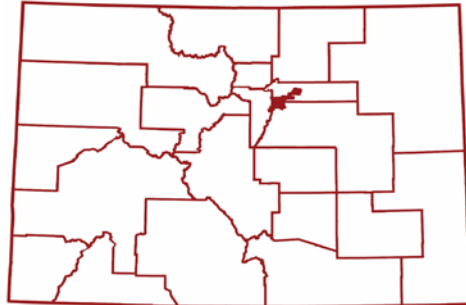# Senate Bill 15-185 CLEAR Act

Community Law Enforcement Action Reporting Act

2016

2nd Judicial District

2nd Judicial District: Population race/ethnicity estimates, 2016

Age Group	Race/ethnicity	%	N
Adult		**78%**	**537,545**
	Black	10%	51,931
	Hispanic	29%	157,896
	Other	5%	27,814
	White	56%	299,904
Juvenile		**22%**	**153,861**
	Black	12%	18,410
	Hispanic	53%	81,744
	Other	5%	8,320
	White	29%	45,387
All		**100%**	**691,406**

Data source: Office of the State Demographer,

https://demography.dola.colorado.gov/population/data/race-estimate/#county-race-by-age-estimates

October 2017

CDPS 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

Prepared by

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Department of Public Safety

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 2nd Judicial District for events that occurred in 2016. The statewide report and the 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.

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[1] This report is available at *http://cdpsdocs.state.co.us/ors/docs/reports/2016-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 2nd 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 2nd Judicial District was 691,406. The adult population was comprised as follows: White, 56%; Black, 10%; Hispanic, 29%; and Other, 5%. The juvenile population was comprised as follows: White, 29%, Black, 12%, Hispanic 53%, 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

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[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/ccjj*.

[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 over 33,500 arrests/summonses in the 2nd 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 13% of all arrests/summonses and Violent crimes accounted for another 18% of arrests/summonses, Property offenses accounted for 15% of arrests/summonses, and the remainder of arrests/summonses (54%) fell into the Other crime category. Blacks represented 10% of the population in the 2nd Judicial District in 2016, but accounted for 26% of arrests/summonses. Hispanics represented 35% of the population and 32% of arrests/summonses. More juveniles were arrested (n=2,391) than received summonses (2,086) in 2016.

Court filings. This study of 7,541 case filings in district and juvenile courts (Denver County Court data were not available) combined found that, while Blacks represented 10% of the population in the 2nd Judicial District, and 26% of the arrests/summonses in 2016, they accounted for 25% of district court filings. In juvenile court, Blacks represented 33% of cases, compared to 12% Black juveniles in the population. Hispanic adults made up 29% of the adult population in the 2nd Judicial District but had 32% of district court filings in 2016. In terms of gender, 18% of filings were females and 82% were males. Females were slightly more likely than men to be involved in Drug crimes (39% compared to 31%, respectively) and slightly less to be involved in Violent offenses (18% compared to 26%, respectively). Only 1% of cases completed a trial in district court; 3% of juvenile court cases completed a trial. Violent offenses were most likely to go to trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Court 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, 11% of cases in district court were dismissed, as were 25% of cases in juvenile court. One-fifth (20%) of district court cases were convicted as charged compared to 32% in juvenile court.

Initial court 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.

Probation was generally the most frequently occurring initial sentence in district court in the 2nd Judicial District, imposed 70% of the time for Drug cases. The second most frequently occurring sentence in district court was typically a prison sentence. Women were more likely to receive a deferred judgment compared to men and half as likely to receive a prison.

Blacks were less likely to receive a deferred judgment than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to jail. For Violent offenses, Whites were least likely to receive a sentence to the Department of Corrections.

In juvenile court, initial sentences to Probation were the most frequently occurring sentence, followed by deferred judgment. Drug cases were more likely than other offenses to receive a deferred judgment in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred and more likely to receive an initial sentence to the Division of Youth Services, compared to the other race/ethnicity categories.

Revocations. Regarding revocations, overall in 2016, 31% of district court cases were revoked in the 2nd Judicial District. The revocation rate was slightly higher for Blacks and Hispanics, at 35% and 34%, respectively. Half of Blacks with Drug offenses were revoked. Women were slightly less likely to be revoked than men.

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2016 in the 2nd Judicial District were revoked. Blacks were most likely to get revoked. Females were revoked at a rate of 23% compared to 24% for males.

Additional analyses. 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. A statistical technique called logistic regression was employed to examine the effect 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.

These analyses revealed that, controlling for the factors described previously, Blacks were statistically significantly more likely than Whites to receive a DOC sentence in the 2nd Judicial District in 2016. This finding did not hold for Hispanic cases. In terms of deferred judgments, these additional analyses found no significant differences between Hispanics and Whites, and none between Blacks and Whites. However, in juvenile court, both Blacks and Hispanics were significantly less likely to receive a deferred judgment compared to Whites. It is possible that other factors besides those studied here account for differences in initial sentences.

Section 1: Introduction

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 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 in district and juvenile court.

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.[6] 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;

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[6] 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 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;
- 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."[7] 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). Over 33,000 NIBRS incidents in the 2nd Judicial District were analyzed for calendar year 2016 (Table 1-1).

Table 1-1. Arrests by type, 2nd Judicial District, 2016

Arrest type	%	N
Custody/warrant	10%	3,357
On-view/probable cause	52%	17,522
Summons	38%	12,630
All	**100%**	**33,509**

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

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.[8] The data are presented by court type: County (data were unavailable for this analysis), 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, 2nd Judicial District, 2016

Court	%	N
Adult District	89%	6,716
County	0%	0
Juvenile	11%	825
All	**100%**	**7,541**

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[7] 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.

[8] 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.

Note that the information presented here reflects the analysis of more than 7,500 *cases not individuals*. Individuals may have multiple, concurrent cases,[9] 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[10] which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.[11] 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.

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[9] This study found that in 2016, statewide, 18% of county court cases, 35% of district court cases, and 36% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

[10] The 24 offense categories are summarized from more than 1500 statutes.

[11] 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/summonses captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2016.

Table 2-1. Arrests by offense, 2nd Judicial District, 2016

Offense	%	N
Drugs	13%	4,421
Other	54%	18,111
Property	15%	4,972
Violent	18%	6,005
All	**100%**	**33,509**

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

Table 2-2 reflects over 33,000 arrests/summonses captured in NIBRS for calendar year 2016 in the 2nd Judicial District, by race/ethnicity. Blacks (adults and juveniles) represented 10% of the population in 2016, but accounted for 26% of arrests/summonses in the 2nd Judicial District. Hispanics (adults and juveniles) represented 35% of the population and accounted for 32% of arrests. The Other race/ethnicity category represented 5% of the population, and were underrepresented in arrests (3%), as were Whites (adults and juveniles) which represented 50% of the population and 40% of arrests/summonses in the 2nd Judicial District.

Table 2-2. Arrests by race/ethnicity, 2nd Judicial District, 2016

Race/ethnicity	%	N
Black	26%	8,628
Hispanic	32%	10,557
Other	3%	974
White	40%	13,350
All	**100%**	**33,509**

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 5% of on view/probable cause arrests, and that 26% of those arrests were for violent crimes, a proportion similar to adults (24%). Juveniles accounted for 47% of custody/warrant arrests (Table 2-4) and 17% of summonses (Table 2-5).

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

Age Group	Offense	%	N
Adult		**95%**	**16,695**
	Drugs	18%	2,955
	Other	40%	6,668
	Property	18%	3,001
	Violent	24%	4,071
Juvenile		**5%**	**827**
	Drugs	8%	69
	Other	28%	233
	Property	37%	309
	Violent	26%	216
All		**100%**	**17,522**

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		**53%**	**1,793**
	Drugs	4%	77
	Other	33%	589
	Property	19%	338
	Violent	44%	789
Juvenile		**47%**	**1,564**
	Drugs	<1%	1
	Other	95%	1,492
	Property	2%	32
	Violent	2%	39
All		**100%**	**3,357**

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		**83%**	**10,544**
	Drugs	11%	1,130
	Other	74%	7,841
	Property	10%	1,004
	Violent	5%	569
Juvenile		**17%**	**2,086**
	Drugs	9%	189
	Other	62%	1,288
	Property	14%	288
	Violent	15%	321
All		**100%**	**12,630**

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 17% of probable cause arrests were for Drug related offenses, 39% were for Other offenses, 19% for Property offenses, and 24% for Violent offenses. While Blacks comprised 10% of the population in the 2nd Judicial District, Table 2-6 shows that they were arrested at a higher rate for probable cause arrests in 2016: 25% of Drug arrests were Blacks, 24% of arrests for Other offenses were Blacks, 25% of Property arrests were Blacks, and 30% of Violent arrests were Blacks. Hispanics, representing 35% of the population in 2016, were slightly under represented in probable cause arrests; they accounted for 28% of drug probable cause arrests, 32% of Other offenses, 34% of Property arrests and 32% of Violent probable cause arrests in the 2nd Judicial District.

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

Offense	Race/ethnicity	%	N
Drugs		**17%**	**3,024**
	Black	25%	766
	Hispanic	28%	850
	Other	1%	41
	White	45%	1,367
Other		**39%**	**6,901**
	Black	24%	1,625
	Hispanic	32%	2,242
	Other	2%	172
	White	41%	2,862
Property		**19%**	**3,310**
	Black	25%	832
	Hispanic	34%	1,134
	Other	1%	49
	White	39%	1,295
Violent		**24%**	**4,287**
	Black	30%	1,286
	Hispanic	32%	1,351
	Other	2%	99
	White	36%	1,551
All		**100%**	**17,522**

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 one-third (62%) of these arrests involved an offense that fell into the Other category. While 25% of these types of arrests involved a Violent offense, Blacks made up 34% of Violent crime arrests in the 2nd Judicial District.

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

Offense	Race/ethnicity	%	N
Drugs		**2%**	**78**
	Black	18%	14
	Hispanic	35%	27
	Other	1%	1
	White	46%	36
Other		**62%**	**2,081**
	Black	29%	610
	Hispanic	40%	835
	Other	2%	32
	White	29%	604
Property		**11%**	**370**
	Black	21%	78
	Hispanic	35%	131
	Other	2%	6
	White	42%	155
Violent		**25%**	**828**
	Black	34%	283
	Hispanic	33%	272
	Other	2%	16
	White	31%	257
All		**100%**	**3,357**

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

Table 2-8 shows that summons are less likely to be issued for Violent offenses (7%) compared to Other (72%) and that, of those summonses issued for Violent crimes, 28% went to Blacks and 34% to Hispanics.

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

Offense	Race/ethnicity	%	N
Drugs		**10%**	**1,319**
	Black	44%	586
	Hispanic	21%	280
	Other	2%	21
	White	33%	432
Other		**72%**	**9,129**
	Black	22%	1,999
	Hispanic	30%	2,740
	Other	5%	471
	White	43%	3,919
Property		**10%**	**1,292**
	Black	23%	296
	Hispanic	30%	389
	Other	3%	39
	White	44%	568
Violent		**7%**	**890**
	Black	28%	253
	Hispanic	34%	306
	Other	3%	27
	White	34%	304
All		**100%**	**12,630**

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 19-40% of arrests and 23-44% of summonses (depending on the crime category) and men comprised the remainder.

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

Offense	Gender	%	N
Drugs		**17%**	**3,024**
	Female	23%	683
	Male	77%	2,341
Other		**39%**	**6,901**
	Female	19%	1,312
	Male	81%	5,589
Property		**19%**	**3,310**
	Female	25%	813
	Male	75%	2,497
Violent		**24%**	**4,287**
	Female	19%	813
	Male	81%	3,474
All		**100%**	**17,522**

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		**2%**	**78**
	Female	32%	25
	Male	68%	53
Other		**62%**	**2,081**
	Female	40%	841
	Male	60%	1,240
Property		**11%**	**370**
	Female	25%	93
	Male	75%	277
Violent		**25%**	**828**
	Female	20%	163
	Male	80%	665
All		**100%**	**3,357**

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		**10%**	**1,319**
	Female	25%	325
	Male	75%	994
Other		**72%**	**9,129**
	Female	23%	2,091
	Male	77%	7,038
Property		**10%**	**1,292**
	Female	44%	572
	Male	56%	720
Violent		**7%**	**890**
	Female	35%	314
	Male	65%	576
All		**100%**	**12,630**

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 over 33,500 arrests/summonses in the 2nd 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 13% of all arrests/summonses and Violent crimes accounted for another 18% of arrests/summonses, Property offenses accounted for 15% of arrests/summonses, and the remainder of arrests/summonses (54%) fell into the Other crime category. Blacks represented 10% of the population in the 2nd Judicial District in 2016, but accounted for 26% of arrests/summonses. Hispanics represented 35% of the population and 32% of arrests/summonses. More juveniles were arrested (n=2,391) than received summonses (2,086) in 2016.

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.[12] For this analysis, cases were selected for the 2nd Judicial District. County court data was not available. The data are presented here by court type: 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,[13] 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*. See 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 7,541 case filings in adult district and juvenile courts combined in the 2nd Judicial District. While Blacks represented 10% of the population and 26% of the arrests/summonses in 2016, they accounted for 25% of court filings. Hispanics represented 35% of the population and 34% of case filings. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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[12] Denver County Court is not part of the statewide Judicial data management system.

[13] 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	25%	1,849
Hispanic	34%	2,536
Other	1%	107
White	40%	3,049
All	**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial 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 32% of cases, and Violent charges 24% of charges filed. Blacks and Hispanics were most likely to be involved in violent offenses (representing 31% and 34%, respectively, of violent charges) and, for Hispanics, Property offenses (40% of property charges were Hispanics).

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

Offense	Race/ethnicity	%	N
Drugs		**32%**	**2,447**
	Black	21%	518
	Hispanic	29%	704
	Other	1%	31
	White	49%	1,194
Other		**16%**	**1,186**
	Black	29%	342
	Hispanic	32%	376
	Other	1%	14
	White	38%	454
Property		**27%**	**2,071**
	Black	20%	421
	Hispanic	40%	827
	Other	1%	30
	White	38%	793
Violent		**24%**	**1,837**
	Black	31%	568
	Hispanic	34%	629
	Other	2%	32
	White	33%	608
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial 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 district and juvenile court types, 18% of filings were females and 82% were males. Females were slightly more likely than men to be involved in Property crimes (30% compared to 27%, respectively) and slightly less to be involved in Violent offenses (18% compared to 26%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	%	N
Female		**18%**	**1,386**
	Drugs	39%	543
	Other	13%	183
	Property	30%	411
	Violent	18%	249
Male		**82%**	**6,155**
	Drugs	31%	1,904
	Other	16%	1,003
	Property	27%	1,660
	Violent	26%	1,588
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Court type

Table 3-4 breaks down race/ethnicity by the type of court for the 2nd Judicial District. While Blacks comprised 10% of the population in the 2nd Judicial District, they represented 24% of adult district court filings and 33% of juvenile court filings. Hispanic youth made up 53% of the population in the 2nd Judicial District and 47% of juvenile court filings in 2016.

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

Court	Race/ethnicity	%	N
Adult District		**89%**	**6,716**
	Black	24%	1,578
	Hispanic	32%	2,151
	Other	1%	99
	White	43%	2,888
Juvenile		**11%**	**825**
	Black	33%	271
	Hispanic	47%	385
	Other	1%	8
	White	20%	161
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial 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. Drug cases accounted for 36% of district court filings in the 2nd Judicial District; in juvenile court, nearly half (48%) of the filings were for property offenses. In juvenile court, 33% of the filings were for violent offenses compared to

23% in district court. Table 3-6 presents the distribution across gender for cases in district and juvenile court. Females were equally likely to have cases in adult district and juvenile court: 18% of cases in each court had female defendants.

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

Court	Offense	%	N
Adult District		**89%**	**6,716**
	Drugs	36%	2,388
	Other	16%	1,081
	Property	25%	1,679
	Violent	23%	1,568
Juvenile		**11%**	**825**
	Drugs	7%	59
	Other	13%	105
	Property	48%	392
	Violent	33%	269
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Table 3-6. Court of case filing, by gender

Court	Gender	%	N
Adult District		**89%**	**6,716**
	Female	18%	1,239
	Male	82%	5,477
Juvenile		**11%**	**825**
	Female	18%	147
	Male	82%	678
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial. Only 1% of district court cases, and 3% of juvenile court cases resulted in a trial. Table 3-8 combines information across court types and shows the number of trials completed by offense type. 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		**89%**	**6,716**
	No	99%	6,659
	Yes	1%	57
Juvenile		**11%**	**825**
	No	97%	804
	Yes	3%	21
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

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

Offense	Completed Trial	%	N
Drugs		**32%**	**2,447**
	No	100%	2,443
	Yes	<1%	4
Other		**16%**	**1,186**
	No	99%	1,171
	Yes	1%	15
Property		**27%**	**2,071**
	No	100%	2,064
	Yes	<1%	7
Violent		**24%**	**1,837**
	No	97%	1,785
	Yes	3%	52
All		**100%**	**7,541**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

Summary: Filings. This study of 7,541 case filings in district and juvenile courts combined found that, while Blacks represented 10% of the population in the 2nd Judicial District, and 26% of the arrests/summonses in 2016, they accounted for 25% of district court filings. In juvenile court, Blacks represented 33% of cases, compared to 12% Black juveniles in the population. Hispanic adults made up 29% of the adult population in the 2nd Judicial District but had 32% of district court filings in 2016. In terms of gender, 18% of filings were females and 82% were males. Females were slightly more likely than men to be involved in Drug crimes (39% compared to 31%, respectively) and slightly less to be involved in Violent offenses (18% compared to 26%, respectively). Only 1% of cases completed a trial in district court; 3% of juvenile court cases completed a trial. Violent offenses were most likely to go to 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 2nd Judicial District, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for

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, in district court in 2016, 11% of cases were dismissed in the 2nd Judicial District (Table 3-9). In adult district court 54% were convicted of another crime and one-fifth (20%) were convicted as charged. In juvenile court (Table 3-10), 32% were convicted of another offense and 32% were convicted as charged. Note that convicted as charged means the defendant was convicted of at least the most serious filing charge.

Table 3-9. 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		**17%**	**53%**	**14%**	**16%**	**100%**	**1,578**
	Drugs	14%	65%	9%	12%	100%	507
	Other	25%	48%	14%	13%	100%	298
	Property	22%	45%	16%	18%	100%	302
	Violent	13%	49%	17%	21%	100%	471
Hispanic		**22%**	**54%**	**9%**	**15%**	**100%**	**2,151**
	Drugs	13%	65%	7%	15%	100%	670
	Other	27%	51%	10%	11%	100%	331
	Property	31%	45%	10%	13%	100%	637
	Violent	19%	51%	11%	19%	100%	513
Other		**15%**	**53%**	**12%**	**20%**	**100%**	**99**
	Drugs	13%	61%	10%	16%	100%	31
	Other	31%	23%	31%	15%	100%	13
	Property	27%	38%	4%	31%	100%	26
	Violent	0%	69%	14%	17%	100%	29
White		**20%**	**55%**	**10%**	**15%**	**100%**	**2,888**
	Drugs	13%	64%	6%	17%	100%	1,180
	Other	25%	49%	16%	10%	100%	439
	Property	29%	49%	9%	13%	100%	714
	Violent	20%	47%	14%	19%	100%	555
All		**20%**	**54%**	**11%**	**15%**	**100%**	**6,716**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial 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. 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		**30%**	**31%**	**27%**	**13%**	**100%**	**271**
	Drugs	9%	73%	9%	9%	100%	11
	Other	43%	23%	27%	7%	100%	44
	Property	29%	34%	29%	8%	100%	119
	Violent	26%	27%	26%	22%	100%	97
Hispanic		**35%**	**34%**	**22%**	**9%**	**100%**	**385**
	Drugs	21%	53%	18%	9%	100%	34
	Other	53%	18%	22%	7%	100%	45
	Property	31%	37%	26%	7%	100%	190
	Violent	40%	30%	17%	13%	100%	116
Other		**12%**	**38%**	**38%**	**12%**	**100%**	**8**
	Other	0%	100%	0%	0%	100%	1
	Property	25%	25%	50%	0%	100%	4
	Violent	0%	33%	33%	33%	100%	3
White		**28%**	**31%**	**30%**	**11%**	**100%**	**161**
	Drugs	36%	36%	21%	7%	100%	14
	Other	27%	13%	60%	0%	100%	15
	Property	29%	30%	33%	8%	100%	79
	Violent	25%	36%	21%	19%	100%	53
All		**32%**	**32%**	**25%**	**10%**	**100%**	**825**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial 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, 11% of cases in district court were dismissed, as were 25% of cases in juvenile court. One-fifth (20%) of district court cases were convicted as charged compared to 32% in juvenile court.

Initial sentences

The tables below show cases sentenced between Jan 1, 2016 and Dec 31, 2016 in the 2nd Judicial District in 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 <u>most serious initial sentence</u>. 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.

District Court

Table 3-11 shows the initial sentence by offense type for district court cases in the 2nd Judicial District. Probation was generally the most frequently occurring initial sentence, imposed 70% of the time for Drug cases. The second most frequently occurring sentence in district court was typically a prison sentence: 9% of Drug cases, 44% of Other cases, 18% of Property cases, and 29% 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 (14%), and least likely to be imposed in Other cases (4%). Table 3-12 shows initial sentences by gender. Women were more likely to receive a deferred judgment compared to men (11% compared to 7%, respectively), and half as likely to receive a prison sentence (12% compared to 24%, respectively).

Table 3-11. Initial sentence in Adult District Court, by most serious conviction charge (N=4,927)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	69	4%	38	5%	125	10%	35	3%
Deferred	86	5%	36	4%	179	14%	69	7%
Dept of Corrections	169	9%	359	44%	226	18%	307	29%
Fines/fees	4	<1%	1	<1%	1	<1%	0	0%
Jail	203	11%	76	9%	82	6%	86	8%
Probation/Intensive Supervision	1,266	70%	299	37%	664	52%	538	52%
Youthful Offender System	0	0%	0	0%	0	0%	9	1%
All	**1,797**	**100%**	**809**	**100%**	**1,277**	**100%**	**1,044**	**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 3-12. Initial sentence in Adult District Court by gender (N=4,927)

Sentence	Female	%	Male	%
Community Corrections	44	5%	223	6%
Deferred	106	11%	264	7%
Dept of Corrections	109	12%	952	24%
Fines/fees	0	0%	6	<1%
Jail	43	5%	404	10%
Probation/Intensive Supervision	633	68%	2,134	53%
Youthful Offender System	0	0%	9	<1%
All	935	100%	3,992	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 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Over one-quarter (29%) of initial sentences for Blacks were to the Department of Corrections, and 24% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Blacks were also more likely to receive a jail sentence compared to the other race/ethnicity categories.

Table 3-13. Initial sentence in Adult District Court by race/ethnicity* (N=4,927)

Sentence	Black	Hispanic	Other	White
N	1,098	1,602	69	2,158
Community Corrections	7%	5%	4%	5%
Deferred	6%	7%	9%	9%
Dept of Corrections	29%	24%	17%	16%
Fines/fees	<1%	<1%	0%	<1%
Jail	11%	8%	3%	9%
Probation/Intensive Supervision	47%	56%	67%	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 3-14 shows the sentences cases received for Drug offenses. Blacks were less likely to receive a deferred judgment than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to jail. For Other offenses (Table 3-15), Blacks and Hispanics were more likely to receive prison sentences, and Blacks were more likely to receive a jail sentence. For Violent offenses (Table 3-17), Whites were least likely to receive a sentence to the Department of Corrections.

Table 3-14. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity* (N=1,797)

Sentence	Black	Hispanic	Other	White
N	334	523	24	916
Community Corrections	8%	2%	4%	3%
Deferred	3%	5%	8%	5%
Dept of Corrections	14%	11%	12%	7%
Fines/fees	<1%	<1%	0%	<1%
Jail	16%	11%	4%	10%
Probation/Intensive Supervision	59%	70%	71%	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 3-15. Initial sentence for Other as most serious conviction in Adult District Court by race/ethnicity* (N=809)

Sentence	Black	Hispanic	Other	White
N	230	257	5	317
Community Corrections	4%	5%	0%	5%
Deferred	4%	4%	0%	5%
Dept of Corrections	52%	44%	20%	40%
Fines/fees	0%	<1%	0%	0%
Jail	11%	8%	0%	9%
Probation/Intensive Supervision	29%	39%	80%	41%
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. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity* (N=1,277)

Sentence	Black	Hispanic	Other	White
N	236	447	22	572
Community Corrections	8%	10%	9%	11%
Deferred	15%	12%	18%	15%
Dept of Corrections	17%	20%	5%	17%
Fines/fees	0%	0%	0%	<1%
Jail	7%	7%	0%	6%
Probation/Intensive Supervision	53%	52%	68%	51%
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 Violent as most serious conviction in Adult District Court by race/ethnicity* (N=1,044)

Sentence	Black	Hispanic	Other	White
N	298	375	18	353
Community Corrections	6%	3%	0%	2%
Deferred	4%	5%	0%	11%
Dept of Corrections	37%	33%	39%	19%
Jail	9%	7%	6%	10%
Probation/Intensive Supervision	44%	52%	56%	58%
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.

Juvenile court

Table 3-18 below reflects the initial sentence for juvenile court cases, by crime type, for the 2nd Judicial District. As with district court, initial sentences to Probation were the most frequently occurring sentence, followed by deferred judgment. Drug cases were more likely than other offenses to receive a deferred judgment (24%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Table 3-19 shows initial sentences by gender.

Table 3-18. Initial sentence in Juvenile Court, by most serious conviction charge (N=598)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Deferred	10	24%	6	7%	29	10%	29	15%
Division of Youth Services	2	5%	12	15%	25	9%	33	17%
Fines/fees	0	0%	3	4%	7	2%	1	1%
Jail	1	2%	2	2%	7	2%	3	2%
Juvenile Detention	1	2%	0	0%	3	1%	0	0%
Probation/Intensive Supervision	28	67%	59	72%	211	75%	126	66%
All	**42**	**100%**	**82**	**100%**	**282**	**100%**	**192**	**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 3-19. Initial sentence in Juvenile Court by gender (N=598)

Sentence	Female	%	Male	%
Deferred	23	19%	51	11%
Division of Youth Services	0	0%	72	15%
Fines/fees	3	2%	8	2%
Jail	1	1%	12	3%
Juvenile Detention	1	1%	3	1%
Probation/Intensive Supervision	92	77%	332	69%
All	**120**	**100%**	**478**	**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 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 (10% and 9%, respectively compared to 26% and 27%) and more likely to receive an initial sentence to the Division of Youth Services (18% and 12%, respectively, compared to 4%).

Table 3-20. Initial sentence in Juvenile Court by race/ethnicity (N=598)*

Sentence	Black	Hispanic	Other	White
N	182	310	8	98
Deferred	10%	9%	25%	27%
Division of Youth Services	18%	12%	0%	4%
Fines/fees	1%	2%	0%	3%
Jail	1%	2%	0%	4%
Juvenile Detention	0%	1%	0%	1%
Probation/Intensive Supervision	71%	74%	75%	61%
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. Table 3-21 shows the sentences cases received for Drug offenses. Caution should be used when interpreting the findings because of the few cases (n=42). Blacks and Hispanics were less likely to receive a deferred judgment than Whites, and Blacks were more likely to receive a sentence to the Division of Youth Services and to jail for Drug offenses. Blacks and Hispanics were much more likely to receive a sentence to the Division of Youth Services for cases that were Violent (Table 3-14).

Table 3-21. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity* (N=42)

Sentence	Black	Hispanic	Other	White
N	7	20	1	14
Deferred	14%	20%	0%	36%
Division of Youth Services	29%	0%	0%	0%
Jail	14%	0%	0%	0%
Juvenile Detention	0%	0%	0%	7%
Probation/Intensive Supervision	43%	80%	100%	57%
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 3-22. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity* (N=82)

Sentence	Black	Hispanic	Other	White
N	26	45	1	10
Deferred	0%	11%	0%	10%
Division of Youth Services	31%	9%	0%	0%
Fines/fees	0%	0%	0%	30%
Jail	0%	4%	0%	0%
Probation/Intensive Supervision	69%	76%	100%	60%
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 Property as most serious conviction in Juvenile Court by race/ethnicity* *(N=282)*

Sentence	Black	Hispanic	Other	White
N	85	154	2	41
Deferred	13%	6%	50%	20%
Division of Youth Services	7%	11%	0%	5%
Fines/fees	1%	4%	0%	0%
Jail	1%	3%	0%	5%
Juvenile Detention	0%	2%	0%	0%
Probation/Intensive Supervision	78%	75%	50%	71%
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 Violent as most serious conviction in Juvenile Court by race/ethnicity* *(N=192)*

Sentence	Black	Hispanic	Other	White
N	64	91	4	33
Deferred	9%	11%	25%	36%
Division of Youth Services	25%	16%	0%	6%
Fines/fees	0%	1%	0%	0%
Jail	0%	1%	0%	6%
Probation/Intensive Supervision	66%	70%	75%	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.

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.

Probation was generally the most frequently occurring initial sentence in district court in the 2nd Judicial District, imposed 70% of the time for Drug cases. The second most frequently occurring

sentence in district court was typically a prison sentence. Women were more likely to receive a deferred judgment compared to men and half as likely to receive a prison.

Blacks were less likely to receive a deferred judgment than the other race/ethnicity categories, and Blacks were more likely to receive a sentence to jail. For Violent offenses, Whites were least likely to receive a sentence to the Department of Corrections.

In juvenile court, initial sentences to Probation were the most frequently occurring sentence, followed by deferred judgment. Drug cases were more likely than other offenses to receive a deferred judgment in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred and more likely to receive an initial sentence to the Division of Youth Services, compared to the other race/ethnicity categories.

Revocations

Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 2nd Judicial District are included in the analyses presented here.[14] 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.[15] 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. The next series of tables shows revocations in district court and juvenile court.

District Court

Overall in 2016, 31% of district court cases were revoked (Table 3-25). The revocation rate was slightly higher for Blacks and Hispanics, at 35% and 34%, respectively. Half of Blacks with Drug offenses were revoked. Nearly one-third (32%) of Hispanics with a Violent case were revoked, a higher proportion compared to the other race/ethnicity categories. Women were slightly less likely to be revoked than men (29% and 32%, respectively) (Table 3-26).

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[14] Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.
[15] *Judicial Branch Annual Statistical Report, Fiscal Year 2016*, Table 48, page 120.

Table 3-25. Revocations from Probation/Deferred in Adult District Court, by race/ethnicity* and most serious conviction charge

Race/ethnicity		No	Yes	All	N
Black		**65%**	**35%**	**100%**	**585**
	Drugs	50%	50%	100%	207
	Other	79%	21%	100%	75
	Property	69%	31%	100%	160
	Violent	77%	23%	100%	143
Hispanic		**66%**	**34%**	**100%**	**1,003**
	Drugs	61%	39%	100%	395
	Other	82%	18%	100%	110
	Property	64%	36%	100%	285
	Violent	68%	32%	100%	213
Other		**88%**	**12%**	**100%**	**52**
	Drugs	89%	11%	100%	19
	Other	100%	0%	100%	4
	Property	89%	11%	100%	19
	Violent	80%	20%	100%	10
White		**71%**	**29%**	**100%**	**1,497**
	Drugs	69%	31%	100%	731
	Other	78%	22%	100%	146
	Property	70%	30%	100%	379
	Violent	77%	23%	100%	241
All		**69%**	**31%**	**100%**	**3,137**

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 3-26. Revocations from Probation/Deferred in Adult District Court, by gender and most serious conviction charge

Gender		No	Yes	All	N
Female		**71%**	**29%**	**100%**	**739**
	Drugs	67%	33%	100%	356
	Other	78%	22%	100%	58
	Property	76%	24%	100%	209
	Violent	71%	29%	100%	116
Male		**68%**	**32%**	**100%**	**2,398**
	Drugs	63%	37%	100%	996
	Other	80%	20%	100%	277
	Property	65%	35%	100%	634
	Violent	75%	25%	100%	491
All		**69%**	**31%**	**100%**	**3,137**

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, 24% of cases sentenced to probation/deferred judgment in 2016 in the 2nd Judicial District were revoked (Table 3-27). Blacks were most likely to get revoked (36%); the few cases in the Other race/ethnicity category (n=8) make it difficult to interpret the findings. Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 23% compared to 24% for males. (Table 3-28) Comparing across crime types, females with Other crimes were most likely to be revoked (33%) and males with Other cases were most likely to be revoked (25%).

Table 3-27. Revocations from Probation/Deferred in Juvenile Court, by race/ethnicity* and most serious conviction charge

Race/ethnicity		No	Yes	All	N
Black		**64%**	**36%**	**100%**	**147**
	Drugs	100%	0%	100%	4
	Other	56%	44%	100%	18
	Property	62%	38%	100%	77
	Violent	67%	33%	100%	48
Hispanic		**79%**	**21%**	**100%**	**257**
	Drugs	70%	30%	100%	20
	Other	79%	21%	100%	39
	Property	76%	24%	100%	124
	Violent	86%	14%	100%	74
Other		**62%**	**38%**	**100%**	**8**
	Drugs	100%	0%	100%	1
	Other	100%	0%	100%	1
	Property	100%	0%	100%	2
	Violent	25%	75%	100%	4
White		**88%**	**12%**	**100%**	**86**
	Drugs	100%	0%	100%	13
	Other	86%	14%	100%	7
	Property	76%	24%	100%	37
	Violent	100%	0%	100%	29
All		**76%**	**24%**	**100%**	**498**

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 3-28. Revocations from Probation/Deferred in Juvenile Court, by gender and most serious conviction charge

Gender		No	Yes	All	N
Female		**77%**	**23%**	**100%**	**115**
	Drugs	87%	13%	100%	15
	Other	67%	33%	100%	12
	Property	72%	28%	100%	47
	Violent	80%	20%	100%	41
Male		**76%**	**24%**	**100%**	**383**
	Drugs	83%	17%	100%	23
	Other	75%	25%	100%	53
	Property	72%	28%	100%	193
	Violent	82%	18%	100%	114
All		**76%**	**24%**	**100%**	**498**

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: Revocations. Overall in 2016, 31% of district court cases were revoked in the 2nd Judicial District. The revocation rate was slightly higher for Blacks and Hispanics, at 35% and 34%, respectively. Half of Blacks with Drug offenses were revoked. Women were slightly less likely to be revoked than men.

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2016 in the 2nd Judicial District were revoked. Blacks were most likely to get revoked, at 43%. Females were revoked at a rate of 23% compared to 24% for males.

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 in district court and juvenile court. 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 violence cases, may have on those decisions.

This section begins with a description of the statistical approach employed, and then presents the findings[16] 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, Blacks were statistically significantly more likely than Whites to receive a DOC sentence.

2. After controlling for the factors described below, no significant differences were found between Hispanics and Whites or Blacks and Whites in receiving a deferred judgment.

3. After controlling for the sentencing factors described below, Hispanics and Blacks 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

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

Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,

- Prior convictions for specific violent crimes,[17]

- Other concurrent cases,

- Felony conviction level,

- Instant offense type (drug, property, other, violent), and

- Whether the instant offense was specific violent crime.[18]

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.[19]

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)[20] are reported below.

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[17] 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.

[18] See footnote above.

[19] See footnote above.

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

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court were examined. Blacks received a sentence to DOC in 43% of cases and Hispanics received a sentence to DOC in 36% of cases. In comparison, Whites received a sentence to DOC in 28% of cases. After controlling for other factors described above, Blacks still had a higher odds of receiving a DOC sentence than Whites (Odds ratio: 1.46, 95% CI: 1.17 - 1.83). However there was no significant difference in sentencing between Hispanics and Whites.

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

Race/ethnicity	DOC Sentence	%	N
White		**41%**	**1,268**
	No	72%	913
	Yes	28%	355
Black		**23%**	**728**
	No	57%	412
	Yes	43%	316
Hispanic		**34%**	**1,058**
	No	64%	680
	Yes	36%	378
Other		**1%**	**46**
	No	74%	34
	Yes	26%	12
All		**100%**	**3,100**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*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 - Adults in District Court

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 7% of cases. In comparison, Whites received a deferred sentence in 9% of cases. After controlling for the factors described above no significant difference in sentences between Blacks and Whites or Hispanics and Whites was found.

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

Race/ethnicity	Convictions	%	N
White		**41%**	**1,268**
	None	93%	1,180
	1 to 2	7%	85
	3 to 5	<1%	3
Black		**23%**	**728**
	None	86%	627
	1 to 2	13%	96
	3 to 5	1%	4
	Greater than 5	<1%	1
Hispanic		**34%**	**1,058**
	None	90%	952
	1 to 2	10%	105
	3 to 5	<1%	1
Other		**1%**	**46**
	None	91%	42
	1 to 2	9%	4
All		**100%**	**3,100**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

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

Race/ethnicity	isDefer	%	N
White		**44%**	**2,158**
	No	91%	1,973
	Yes	9%	185
Black		**22%**	**1,098**
	No	94%	1,030
	Yes	6%	68
Hispanic		**33%**	**1,602**
	No	93%	1,491
	Yes	7%	111
Other		**1%**	**69**
	No	91%	63
	Yes	9%	6
All		**100%**	**4,927**

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 - Juvenile Court

Deferred sentences for all convictions in juvenile court were examined. Blacks received a deferred sentence in 10% of cases and Hispanics received a deferred sentence in 9% of cases. In comparison, Whites received a deferred sentence in 27% of cases. After controlling for other factors described above, Blacks still had lower odds of receiving a deferred sentence than Whites (Odds ratio: .35, 95% CI .17 - .70). Hispanics also had lower odds of receiving a deferred sentence than Whites (Odds ratio: .30, 95% CI .16 - .56).

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

Race/ethnicity	isDefer	%	N
White		**16%**	**98**
	No	73%	72
	Yes	27%	26
Black		**30%**	**182**
	No	90%	164
	Yes	10%	18
Hispanic		**52%**	**310**
	No	91%	282
	Yes	9%	28
Other		**1%**	**8**
	No	75%	6
	Yes	25%	2
All		**100%**	**598**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

*Judicial 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 4-5. Deferred sentence for specific violent convictions* in Juvenile Court by race/ethnicity**

Race/ethnicity	Convictions	%	N
White		**16%**	**98**
	None	97%	95
	1 to 2	3%	3
Black		**30%**	**182**
	None	93%	169
	1 to 2	7%	13
Hispanic		**52%**	**310**
	None	95%	296
	1 to 2	5%	14
Other		**1%**	**8**
	None	100%	8
All		**100%**	**598**

Data source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

* 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 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: Additional analyses. 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 in district and juvenile court. A statistical technique called logistic regression was employed to examine the effect 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.

These analyses revealed that, controlling for the factors described previously, Blacks were statistically significantly more likely than Whites to receive a DOC sentence in the 2nd Judicial District in 2016. This finding did not hold for Hispanic cases. In terms of deferred judgments, these additional analyses found no significant differences between Hispanics and Whites, and none between Blacks and Whites. However, in juvenile court, both Blacks and Hispanics were significantly less likely to receive a deferred judgment compared to Whites. It is important to remember that other factors not included in these analyses may account for differences in initial sentences.

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
		Drunkeness
		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