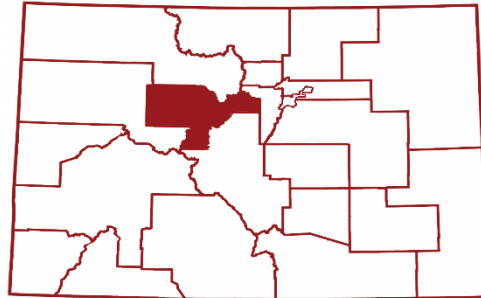# Senate Bill 15-185 CLEAR Act

2016

Community Law Enforcement Action Reporting Act

5th Judicial District

5th Judicial District: Population race/ethnicity estimates, 2016

Age Group	Race/ethnicity	%	N
Adult		**79%**	**79,100**
	Black	1%	545
	Hispanic	22%	17,121
	Other	2%	1,347
	White	76%	60,087
Juvenile		**21%**	**21,651**
	Black	1%	147
	Hispanic	40%	8,711
	Other	2%	407
	White	57%	12,386
All		**100%**	**100,752**

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

October 2017

COLORADO
Department of Public Safety

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

Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

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

COLORADO
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 5th Judicial District for events that occurred in 2016. The statewide report and the individual judicial district reports may be found here: *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 5th 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 5th Judicial District was 100,752. The adult population was comprised as follows: White, 76%; Black, 1%; Hispanic, 22%; and Other, 2%. The juvenile population was comprised as follows: White, 57%, Black, 1%, Hispanic 40%, and Other 2%. 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 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 3,600 arrests/summonses in the 5th 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 5% of all arrests/summonses and Violent crimes

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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.

accounted for another 12% of arrests/summonses, Property offenses accounted for 16% of arrests/summonses, and the remainder of arrests/summonses (67%) fell into the Other crime category. Blacks represented 1% of the population in the 5th Judicial District in 2016, but accounted for 2% of arrests/summonses. Hispanics represented 26% of the population and 23% of arrests/summonses.

Filings. This study of 2,548 case filings in county, district, and juvenile courts combined found that, while Blacks represented 1% of the population and 2% of the arrests/summonses in 2016, they accounted for 3% of court filings. Hispanics represented 26% of the population and 21% of case filings. Whites represented 72% of the population, 74% of arrests, and 74% of case filings in 2016. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

Combining information across the three court types Drug offenses were the most serious filing charge in 8% of cases, and Violent charges comprised the largest category at 38% of charges filed. The race/ethnicity distribution was generally consistent across crime types. County court had the most cases in 2016 (63% of the total), followed by adult district court (32%) and juvenile court at 4%. Blacks, comprising 1% of the population in the 5th Judicial District, represented 3% of district and county court cases filed, and 1% in juvenile court. Hispanic adults made up 22% of the adult population in the 5th Judicial District and 18% of district court filings in 2016. Trials occurred infrequently; 17 cases went to trial in the 5th Judicial District in 2016.

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, 27% of cases in county court were dismissed, as were 15% of cases in district court and 17% of cases in juvenile court. In adult district court, 47% were convicted of another crime and 20% were convicted as charged. In juvenile court, 28% were convicted of another offense and 47% were convicted as charged. In county court, case outcomes involving Drug charges were somewhat more likely to get dismissed, compared to the other crime categories, however the few numbers of cases in some categories means that caution should be used when interpreting the findings. Blacks in county court were much more likely than the other race/ethnicity categories to be involved in cases not yet resolved.

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.

County court Drug cases resulted in a fine in 30% of cases, and community service for 22% of cases. Deferred judgments occurred for almost one-quarter of Property (24%) and 29% of Violent crime cases, 19% of Other cases, and 33% for Drug cases (this figure represents only 9 cases). Almost half (40%) of Violent cases received an initial sentence to probation. When the most serious offense fell into the Other crime category, Blacks and Hispanics were sentenced to jail at a rate of 19% and 15%, respectively, compared to 6% for Whites. When the offense was Violent, Blacks (11%) and Hispanics (15%) were less likely than Whites (34%) to receive a deferred judgment.

In district court, probation was the most frequently occurring initial sentence, imposed 62% of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment: 17% of Drug cases, 13% of Other cases, 22% of Property cases, and 15% of Violent cases received a deferred judgment. Men were more likely than women to receive a sentence to the Department of Corrections (11% compared to 5%, respectively). Caution must be used when interpreting the findings when the number of cases in specific categories is low.

In juvenile court, as with county and district court, initial sentences to Probation were the most frequently occurring sentence. The few numbers of cases in juvenile court require caution when interpreting the findings.

Revocations. Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 5th Judicial District are included in the analyses presented here.[6] Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals**. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2016, 22% of adult state probation terminations were the result of a revocation.[7] The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, adult district, and juvenile district courts *statewide*, 49% of cases were reinstated, 44% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

Overall, 12% of county court cases receiving a probation/deferred judgment in the 5th Judicial District in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (18% and 15% respectively). Blacks were most likely to be revoked if they were sentenced for Violent offense (20%) or Other offense (22%). Because of the small number of cases in many of the categories, this information should be interpreted with caution.

Revocations from probation/deferred judgments occurred slightly more frequently in district court (15%) compared to county court (12%) in 2016. Blacks and Hispanics were more likely to be revoked (33% and 23%, respectively compared to 15% overall). Hispanics with Drug offenses were most likely to be revoked (38%). Men in adult district court were more likely than women to get revoked (16% compared to 12%). Men and women with Violent cases were most likely, compared to those with other crime types, to get revoked. Please note that because of the small number of cases in many categories, this information must be interpreted with caution.

In juvenile court, 13% of cases sentenced to probation/deferred judgment in 2016 in the 5th Judicial District were revoked. Hispanics were most likely to get revoked (26%) but the few cases means this information should be interpreted with caution. None of the cases with female defendants were revoked (n=14) while 18% of males (total n=39) were revoked. Two-thirds (67%) of males with drug charges were revoked, however this two out of 3 cases. Caution must be used when interpreting the findings when the number of cases is low.

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

Section 1: Background and overview

In 2015, the General Assembly passed Senate Bill 15-185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice annually analyze and report data provided by law enforcement agencies, the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender. This study presents information for calendar year 2016, including the following:

• Arrest information by offense type disaggregated by summons, custody/warrant arrest, and on view/probable cause arrest;

• Misdemeanor and felony charges filed by offense type;

• The dispositions of charges filed by offense type;

• Sentence by offense type; and

• Revocations for probation and deferred judgments.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. Because it is difficult to identify patterns in analyses that involve many categories (the arrest information includes 17 offense categories [summarized from more than 40], and the court data includes 24 offense categories[summarized from more than 1500 statutes]), this report presents a summary of the findings by collapsing the offense categories into four broad groups: Drugs, Other, Property and Violent crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type are presented in the corresponding web-based interactive dashboard available at *colorado.gov/dcj-ors/ors-SB185*.

In 2017, following the publication of the first CLEAR Act report, the findings from the statewide analysis were presented to the Colorado Commission on Criminal and Juvenile Justice. At the conclusion of the presentation, the Commission voted unanimously to request that the next analyses disaggregate the data by judicial district so that local stakeholders could examine if and where disparities exist, and develop strategies to address them. Information by judicial district and details by offense type may be found at the interactive dashboard available at: *colorado.gov/dcj-ors/ors-SB185*.

These two reporting mechanisms—this report and the data dashboard—should be viewed together since only the report contains information regarding the data sets used in the report and in the dashboard, and because the analysis of the four broad categories of crime allows for summary discussion of patterns of events.

An important note about race/ethnicity. The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch's ICON data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly undercounted in the Hispanic category. For example, in 2016 Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON.

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

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

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

Organization of this report: This report is organized into three sections. This section provides an overview of the study and important information about the data sources. Section Two presents the findings from the law enforcement arrest/summons analyses, breaking down the information into three categories as directed by S.B. 15-185: *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). Section Three presents the findings from the analysis of data obtained from the Judicial Department, including filing charges, case outcomes, initial sentences, trials, and revocations for those sentenced to probation or a deferred judgment. The findings are presented by county, adult district and juvenile court.

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.[8] NIBRS requires different details in the reporting of Group A and Group B offenses. Law enforcement must report both incidents and arrests for Group A offenses, and they must report only arrests for Group B offenses. NIBRS developers used the following criteria to determine if a crime should be designated as a Group A offense:

- The seriousness or significance of the offense;
- The frequency or volume of its occurrence;
- The seriousness or significance of the offense;
- The prevalence of the offense nationwide;
- The probability law enforcement becomes aware of the offense;
- The likelihood that law enforcement is the best source for collecting data regarding the offense;
- The burden placed on law enforcement in collecting data on the offense;
- 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."[9] 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). More than 3,600 NIBRS incidents in the 5th Judicial District were analyzed for calendar year 2016 (Table 1-1).

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[8] 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.

[9] 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.

Table 1-1. Arrests by type, 5th Judicial District, 2016

Arrest type	%	N
Custody/warrant	26%	921
On-view/probable cause	40%	1,446
Summons	34%	1,240
All	**100%**	**3,607**

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.[10] County court contains both adult and juvenile misdemeanor cases. The data are presented by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in Adult District Court. The number of cases analyzed by type of court is in Table 1-2.

Table 1-2. Court of case filing, 5th Judicial District, 2016

Court	%	N
Adult District	32%	823
County	63%	1,616
Juvenile	4%	109
All	**100%**	**2,548**

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

Note that the information presented here reflects the analysis of 2,548 *cases not individuals*. Individuals may have multiple, concurrent cases,[11] 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[12] which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.[13] 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.

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[10] 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.

[11] 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.

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

[13] Note that all offenses 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 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.

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

Offense	%	N
Drugs	5%	180
Other	67%	2,400
Property	16%	587
Violent	12%	440
All	100%	3,607

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

Table 2-2 reflects over 3,600 arrests/summonses captured in NIBRS for calendar year 2016 in the 5th Judicial District, by race/ethnicity. Blacks represented 1% of the population in 2016, and accounted for 2% of arrests/summonses in the 5th Judicial District. Hispanics represented 26% of the population and accounted for 23% of arrests. The Other race/ethnicity category represented 2% of the population and 2% of arrests. Whites represented 72%% of the population and 74% of arrests/summonses in the 5th Judicial District.

Table 2-2. Arrests by race/ethnicity

Race/ethnicity	%	N
Black	2%	78
Hispanic	23%	816
Other	2%	59
White	74%	2,654
All	100%	3,607

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 2% of on view/probable cause arrests, and that 10% of those arrests were for violent crimes, a smaller proportion compared to adults (21%). Juveniles accounted for 3% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested.

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

Age Group	Offense	%	N
Adult		**98%**	**1,417**
	Drugs	4%	58
	Other	66%	939
	Property	9%	125
	Violent	21%	295
Juvenile		**2%**	**29**
	Drugs	3%	1
	Other	55%	16
	Property	31%	9
	Violent	10%	3
All		**100%**	**1,446**

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		**97%**	**889**
	Drugs	2%	15
	Other	88%	781
	Property	4%	32
	Violent	7%	61
Juvenile		**3%**	**32**
	Other	88%	28
	Property	6%	2
	Violent	6%	2
All		**100%**	**921**

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		**92%**	**1,136**
	Drugs	8%	87
	Other	50%	573
	Property	35%	403
	Violent	6%	73
Juvenile		**8%**	**104**
	Drugs	18%	19
	Other	61%	63
	Property	15%	16
	Violent	6%	6
All		**100%**	**1,240**

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 4% of probable cause arrests were for Drug related offenses, 66% were for Other offenses, 9% for Property offenses, and 21% for Violent offenses. While Hispanics made up 26% of the population in the 5th Judicial District, Table 2-6 shows that they were arrested at

a lower rate for probable cause arrests in 2016. Blacks represented 1% of the population in 2016 but accounted for 3% of Violent probable cause arrests and 4% of Property probable cause arrests, however the number of cases is very low and this information should be interpreted with caution.

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

Offense	Race/ethnicity	%	N
Drugs		**4%**	**59**
	Hispanic	19%	11
	Other	2%	1
	White	80%	47
Other		**66%**	**955**
	Black	2%	22
	Hispanic	20%	189
	Other	1%	11
	White	77%	733
Property		**9%**	**134**
	Black	4%	5
	Hispanic	24%	32
	Other	3%	4
	White	69%	93
Violent		**21%**	**298**
	Black	3%	9
	Hispanic	25%	75
	Other	2%	5
	White	70%	209
All		**100%**	**1,446**

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 90% (88%) of these arrests involved an offense that fell into the Other offense category. While only 7% of these types of arrests involved a Violent offense, Hispanics made up 30% of Violent crime warrant arrests in the 5th Judicial District.

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

Offense	Race/ethnicity	%	N
Drugs		**2%**	**15**
	Hispanic	20%	3
	White	80%	12
Other		**88%**	**809**
	Black	3%	24
	Hispanic	28%	223
	Other	1%	12
	White	68%	550
Property		**4%**	**34**
	Black	3%	1
	Hispanic	35%	12
	Other	3%	1
	White	59%	20
Violent		**7%**	**63**
	Hispanic	30%	19
	Other	2%	1
	White	68%	43
All		**100%**	**921**

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 (6%) compared to Other (51%) and Property (34%) and that, of those summons issued for Violent crimes, 4% went to Blacks and 37% to Hispanics. Whites were least likely to be summonsed for a Violent crime (58%) and most likely for Drugs (71%).

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

Offense	Race/ethnicity	%	N
Drugs		**9%**	**106**
	Hispanic	26%	28
	Other	3%	3
	White	71%	75
Other		**51%**	**636**
	Black	2%	11
	Hispanic	25%	157
	Other	1%	8
	White	72%	460
Property		**34%**	**419**
	Black	1%	3
	Hispanic	9%	38
	Other	3%	12
	White	87%	366
Violent		**6%**	**79**
	Black	4%	3
	Hispanic	37%	29
	Other	1%	1
	White	58%	46
All		**100%**	**1,240**

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 20-26% of arrests (depending on the crime category) and about 25% of summonses and men comprised the remainder.

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

Offense	Gender	%	N
Drugs		**4%**	**59**
	Female	20%	12
	Male	80%	47
Other		**66%**	**955**
	Female	20%	187
	Male	80%	768
Property		**9%**	**134**
	Female	21%	28
	Male	79%	106
Violent		**21%**	**298**
	Female	26%	76
	Male	74%	222
All		**100%**	**1,446**

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%**	**15**
	Female	7%	1
	Male	93%	14
Other		**88%**	**809**
	Female	22%	175
	Male	78%	634
Property		**4%**	**34**
	Female	26%	9
	Male	74%	25
Violent		**7%**	**63**
	Female	17%	11
	Male	83%	52
All		**100%**	**921**

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		**9%**	**106**
	Female	25%	26
	Male	75%	80
Other		**51%**	**636**
	Female	25%	156
	Male	75%	480
Property		**34%**	**419**
	Female	23%	95
	Male	77%	324
Violent		**6%**	**79**
	Female	25%	20
	Male	75%	59
All		**100%**	**1,240**

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 3,600 arrests/summonses in the 5th 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 5% of all arrests/summonses and Violent crimes accounted for another 12% of arrests/summonses, Property offenses accounted for 16% of arrests/summonses, and the remainder of arrests/summonses (67%) fell into the Other crime category. Blacks represented 1% of the population in the 5th Judicial District in 2016, but accounted for 2% of arrests/summonses. Hispanics represented 26% of the population and 23% of arrests/summonses.

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.[14] For this analysis, cases were selected for the 5th Judicial District. County court contains both adult and juvenile misdemeanor cases. The data are presented here by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in adult district court.

Note that this analysis reflects **cases not individuals**. Individuals may have multiple, concurrent cases,[15] 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 2,548 case filings in county, adult district, and juvenile courts combined in the 5th Judicial District. While Blacks represented 1% of the population and 2% of the arrests/summonses in 2016, they accounted for 3% of court filings. Hispanics represented 26% of the population and 21% of case filings. Whites represented 72% of the population, 74% of arrests, and 74% of case filings in 2016. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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

[15] 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	3%	67
Hispanic	21%	539
Other	2%	47
White	74%	1,895
All	**100%**	**2,548**

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

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

Combining information across the three court types, Table 3-2 shows the race/ethnicity distribution for the four crime categories. Table 3-2 shows that Drug offenses were the most serious filing charge in 8% of cases, and Violent charges comprised the largest category at 38% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

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

Offense	Race/ethnicity	%	N
Drugs		**8%**	**204**
	Black	<1%	1
	Hispanic	19%	39
	Other	2%	4
	White	78%	160
Other		**32%**	**825**
	Black	2%	19
	Hispanic	22%	184
	Other	1%	10
	White	74%	612
Property		**21%**	**539**
	Black	3%	14
	Hispanic	18%	96
	Other	3%	15
	White	77%	414
Violent		**38%**	**980**
	Black	3%	33
	Hispanic	22%	220
	Other	2%	18
	White	72%	709
All		**100%**	**2,548**

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

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

Table 3-3 depicts that, across all court types, 23% of filings were females and 77% were males. The distribution across gender by crime type is somewhat consistent.

Table 3-3. Most serious filing charge by gender

Gender	Offense	%	N
Female		**23%**	**591**
	Drugs	8%	45
	Other	31%	182
	Property	22%	129
	Violent	40%	235
Male		**77%**	**1,957**
	Drugs	8%	159
	Other	33%	643
	Property	21%	410
	Violent	38%	745
All		**100%**	**2,548**

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court for the 5th Judicial District. County court had the most cases in 2016 (63% of the total), followed by adult district court (32%) and juvenile court at 4%. Blacks, comprising 1% of the population in the 5th Judicial District, represented 3% of district and county court cases filed, and 1% in juvenile court. Hispanic adults made up 22% of the adult population in the 5th Judicial District and 18% of district court filings in 2016.

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

Court	Race/ethnicity	%	N
Adult District		**32%**	**823**
	Black	3%	23
	Hispanic	18%	147
	Other	2%	18
	White	77%	635
County		**63%**	**1,616**
	Black	3%	43
	Hispanic	22%	350
	Other	2%	25
	White	74%	1,198
Juvenile		**4%**	**109**
	Black	1%	1
	Hispanic	39%	42
	Other	4%	4
	White	57%	62
All		**100%**	**2,548**

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

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

Table 3-5 provides the type of offense by court type. Nearly half (46%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (30%) and Other cases (29%) comprised the largest categories of cases in adult district court. Property crimes (50%) and Violent crimes (35%) made up the majority of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in juvenile court (29%) compared to adult district court (20%) and juvenile court (24%).

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

Court	Offense	%	N
Adult District		**32%**	**823**
	Drugs	18%	144
	Other	29%	237
	Property	30%	246
	Violent	24%	196
County		**63%**	**1,616**
	Drugs	3%	56
	Other	36%	575
	Property	15%	239
	Violent	46%	746
Juvenile		**4%**	**109**
	Drugs	4%	4
	Other	12%	13
	Property	50%	54
	Violent	35%	38
All		**100%**	**2,548**

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

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

Court	Gender	%	N
Adult District		**32%**	**823**
	Female	20%	164
	Male	80%	659
County		**63%**	**1,616**
	Female	24%	395
	Male	76%	1,221
Juvenile		**4%**	**109**
	Female	29%	32
	Male	71%	77
All		**100%**	**2,548**

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

Trials

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

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

Court	Completed Trial	%	N
Adult District		**32%**	**823**
	No	99%	818
	Yes	1%	5
County		**63%**	**1,616**
	No	99%	1,606
	Yes	1%	10
Juvenile		**4%**	**109**
	No	98%	107
	Yes	2%	2
All		**100%**	**2,548**

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

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

Offense	Completed Trial	%	N
Drugs		**8%**	**204**
	No	100%	204
Other		**32%**	**825**
	No	100%	821
	Yes	<1%	4
Property		**21%**	**539**
	No	99%	535
	Yes	1%	4
Violent		**38%**	**980**
	No	99%	971
	Yes	1%	9
All		**100%**	**2,548**

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

Summary: Filings. This study of 2,548 case filings in county, district, and juvenile courts combined found that, while Blacks represented 1% of the population and 2% of the arrests/summonses in 2016, they accounted for 3% of court filings. Hispanics represented 26% of the population and 21% of case filings. Whites represented 72% of the population, 74% of arrests, and 74% of case filings in 2016. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

Combining information across the three court types Drug offenses were the most serious filing charge in 8% of cases, and Violent charges comprised the largest category at 38% of charges filed. The race/ethnicity distribution was generally consistent across crime types.

County court had the most cases in 2016 (63% of the total), followed by adult district court (32%) and juvenile court at 4%. Blacks, comprising 1% of the population in the 5th Judicial District, represented 3% of district and county court cases filed, and 1% in juvenile court. Hispanic adults made up 22% of the adult population in the 5th Judicial District and 18% of district court filings in 2016. Trials occurred infrequently; 17 cases went to trial in 2016.

Case outcomes

The following three tables present the case outcomes for the 5th Judicial District, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2016. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, overall, in over one-quarter (27%) of cases, all charges were dismissed in county court in 2016 (Table 3-9). In county court, case outcomes involving Drug charges were somewhat more likely to get dismissed, compared to the other crime categories, however the few numbers of cases in some categories means that caution should be used when interpreting the findings. Blacks in county court were much more likely than the other race/ethnicity categories to be involved in cases not yet resolved.

Convicted as charged means the defendant was convicted of at least the most serious filing charge.

In adult district court (Table 3-10), 47% were convicted of another crime and 20% were convicted as charged. In juvenile court (Table 3-11), 28% were convicted of another offense and 47% were convicted as charged.

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

Race/ethnicity		Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	All	N
Black		**23%**	**35%**	**19%**	**23%**	**100%**	**43**
	Other	20%	30%	0%	50%	100%	10
	Property	25%	50%	0%	25%	100%	8
	Violent	24%	32%	32%	12%	100%	25
Hispanic		**34%**	**32%**	**22%**	**12%**	**100%**	**350**
	Drugs	29%	29%	36%	7%	100%	14
	Other	30%	28%	27%	15%	100%	135
	Property	31%	31%	31%	8%	100%	36
	Violent	38%	35%	16%	12%	100%	165
Other		**28%**	**32%**	**28%**	**12%**	**100%**	**25**
	Drugs	0%	0%	100%	0%	100%	1
	Other	0%	50%	33%	17%	100%	6
	Property	25%	50%	0%	25%	100%	4
	Violent	43%	21%	29%	7%	100%	14
White		**30%**	**30%**	**28%**	**12%**	**100%**	**1,198**
	Drugs	17%	27%	39%	17%	100%	41
	Other	31%	30%	28%	11%	100%	424
	Property	32%	37%	20%	12%	100%	191
	Violent	30%	28%	30%	12%	100%	542
All		**31%**	**31%**	**27%**	**12%**	**100%**	**1,616**

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

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

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

Race/ethnicity		Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	All	N
Black		**4%**	**65%**	**26%**	**4%**	**100%**	**23**
	Drugs	0%	100%	0%	0%	100%	1
	Other	0%	44%	44%	11%	100%	9
	Property	17%	50%	33%	0%	100%	6
	Violent	0%	100%	0%	0%	100%	7
Hispanic		**20%**	**45%**	**12%**	**23%**	**100%**	**147**
	Drugs	29%	42%	4%	25%	100%	24
	Other	19%	47%	7%	28%	100%	43
	Property	20%	48%	10%	22%	100%	40
	Violent	18%	42%	22%	18%	100%	40
Other		**17%**	**50%**	**17%**	**17%**	**100%**	**18**
	Drugs	0%	67%	33%	0%	100%	3
	Other	25%	50%	25%	0%	100%	4
	Property	25%	50%	12%	12%	100%	8
	Violent	0%	33%	0%	67%	100%	3
White		**21%**	**46%**	**15%**	**17%**	**100%**	**635**
	Drugs	23%	57%	12%	8%	100%	116
	Other	25%	38%	20%	17%	100%	181
	Property	19%	43%	16%	22%	100%	192
	Violent	17%	53%	10%	21%	100%	146
All		**20%**	**47%**	**15%**	**18%**	**100%**	**823**

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

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

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

Race/ethnicity		Convicted as charged	Convicted other crime	Dismissed/not guilty	Not yet resolved/case closed	All	N
Black		**100%**	**0%**	**0%**	**0%**	**100%**	**1**
	Violent	100%	0%	0%	0%	100%	1
Hispanic		**52%**	**29%**	**14%**	**5%**	**100%**	**42**
	Drugs	0%	0%	0%	100%	100%	1
	Other	17%	50%	17%	17%	100%	6
	Property	65%	25%	10%	0%	100%	20
	Violent	53%	27%	20%	0%	100%	15
Other		**25%**	**0%**	**25%**	**50%**	**100%**	**4**
	Property	0%	0%	33%	67%	100%	3
	Violent	100%	0%	0%	0%	100%	1
White		**44%**	**29%**	**18%**	**10%**	**100%**	**62**
	Drugs	33%	33%	33%	0%	100%	3
	Other	86%	14%	0%	0%	100%	7
	Property	32%	29%	26%	13%	100%	31
	Violent	48%	33%	10%	10%	100%	21
All		**47%**	**28%**	**17%**	**9%**	**100%**	**109**

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

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

Summary: Case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 27% of cases in county court were dismissed, as were 15% of cases in district court and 17% of cases in juvenile court. In adult district court, 47% were convicted of another crime and 20% were convicted as charged. In juvenile court, 28% were convicted of another offense and 47% were convicted as charged. In county court, case outcomes involving Drug charges were somewhat more likely to get dismissed, compared to the other crime categories, however the few numbers of cases in some categories means that caution should be used when interpreting the findings. Blacks in county court were much more likely than the other race/ethnicity categories to be involved in cases not yet resolved.

Initial sentences

The tables below show cases sentenced between Jan 1, 2016 and Dec 31, 2016 in the 5th Judicial District, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** section above. Also, because these data represent cases, not individuals, the number of individuals sentenced to the Department of Corrections (DOC) or the Division of Youth Services (DYS) from this jurisdiction will not match the number reported as admissions by DOC or DYS.

Cases generally have multiple initial sentences, usually include fines, and can also include community service and credit for time served. The data below reflect the <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.

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in the 5th Judicial District in 2016. County court Drug cases resulted in a fine in 30% of cases, and community service for 22% of cases. Deferred judgments occurred for almost one-quarter of Property (24%) and 29% of Violent crime cases, 19% of Other cases, and 33% for Drug cases (this figure represents only 9 cases). Almost half (40%) of Violent cases received an initial sentence to probation.

Table 3-12. Initial sentence in County Court, by most serious conviction charge (N=994)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Service	6	22%	38	9%	15	11%	1	<1%
Deferred	9	33%	84	19%	32	24%	113	29%
Fines/fees	8	30%	148	33%	58	43%	54	14%
Jail	0	0%	38	9%	10	7%	60	15%
Probation/Intensive Supervision	3	11%	115	26%	13	10%	155	40%
Unsupervised Probation	1	4%	19	4%	7	5%	7	2%
All	**27**	**100%**	**442**	**100%**	**135**	**100%**	**390**	**100%**

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

Table 3-13 reflects initial county court sentences by gender. Women were significantly more likely than men to receive a deferred judgment in county court (35% compared to 20%, respectively). Men were more likely than women to receive a jail sentence (13% for men compared to 5% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 26% for women).

Table 3-13. Initial sentence in County Court by gender (N=994)

Sentence	Female	%	Male	%
Community Service	9	4%	51	7%
Deferred	88	35%	150	20%
Fines/fees	68	27%	200	27%
Jail	12	5%	96	13%
Probation/Intensive Supervision	65	26%	221	30%
Unsupervised Probation	9	4%	25	3%
All	251	100%	743	100%

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

Table 3-14 presents the initial sentence in county court by race/ethnicity for the 5th Judicial District. Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (37% compared to 15-28% for other race/ethnicities), however the low number of cases (n=19) means that this information should be interpreted with caution. Hispanics were especially unlikely to receive a deferred judgment, at 15%, compared to 26% for Whites. Blacks and Hispanics were somewhat more likely to receive jail time (14% and 13%, respectively), compared to 10% of White cases.

Table 3-14. Initial sentence in County Court by race/ethnicity (N=994)*

Sentence	Black	Hispanic	Other	White
N	29	228	19	718
Community Service	0%	5%	0%	7%
Deferred	28%	15%	37%	26%
Fines/fees	28%	24%	32%	28%
Jail	14%	13%	0%	10%
Probation/Intensive Supervision	31%	37%	26%	26%
Unsupervised Probation	0%	5%	5%	3%
All	100%	100%	100%	100%

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

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

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. The few numbers of cases require caution when interpreting the findings. When the most serious offense fell into the Other crime category, Blacks and Hispanics were sentenced to jail at a rate of 19% and 15%, respectively, compared to 6% for Whites (Table 3-16). When the offense was Violent, Blacks (11%) and Hispanics (15%) were less likely than Whites (34%) to receive a deferred judgment (Table 3-17)

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity (N=27)*

Sentence	Black	Hispanic	White
N	1	10	16
Community Service	0%	40%	12%
Deferred	100%	20%	38%
Fines/fees	0%	20%	38%
Probation/Intensive Supervision	0%	20%	6%
Unsupervised Probation	0%	0%	6%
All	100%	100%	100%

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

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

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity (N=442)*

Sentence	Black	Hispanic	Other	White
N	16	101	3	322
Community Service	0%	6%	0%	10%
Deferred	25%	15%	0%	20%
Fines/fees	25%	29%	33%	35%
Jail	19%	15%	0%	6%
Probation/Intensive Supervision	31%	28%	67%	25%
Unsupervised Probation	0%	8%	0%	3%
All	100%	100%	100%	100%

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

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

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity (N=135)*

Sentence	Black	Hispanic	Other	White
N	3	15	4	113
Community Service	0%	13%	0%	12%
Deferred	67%	20%	25%	23%
Fines/fees	33%	40%	50%	43%
Jail	0%	7%	0%	8%
Probation/Intensive Supervision	0%	13%	25%	9%
Unsupervised Probation	0%	7%	0%	5%
All	100%	100%	100%	100%

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

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

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity* (N=390)

Sentence	Black	Hispanic	Other	White
N	9	102	12	267
Community Service	0%	0%	0%	<1%
Deferred	11%	15%	50%	34%
Fines/fees	33%	18%	25%	11%
Jail	11%	13%	0%	17%
Probation/Intensive Supervision	44%	52%	17%	36%
Unsupervised Probation	0%	3%	8%	1%
All	**100%**	**100%**	**100%**	**100%**

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

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

District court

Table 3-19 shows the initial sentence by offense type for district court cases in the 5th Judicial District. Probation was the most frequently occurring initial sentence, imposed 62% of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment: 17% of Drug cases, 13% of Other cases, 22% of Property cases, and 15% of Violent cases received a deferred judgment. Caution must be used when interpreting the findings when the number of cases in specific categories is low.

Table 3-20 shows the initial sentence in district court by gender. Men were more likely than women to receive a sentence to the Department of Corrections (11% compared to 5%, respectively).

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge (N=597)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	5	5%	3	2%	12	6%	4	3%
Community Service	1	1%	2	1%	1	1%	0	0%
Deferred	19	17%	20	13%	42	22%	22	15%
Dept of Corrections	4	4%	21	14%	13	7%	20	14%
Fines/fees	6	5%	9	6%	10	5%	5	3%
Jail	7	6%	25	17%	22	12%	17	12%
Probation/Intensive Supervision	69	62%	69	46%	89	47%	79	54%
Youthful Offender System	0	0%	0	0%	1	1%	0	0%
All	**111**	**100%**	**149**	**100%**	**190**	**100%**	**147**	**100%**

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

Table 3-20. Initial sentence in Adult District Court by gender (N=597)

Sentence	Female	%	Male	%
Community Corrections	2	2%	22	4%
Community Service	2	2%	2	<1%
Deferred	19	18%	84	17%
Dept of Corrections	5	5%	53	11%
Fines/fees	9	9%	21	4%
Jail	10	10%	61	12%
Probation/Intensive Supervision	56	54%	250	51%
Youthful Offender System	1	1%	0	0%
All	104	100%	493	100%

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-fifth (19%) of initial sentences for Blacks were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity* (N=597)

Sentence	Black	Hispanic	Other	White
N	26	123	10	438
Community Corrections	4%	4%	0%	4%
Community Service	0%	1%	0%	1%
Deferred	8%	11%	30%	19%
Dept of Corrections	19%	10%	10%	9%
Fines/fees	8%	7%	0%	4%
Jail	12%	11%	10%	12%
Probation/Intensive Supervision	50%	56%	50%	50%
Youthful Offender System	0%	1%	0%	0%
All	100%	100%	100%	100%

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

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

The following four tables show initial district court sentences for each of the offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. The few numbers of cases in all but the White category require caution when interpreting the findings in these tables.

Table 3-22. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity* (N=111)

Sentence	Black	Hispanic	Other	White
N	2	18	3	88
Community Corrections	0%	6%	0%	5%
Community Service	0%	0%	0%	1%
Deferred	0%	11%	0%	19%
Dept of Corrections	0%	6%	0%	3%
Fines/fees	50%	17%	0%	2%
Jail	0%	0%	33%	7%
Probation/Intensive Supervision	50%	61%	67%	62%
All	**100%**	**100%**	**100%**	**100%**

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

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

Table 3-23. Initial sentence for Other as most serious conviction in Adult District Court by race/ethnicity* (N=149)

Sentence	Black	Hispanic	Other	White
N	5	33	2	109
Community Corrections	0%	6%	0%	1%
Community Service	0%	3%	0%	1%
Deferred	0%	15%	50%	13%
Dept of Corrections	20%	15%	0%	14%
Fines/fees	20%	6%	0%	6%
Jail	0%	15%	0%	18%
Probation/Intensive Supervision	60%	39%	50%	48%
All	**100%**	**100%**	**100%**	**100%**

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

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

Table 3-24. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity (N=190)*

Sentence	Black	Hispanic	Other	White
N	7	46	4	133
Community Corrections	14%	4%	0%	7%
Community Service	0%	0%	0%	1%
Deferred	14%	7%	25%	28%
Dept of Corrections	14%	11%	25%	5%
Fines/fees	0%	7%	0%	5%
Jail	14%	11%	0%	12%
Probation/Intensive Supervision	43%	59%	50%	43%
Youthful Offender System	0%	2%	0%	0%
All	100%	100%	100%	100%

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

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

Table 3-25. Initial sentence for Violent as most serious conviction in Adult District Court by race/ethnicity (N=147)*

Sentence	Black	Hispanic	Other	White
N	12	26	1	108
Community Corrections	0%	0%	0%	4%
Deferred	8%	12%	100%	16%
Dept of Corrections	25%	4%	0%	15%
Fines/fees	0%	4%	0%	4%
Jail	17%	12%	0%	11%
Probation/Intensive Supervision	50%	69%	0%	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.

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases, by crime type, for the 5th Judicial District. As with county and district court, initial sentences to Probation were the most frequently occurring sentence. The few numbers of cases require caution when interpreting the findings in these tables.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge (N=62)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Deferred	0	0%	1	9%	0	0%	2	8%
Division of Youth Services	0	0%	0	0%	2	9%	2	8%
Fines/fees	0	0%	1	9%	1	4%	1	4%
Jail	0	0%	1	9%	1	4%	0	0%
Probation/Intensive Supervision	3	100%	8	73%	19	83%	20	80%
All	**3**	**100%**	**11**	**100%**	**23**	**100%**	**25**	**100%**

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

Table 3-27. Initial sentence in Juvenile Court by gender (N=62)

Sentence	Female	%	Male	%
Deferred	0	0%	3	7%
Division of Youth Services	1	6%	3	7%
Fines/fees	1	6%	2	4%
Jail	0	0%	2	4%
Probation/Intensive Supervision	14	88%	36	78%
All	**16**	**100%**	**46**	**100%**

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

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity* (N=62)

Sentence	Black	Hispanic	White
N	2	25	35
Deferred	0%	4%	6%
Division of Youth Services	0%	4%	9%
Fines/fees	0%	0%	9%
Jail	0%	4%	3%
Probation/Intensive Supervision	100%	88%	74%
All	**100%**	**100%**	**100%**

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

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

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

Sentence	Hispanic	White
N	2	1
Probation/Intensive Supervision	100%	100%
All	**100%**	**100%**

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

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

Table 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity (N=11)*

Sentence	Hispanic	White
N	6	5
Deferred	0%	20%
Fines/fees	0%	20%
Jail	17%	0%
Probation/Intensive Supervision	83%	60%
All	**100%**	**100%**

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

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

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity (N=23)*

Sentence	Hispanic	White
N	7	16
Division of Youth Services	0%	12%
Fines/fees	0%	6%
Jail	0%	6%
Probation/Intensive Supervision	100%	75%
All	**100%**	**100%**

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

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

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity (N=25)*

Sentence	Black	Hispanic	White
N	2	10	13
Deferred	0%	10%	8%
Division of Youth Services	0%	10%	8%
Fines/fees	0%	0%	8%
Probation/Intensive Supervision	100%	80%	77%
All	**100%**	**100%**	**100%**

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

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

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.

County court Drug cases resulted in a fine in 30% of cases, and community service for 22% of cases. Deferred judgments occurred for almost one-quarter of Property (24%) and 29% of Violent crime cases, 19% of Other cases, and 33% for Drug cases (this figure represents only 9 cases). Almost half (40%) of Violent cases received an initial sentence to probation. When the most serious offense fell into the Other crime category, Blacks and Hispanics were sentenced to jail at a rate of 19% and 15%, respectively, compared to 6% for Whites. When the offense was Violent, Blacks (11%) and Hispanics (15%) were less likely than Whites (34%) to receive a deferred judgment.

In district court, probation was the most frequently occurring initial sentence, imposed 62% of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment: 17% of Drug cases, 13% of Other cases, 22% of Property cases, and 15% of Violent cases received a deferred judgment. Men were more likely than women to receive a sentence to the Department of Corrections (11% compared to 5%, respectively). Caution must be used when interpreting the findings when the number of cases in specific categories is low.

In juvenile court, as with county and district court, initial sentences to Probation were the most frequently occurring sentence. The few numbers of cases in juvenile court require caution when interpreting the findings.

Revocations

Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 5th Judicial District are included in the analyses presented here.[16] 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

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[16] Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

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.[17] 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 county court, then district court, and finally juvenile court.

County court

Table 3-33 shows revocation information for county court. Overall, 12% of county court cases receiving a probation/deferred judgment in the 5th Judicial District in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (18% and 15% respectively). Blacks were most likely to be revoked if they were sentenced for Violent offense (20%) or Other offense (22%). Because of the small number of cases in many of the categories, this information should be interpreted with caution.

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[17] *Judicial Branch Annual Statistical Report, Fiscal Year 2016*, Table 48, page 120.

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

Race/ethnicity			No	Yes	All	N
Black			**82%**	**18%**	**100%**	**17**
	Drugs		100%	0%	100%	1
	Other		78%	22%	100%	9
	Property		100%	0%	100%	2
	Violent		80%	20%	100%	5
Hispanic			**85%**	**15%**	**100%**	**132**
	Drugs		100%	0%	100%	4
	Other		82%	18%	100%	51
	Property		83%	17%	100%	6
	Violent		86%	14%	100%	71
Other			**92%**	**8%**	**100%**	**13**
	Other		50%	50%	100%	2
	Property		100%	0%	100%	2
	Violent		100%	0%	100%	9
White			**90%**	**10%**	**100%**	**396**
	Drugs		100%	0%	100%	8
	Other		89%	11%	100%	156
	Property		88%	12%	100%	42
	Violent		90%	10%	100%	190
All			**88%**	**12%**	**100%**	**558**

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

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

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

Gender		No	Yes	All	N
Female		**91%**	**9%**	**100%**	**162**
	Drugs	100%	0%	100%	4
	Other	93%	7%	100%	55
	Property	93%	7%	100%	15
	Violent	90%	10%	100%	88
Male		**87%**	**13%**	**100%**	**396**
	Drugs	100%	0%	100%	9
	Other	85%	15%	100%	163
	Property	86%	14%	100%	37
	Violent	89%	11%	100%	187
All		**88%**	**12%**	**100%**	**558**

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

Adult district court

Revocations from probation/deferred judgments occurred slightly more frequently in district court (15%, Table 3-35) compared to county court (12%, Table 3-33) in 2016. Blacks and Hispanics were more likely to be revoked (33% and 23%, respectively compared to 15% overall). Hispanics with Drug offenses were most likely to be revoked (38%). Table 3-36 shows that men in adult district court were more likely than women to get revoked (16% compared to 12%). Men and women with Violent cases were most likely, compared to those with other crime types, to get revoked. Please note that because of the small number of cases in many categories, this information must be interpreted with caution.

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

Race/ethnicity		No	Yes	All	N
Black		**67%**	**33%**	**100%**	**15**
	Drugs	0%	100%	100%	1
	Other	67%	33%	100%	3
	Property	100%	0%	100%	4
	Violent	57%	43%	100%	7
Hispanic		**77%**	**23%**	**100%**	**82**
	Drugs	62%	38%	100%	13
	Other	72%	28%	100%	18
	Property	83%	17%	100%	30
	Violent	81%	19%	100%	21
Other		**100%**	**0%**	**100%**	**8**
	Drugs	100%	0%	100%	2
	Other	100%	0%	100%	2
	Property	100%	0%	100%	3
	Violent	100%	0%	100%	1
White		**88%**	**12%**	**100%**	**304**
	Drugs	90%	10%	100%	72
	Other	91%	9%	100%	66
	Property	87%	13%	100%	94
	Violent	82%	18%	100%	72
All		**85%**	**15%**	**100%**	**409**

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

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

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

Gender		No	Yes	All	N
Female		**88%**	**12%**	**100%**	**75**
	Drugs	88%	12%	100%	16
	Other	100%	0%	100%	14
	Property	88%	12%	100%	26
	Violent	79%	21%	100%	19
Male		**84%**	**16%**	**100%**	**334**
	Drugs	85%	15%	100%	72
	Other	84%	16%	100%	75
	Property	87%	13%	100%	105
	Violent	80%	20%	100%	82
All		**85%**	**15%**	**100%**	**409**

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, 13% of cases sentenced to probation/deferred judgment in 2016 in the 5th Judicial District were revoked (Table 3-37). Hispanics were most likely to get revoked (26%) but the few cases means this information should be interpreted with caution. Table 3-38 presents revocations in juvenile court by gender. None of the cases with female defendants were revoked (n=14) while 18% of males (total n=39) were revoked. Two-thirds (67%) of males with drug charges were revoked, however this two out of 3 cases. Caution must be used when interpreting the findings when the number of cases is low.

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

Race/ethnicity		No	Yes	All	N
Black		**100%**	**0%**	**100%**	**2**
	Violent	100%	0%	100%	2
Hispanic		**74%**	**26%**	**100%**	**23**
	Drugs	50%	50%	100%	2
	Other	80%	20%	100%	5
	Property	71%	29%	100%	7
	Violent	78%	22%	100%	9
White		**96%**	**4%**	**100%**	**28**
	Drugs	0%	100%	100%	1
	Other	100%	0%	100%	4
	Property	100%	0%	100%	12
	Violent	100%	0%	100%	11
All		**87%**	**13%**	**100%**	**53**

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

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

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

Gender		No	Yes	All	N
Female		**100%**	**0%**	**100%**	**14**
	Other	100%	0%	100%	2
	Property	100%	0%	100%	2
	Violent	100%	0%	100%	10
Male		**82%**	**18%**	**100%**	**39**
	Drugs	33%	67%	100%	3
	Other	86%	14%	100%	7
	Property	88%	12%	100%	17
	Violent	83%	17%	100%	12
All		**87%**	**13%**	**100%**	**53**

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

Revocations: Summary. Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 5th Judicial District are included in the analyses presented here.[18] 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.[19] The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, adult district, and juvenile district courts *statewide*, 49% of cases were reinstated, 44% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

Overall, 12% of county court cases receiving a probation/deferred judgment in the 5th Judicial District in 2016 were revoked. Blacks and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (18% and 15% respectively). Blacks were most likely to be revoked if they were sentenced for Violent offense (20%) or Other offense (22%). Because of the small number of cases in many of the categories, this information should be interpreted with caution.

Revocations from probation/deferred judgments occurred slightly more frequently in district court (15%) compared to county court (12%) in 2016. Blacks and Hispanics were more likely to be revoked (33% and 23%, respectively compared to 15% overall). Hispanics with Drug offenses were most likely to be revoked (38%). Men in adult district court were more likely than women to get revoked (16% compared to 12%). Men and women with Violent cases were most likely, compared to those with other crime types, to get revoked. Please note that because of the small number of cases in many categories, this information must be interpreted with caution.

In juvenile court, 13% of cases sentenced to probation/deferred judgment in 2016 in the 5th Judicial District were revoked. Hispanics were most likely to get revoked (26%) but the few cases means this information should be interpreted with caution. None of the cases with female defendants were revoked (n=14) while 18% of males (total n=39) were revoked. Two-thirds (67%) of males with drug charges were revoked, however this two out of 3 cases. Caution must be used when interpreting the findings when the number of cases is low.

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

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