and 21%, respectively, compared to 8%).

Revocations

Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 1st Judicial District are included in the analyses presented here.¹⁷ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals.** Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2016, 22% of adult state probation terminations were the result of a revocation.¹⁸ The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county,

¹⁷ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

¹⁸ *Judicial Branch Annual Statistical Report, Fiscal Year 2016*, Table 48, page 120.

adult district, and juvenile district courts *statewide*, 49% of cases were reinstated, 44% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

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

County court

Table 3-33 shows revocation information for county court. Overall, 25% of cases receiving a probation/deferred judgment in county court in the 1st Judicial District in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (34% and 30% respectively, compared to 25%). Blacks were least likely to be revoked when the most serious crime was Other (however, because of the small number of cases, this information should be interpreted with caution), and most likely to be revoked if they were sentenced for a Violent offense. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories.

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

Race/ethnicity		No	Yes	All	N
Black		66%	34%	100%	95
	Drugs	0%	100%	100%	1
	Other	70%	30%	100%	30
	Property	75%	25%	100%	16
	Violent	62%	38%	100%	48
Hispanic		70%	30%	100%	567
	Drugs	50%	50%	100%	4
	Other	71%	29%	100%	155
	Property	78%	22%	100%	113
	Violent	66%	34%	100%	295
Other		85%	15%	100%	68
	Other	95%	5%	100%	19
	Property	89%	11%	100%	18
	Violent	77%	23%	100%	31
White		77%	23%	100%	1,478
	Drugs	58%	42%	100%	12
	Other	82%	18%	100%	441
	Property	81%	19%	100%	288
	Violent	73%	27%	100%	737
All		75%	25%	100%	2,208

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-34. Revocations from Probation/Deferred in County Court, by gender and most serious conviction charge

Gender		No	Yes	All	N
Female		77%	23%	100%	697
	Drugs	20%	80%	100%	5
	Other	75%	25%	100%	169
	Property	84%	16%	100%	169
	Violent	75%	25%	100%	354
Male		74%	26%	100%	1,511
	Drugs	67%	33%	100%	12
	Other	81%	19%	100%	476
	Property	78%	22%	100%	266
	Violent	69%	31%	100%	757
All		75%	25%	100%	2,208

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.

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (38%, Table 3-35) compared to county court (25%, Table 3-33) in 2016. In district court, Hispanics were most likely to be revoked (45% compared to 38% overall). Hispanics with Drug offenses were most likely to be revoked (53%). Table 3-36 shows that women in adult district court were more likely than men to get revoked (44% compared to 36%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

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

Race/ethnicity		No	Yes	All	N
Black		67%	33%	100%	125
	Drugs	62%	38%	100%	16
	Other	57%	43%	100%	14
	Property	71%	29%	100%	56
	Violent	67%	33%	100%	39
Hispanic		55%	45%	100%	665
	Drugs	47%	53%	100%	210
	Other	70%	30%	100%	100
	Property	54%	46%	100%	254
	Violent	59%	41%	100%	101
Other		72%	28%	100%	54
	Drugs	65%	35%	100%	17
	Other	75%	25%	100%	4
	Property	71%	29%	100%	24
	Violent	89%	11%	100%	9
White		64%	36%	100%	1,522
	Drugs	51%	49%	100%	473
	Other	66%	34%	100%	223
	Property	65%	35%	100%	525
	Violent	78%	22%	100%	301
All		62%	38%	100%	2,366

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

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

Gender		No	Yes	All	N
Female		56%	44%	100%	730
	Drugs	44%	56%	100%	250
	Other	60%	40%	100%	88
	Property	61%	39%	100%	293
	Violent	71%	29%	100%	99
Male		64%	36%	100%	1,636
	Drugs	55%	45%	100%	466
	Other	69%	31%	100%	253
	Property	63%	37%	100%	566
	Violent	74%	26%	100%	351
All		62%	38%	100%	2,366

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, 30% of cases sentenced to probation/deferred judgment in 2016 in the 1st Judicial District were revoked (Table 3-37). Hispanics were most likely to get revoked (34%). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 28% compared to 30% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (35%) and males with Property cases were most likely to be revoked (38%).

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

Race/ethnicity		No	Yes	All	N
Black		78%	22%	100%	23
	Other	100%	0%	100%	4
	Property	83%	17%	100%	6
	Violent	69%	31%	100%	13
Hispanic		66%	34%	100%	125
	Drugs	89%	11%	100%	9
	Other	54%	46%	100%	26
	Property	60%	40%	100%	60
	Violent	80%	20%	100%	30
Other		82%	18%	100%	11
	Other	100%	0%	100%	2
	Property	71%	29%	100%	7
	Violent	100%	0%	100%	2
White		72%	28%	100%	229
	Drugs	71%	29%	100%	17
	Other	69%	31%	100%	32
	Property	65%	35%	100%	86
	Violent	79%	21%	100%	94
All		70%	30%	100%	388

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 3-38. Revocations from Probation/Deferred in Juvenile Court, by gender and most serious conviction charge

Gender		No	Yes	All	N
Female		72%	28%	100%	109
	Drugs	93%	7%	100%	14
	Other	65%	35%	100%	20
	Property	68%	32%	100%	47
	Violent	75%	25%	100%	28
Male		70%	30%	100%	279
	Drugs	58%	42%	100%	12
	Other	66%	34%	100%	44
	Property	62%	38%	100%	112
	Violent	79%	21%	100%	111
All		70%	30%	100%	388

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.

Revocations: Summary. Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 1st Judicial District are included in the analyses presented here.¹⁹ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals.** Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2016, 22% of adult state probation terminations were the result of a revocation.²⁰ The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, adult district, and juvenile district courts *statewide*, 49% of cases were reinstated, 44% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

Overall, 25% of county court cases receiving a probation/deferred judgment in the 1st Judicial District in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked in county court compared to the overall revocation rate (34% and 30% respectively, compared to 15% and 23%). Blacks were least likely to be revoked when the most serious crime was Other (however, because of the small number of cases, this information should be interpreted with caution), and most likely to be revoked when sentenced for Violent offense. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories.

Revocations from probation/deferred judgments occurred more frequently in district court (38%) compared to county court (25%) in 2016. Hispanics were most likely to be revoked (45% compared to 38% overall). Hispanics with Drug offenses were most likely to be revoked (53%). Women in adult district court were more likely than men to get revoked (44% compared to 36%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

¹⁹ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

²⁰ *Judicial Branch Annual Statistical Report, Fiscal Year 2016*, Table 48, page 120.

In juvenile court, 30% of cases sentenced to probation/deferred judgment in 2016 in the 1st Judicial District were revoked. Hispanics were most likely to get revoked. Females were revoked at a rate of 28% compared to 30% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (35%) and males with Property cases were most likely to be revoked (38%).

Section 4: Additional Information

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 findings²¹ to the following research questions (the results are summarized below):

1. Compared to Whites, are Blacks (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 Blacks (or Hispanics) more or less likely to receive a deferred judgment for convictions in district court?
3. Compared to Whites, are Black juveniles (or Hispanic juveniles) more or less likely to receive a deferred judgment for convictions in juvenile court?

Results

1. *After controlling for the factors described below, Hispanics were statistically significantly more likely than Whites to receive a DOC sentence.*
 2. *After controlling for the factors described below, Hispanics were statistically significantly less likely than Whites to receive a deferred judgment.*
 3. *After controlling for the sentencing factors described below, Hispanics were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court.*
-

Method

To determine if differences in initial sentences between Whites and non-Whites were due to the presence of concurrent cases, prior cases, the seriousness of the current offense, and the existence of specific violent crimes in the individual's current/past offense(s), 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 Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,

²¹ Technical details of these statistical analyses are available from the Office of Research and Statistics, Division of Criminal Justice.

- Prior convictions for specific violent crimes,²²
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was specific violent crime.²³

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.²⁴

In addition, the gender and race/ethnicity of the defendant were included in both sentencing models.

Logistic regression models produce odds ratios which, in this study, are the odds for Blacks (or Hispanics) to receive a sentence divided by the odds for Whites to receive the same sentence. An odds ratio of 1 indicates no difference between Whites and Blacks (or Hispanics). An odds ratio greater than 1 means that Blacks (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Blacks (or Hispanics) had lower odds of receiving that sentence than Whites. 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)²⁵ are reported below.

DOC Sentence for Felony Conviction

Sentences to the Department of Corrections for felony convictions in adult district court were examined. Blacks received a sentence to DOC in 35% of cases and Hispanics received a sentence to DOC in 40% of cases. In comparison, Whites received a sentence to DOC in 28% of cases. After controlling for other factors described above, Hispanics still had a higher odds of receiving a DOC sentence than Whites (Odds ratio: 1.56, 95% CI: 1.24 - 1.96). There was no significant difference in sentencing between Blacks and Whites.

²² 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.

²³ See footnote above.

²⁴ See footnote above.

²⁵ A 95% confidence interval means that we can be 95% confident that the true odds ratio is within the specified interval.

Table 4-1. DOC Sentences for felony convictions by race/ethnicity*

Race/ethnicity	DOC Sentence	%	N
White		60%	1,385
	No	72%	994
	Yes	28%	391
Black		6%	144
	No	65%	94
	Yes	35%	50
Hispanic		32%	735
	No	60%	438
	Yes	40%	297
Other		2%	44
	No	75%	33
	Yes	25%	11
All		100%	2,308

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 4-2. Prior convictions for specific violent crimes* by race/ethnicity**

Race/ethnicity	Convictions	%	N
White		60%	1,385
	None	95%	1,316
	1 to 2	5%	65
	3 to 5	<1%	3
	Greater than 5	<1%	1
Black		6%	144
	None	89%	128
	1 to 2	11%	16
	3 to 5	0%	0
	Greater than 5	0%	0
Hispanic		32%	735
	None	91%	668
	1 to 2	9%	66
	3 to 5	<1%	1
	Greater than 5	0%	0
Other		2%	44
	None	95%	42
	1 to 2	5%	2
	3 to 5	0%	0
	Greater than 5	0%	0
All		100%	2,308

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.

* 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.

**Judicial systemically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Deferred Sentences for Adults

Deferred sentences for all convictions in adult district court were examined. Blacks received a deferred sentence in 6% of cases and Hispanics received a deferred sentence in 3% of cases. In comparison, Whites received a deferred sentence in 7% of cases. After controlling for other factors described above, Hispanics still had lower odds of receiving a deferred sentence than Whites (Odds ratio: .50, 95% CI .33 - .74). There was no significant difference in sentences between Blacks and Whites.

Table 4-3. Deferred sentence for any conviction in Adult District Court by race/ethnicity*

Race/ethnicity	isDefer	%	N
White		61%	2,226
	No	93%	2,062
	Yes	7%	164
Black		6%	209
	No	94%	197
	Yes	6%	12
Hispanic		31%	1,123
	No	97%	1,092
	Yes	3%	31
Other		2%	76
	No	91%	69
	Yes	9%	7
All		100%	3,634

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Deferred Sentences for Juveniles

Deferred sentences for all convictions in juvenile court were examined (Table 4-4). Blacks received a deferred sentence in 29% of cases and Hispanics received a deferred sentence in 22% of cases. In comparison, Whites received a deferred sentence in 42% of cases. After controlling for other factors described above, Hispanics still had lower odds of receiving a deferred sentence than Whites (Odds ratio: .46, 95% CI .27 - .75). There was no significant difference in sentences between Blacks and Whites.

Table 4-4. Deferred sentence for any conviction in Juvenile Court by race/ethnicity*

Race/ethnicity	isDefer	%	N
White		55%	259
	No	58%	149
	Yes	42%	110
Black		7%	34
	No	71%	24
	Yes	29%	10
Hispanic		36%	169
	No	78%	131
	Yes	22%	38
Other		3%	13
	No	54%	7
	Yes	46%	6
All		100%	475

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.

*Judicial systematically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Table 0-5. Prior convictions for specific violent crimes* in Juvenile Court by race/ethnicity**

Race/ethnicity	Convictions	%	N
White		55%	259
	None	97%	252
	1 to 2	3%	7
	3 to 5	0%	0
	Greater than 5	0%	0
Black		7%	34
	None	88%	30
	1 to 2	12%	4
	3 to 5	0%	0
	Greater than 5	0%	0
Hispanic		36%	169
	None	92%	156
	1 to 2	7%	11
	3 to 5	1%	2
	Greater than 5	0%	0
Other		3%	13
	None	100%	13
	1 to 2	0%	0
	3 to 5	0%	0
	Greater than 5	0%	0
All		100%	475

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.

* 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.

**Judicial systemically collects race but not ethnicity. Court cases were matched to the Colorado Bureau of Investigation's NIBRS arrest data using name and birthdate to obtain ethnicity information. When Hispanic ethnicity was found in the arrest data, the defendant's race/ethnicity was set to Hispanic; otherwise the original Judicial race designation was used.

Summary: 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 allow for the examination of the impact of concurrent and prior cases, including current and prior violent offenses,²⁶ may have on those decisions.

²⁶ 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 additional factors, Hispanics were statistically significantly more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Hispanics were statistically significantly less likely than Whites to receive a deferred judgment. Finally, after controlling for the additional factors, Hispanic youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences between White and Hispanic defendants.

Appendix A NIBRS Group A 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
		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	
		Agg Assault
	Homicide	
		Homicide
	Kidnapping	
		Kidnapping
	Other Homicide	
		Manslaughter
	Robbery	
		Robbery
	Sex Assault	
		Incest
		Rape
		Sexual Assault
		Sodomy
		Statutory Rape
	Simple Assault	
		Intimidation
		Simple Assault

Appendix B

Most serious filing/conviction charge 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

Arson - 1st - 4th degree arson

Burglary - 1st to 3rd degree burglary, possession of burglary tools

Drug Poss - drug possession, paraphernalia possession

Drugs - manufacture, process, distribute, cultivate, possession with intent to distribute

Escape

Extortion

Felony Assault - 1st and 2nd degree assault, vehicular assault, felony menacing, felony stalking, felony child abuse, witness intimidation

Forgery

Fraud

Homicide - 1st and 2nd degree murder

Kidnapping - 1st and 2nd degree kidnapping, false imprisonment, human trafficking, violation of custody

Misc Felony - Giving false information to a pawn broker, bribery, witness tampering, vehicular eluding, wiretapping, cruelty to animals,

Misc Misd - prostitution, patronizing a prostitute, resisting arrest, obstructing a peace officer, disorderly conduct, interference with school staff, cruelty to animals

Misd Assault -3rd degree assault, child abuse, violation of a protection order, harassment

Other Custody Violations - aiding escape, contraband, violation of bail bond conditions

Other Homicide - manslaughter, vehicular homicide, criminally negligent homicide, child abuse causing death