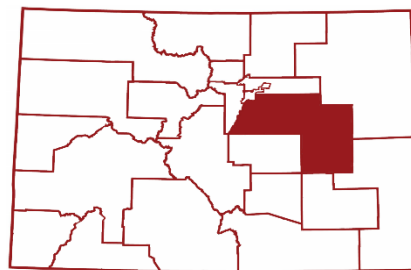


Senate Bill 15-185 CLEAR Act

2016

Community Law Enforcement Action Reporting Act

18th Judicial District



18th Judicial District: Population race/ethnicity estimates, 2016

Age Group	Race/ethnicity	%	N
Adult		75%	749,937
	Black	7%	50,612
	Hispanic	14%	102,015
	Other	6%	47,549
	White	73%	549,761
Juvenile		25%	247,932
	Black	8%	20,607
	Hispanic	22%	54,848
	Other	7%	17,936
	White	62%	154,542
All		100%	997,869

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

Prepared by

Kim English

Peg Flick

Laurence Lucero

Colorado Department of Public Safety

Stan Hilkey, Executive Director

Division of Criminal Justice

Joe Thome, Director

Office of Research and Statistics

Kim English, Research Director

700 Kipling St., Denver, Colorado 80215

The corresponding web-based interactive data dashboard is located here:

colorado.gov/dcj-ors/ors-SB185



Preface

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

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

This report provides information about arrests and court cases for the 18th Judicial District for events that occurred in 2016. The statewide report and 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.

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 18th 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 18th Judicial District was 997,869. The adult population was comprised as follows: White, 73%; Black, 7%; Hispanic, 14%; and Other, 6%. The juvenile population was comprised as follows: White, 62%, Black, 8%, Hispanic 22%, and Other 7%. Males made up 50% of the state population and females made up the other half of the population.

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

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

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

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

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

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

Law enforcement data. In 2016 law enforcement made/issued 32,419 arrests/summonses in the 18th 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 8% of all arrests/summonses and Violent crimes accounted for another 11% of arrests/summonses, Property offenses accounted for 18% of arrests/summonses, and the remainder of arrests/summonses (63%) fell into the Other crime category. Blacks represented 7% of the population in the 18th Judicial District in 2016, but accounted for 26% of arrests/summonses. Hispanics represented 16% of the population and 22% of arrests/summonses. Males represented about 50% of the state population and approximately 70% of arrests. Females were much more likely to be involved in Property and Other offenses than the other offense categories. Juveniles were more likely to be arrested than summonsed. Violent crimes were less likely than the other crime categories to result in a summons.

Filings. This study of 12,578 case filings in county, district, and juvenile courts combined found that, while Blacks represented 6% of the population in the 18th Judicial District, and 26% of the arrests/summonses in 2016, they accounted for 20% of district court filings. In juvenile court, Blacks represented 27% of cases, compared to 8% Black juveniles in the population. Hispanic adults made up 16% of the adult population in the 18th Judicial District but had 21% of district court filings in 2016. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Drug crimes (15% compared to 12%, respectively) and slightly less to be involved in Violent offenses (33% compared to 35%, respectively). Only 1% of cases completed a trial in county and district court; 2% of juvenile court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 34% of cases in county court were dismissed, as were 13% of cases in district court and 32% of cases in juvenile court. Nearly one-third (30%) of county court cases were convicted as charged compared to 22% in district court and 13% in juvenile court. One-quarter (25%) of county court cases were convicted of a different charge, as were nearly half (42%) of district court cases, and 32% of juvenile court cases.

Initial sentences. This analysis reflects the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

In county court in the 18th Judicial District in 2016, Drug cases resulted in a fine in 28% of cases, and community service for 37% of cases. Deferred judgments occurred for over one-quarter of Property (27%) and 37% of Violent crime cases, 21% of Other cases, and 12% for Drug cases (this figure represents only 10 cases). Jail was imposed in 32% of Property cases and 22% of Violent cases. Women were significantly more likely than men to receive a deferred judgment in county court (37% compared to 25%, respectively). Men were more likely than women to receive a jail sentence (26% for men compared to 15% for women). Those in the White and Other race/ethnicity categories (each at 34%) were much more likely to receive a deferred judgment compared to Blacks (19%) and Hispanics (18%). Blacks and Hispanics in county court were considerably more likely to receive jail time (31% and 28%, respectively), compared to 20% of Other cases and 19% of White cases.

In district court, probation was the most frequently occurring initial sentence, imposed 65% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 7% of Drug cases, 29% of Other cases, 13% of Property cases, and 26% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were most likely to be imposed in Property and Violent cases (each at 12%), and least likely to be imposed in Other cases (7%). Women were more likely to receive a deferred judgment compared to men (14% versus 9%, respectively) and less likely to receive a prison sentence (8% compared to 19%, respectively). One-quarter (25%) of district court initial sentences for Blacks were to the Department of Corrections, and 17% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the Other (15%) and White (13%) race/ethnicity groups. For Drug offenses in district court, Blacks (3%) and Hispanics (6%) were less likely to receive a deferred judgment than the Other (19%) and White (10%) race/ethnicity groups, and Blacks were more likely to receive a sentence to jail (18% compared with 13% for Whites). For Other offenses, Blacks and Hispanics were more likely to receive jail sentences; Blacks, compared to Whites, were much more likely to receive a prison sentence for Property and Violent crimes.

In juvenile court, deferred judgments were used more frequently compared to county and district court. Drug cases and Violent cases were more likely than other offenses to receive a deferred judgment (46% and 34%, respectively) in juvenile court. Those with an Other offense were most likely to receive a sentence to the Division of Youth Services (26%). Across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred judgment (18% and 19%, respectively) compared to 47% for Whites. Blacks and Hispanics were much more likely to receive a sentence to the Division of Youth Services (22% and 20%, respectively) compared to 6% for Whites. The few numbers of cases (n=15) in the Other race/ethnicity category means that the information must be interpreted with caution.

Revocations. Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 18th Judicial District are included in the analyses presented here.⁶ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals.** Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that

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

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

Overall, 214 of county court cases receiving a probation/deferred judgment in the 18th Judicial District in 2016 were revoked. Blacks were considerably more likely to be revoked compared to the overall revocation rate (21% and 14%, respectively). Blacks were least likely to be revoked when the most serious crime was Drugs (however, because of the small number of cases [n=2], this information should be interpreted with caution), and most likely to be revoked when they were sentenced for Property offense. Females in county court were revoked at a rate of 11% compared to 15% for males.

Revocations from probation/deferred judgments occurred more frequently in district court (21%) compared to county court (14%) in 2016. In district court, those in the Other race/ethnicity group were least likely to be revoked (12% compared to 21% overall). Hispanics and Whites with Drug offenses were most likely to be revoked (27% and 34%, respectively). Table 3-36 shows that women in adult district court were slightly less likely than men to get revoked (20% compared to 21%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 15% of cases sentenced to probation/deferred judgment in 2016 in the 18th Judicial District were revoked (Table 3-37). Whites were slightly more likely to get revoked, at 16%, compared to 12% for Blacks. Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 9% compared to 16% for males.

Additional analyses. To better understand the disparity across race/ethnicity in initial sentences in district court and juvenile court, a statistical technique called logistic regression was employed in an attempt to account for circumstances that may impact decision making at this point in the process. These additional analyses allow for the examination of the impact of concurrent and prior cases, including current and prior violent offenses,⁸ may have on those decisions.

After controlling for the additional factors, Hispanics and Blacks in district court in the 18th Judicial District were statistically significantly more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Hispanics and Blacks were statistically significantly less likely than Whites to receive a deferred judgment in district court. Finally, after controlling for the additional factors, Hispanic and Black youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Despite

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

⁸ The violent crimes included in this analysis are as follows: C.R.S. 18-3-102, 1st degree homicide; 18-3-103, 2nd degree homicide; 18-3-202, 1st degree assault; 18-3-203, 2nd degree assault; 18-3-301, 1st degree kidnapping; 18-3-302, 2nd degree kidnapping; 18-3-402, sex assault (felony); 18-3-404, unlawful sexual contact (felony); 18-3-405, sex assault on a child; 18-3-405.3, sex assault on a child position of trust; 18-4-302, aggravated robbery; 18-4-102, 1st degree arson; 18-3.5-103, 1st degree unlawful termination of pregnancy; 18-3.5-104, 2nd degree unlawful termination of a pregnancy.

this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences between White, Hispanic and Black defendants.

Section 1: Background and overview

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

- Arrest information by offense type disaggregated by summons, custody/warrant arrest, and on view/probable cause arrest;
- Misdemeanor and felony charges filed by offense type;
- The dispositions of charges filed by offense type;
- Sentence by offense type; and
- Revocations for probation and deferred judgments.

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

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

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

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

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

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

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

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2016 and December 31, 2016 was obtained from the Colorado Bureau of Investigation's National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests.⁹ NIBRS requires different details in the reporting of Group A and Group B offenses. Law enforcement must report both incidents and arrests for Group A offenses, and they must report only arrests for Group B offenses. NIBRS developers used the following criteria to determine if a crime should be designated as a Group A offense:

- The seriousness or significance of the offense;
- The frequency or volume of its occurrence;
- The seriousness or significance of the offense;
- The prevalence of the offense nationwide;
- The probability law enforcement becomes aware of the offense;
- The likelihood that law enforcement is the best source for collecting data regarding the offense;
- The burden placed on law enforcement in collecting data on the offense;

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

- The national statistical validity and usefulness of the collected data.

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into “Other.”¹⁰ Per the CLEAR Act, the data presented here includes information concerning arrests classified as *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). Over 32,000 NIBRS incidents in the 18th Judicial District were analyzed for calendar year 2016 (Table 1-1).

Table 1-1. Arrests by type, 18th Judicial District, 2016

Arrest type	%	N
Custody/warrant	31%	9,992
On-view/probable cause	50%	16,261
Summons	19%	6,166
All	100%	32,419

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.¹¹ County court contains both adult and juvenile misdemeanor cases. The data are presented by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in Adult District Court. The number of cases analyzed by type of court is in Table 1-2.

Table 1-2. Court of case filing, 18th Judicial District, 2016

Court	%	N
Adult District	39%	4,861
County	52%	6,534
Juvenile	9%	1,183
All	100%	12,578

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

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

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

Note that the information presented here reflects the analysis of more than 12,000 ***cases not individuals***. Individuals may have multiple, concurrent cases,¹² and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories¹³ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.¹⁴ The analysis of the 24 offense categories is available on the interactive data dashboard. See Appendix B for the list of offenses that were combined into the four broad categories.

This analysis focused on the most serious charge as defined by felony or misdemeanor level. Traffic cases are not in this analysis unless they appeared in a district/county filing. Cases sentenced to probation or a deferred judgment that were revoked are reported, but those sentenced near the end of 2016 may not have had time to revoke.

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

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

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

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

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

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

Section 2: Law Enforcement Information

Arrest/summons

The findings presented in this report summarize multiple offense types into four broad categories of crime types: Drugs, Other, Property and Violent (Table 2-1) (see Appendix A for a list of crimes in each category). The interactive dashboard, at colorado.gov/dcj-ors/ors-SB185, provides information on 17 arrest offense types. The analysis of four broad categories allows for the identification of patterns that are difficult to discern when detailed information is presented. Additionally, some of the law enforcement findings are disaggregated, by adults, juveniles, and by gender. Finally, Senate Bill 15-185 mandates that arrest information be provided by arrest type and summons. The data represent all arrests/summons captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2016.

Table 2-1. Arrests by offense

Offense	%	N
Drugs	8%	2,671
Other	63%	20,283
Property	18%	5,780
Violent	11%	3,685
All	100%	32,419

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

Table 2-2 reflects over 32,000 arrests/summons captured in NIBRS for calendar year 2016 in the 18th Judicial District, by race/ethnicity. Blacks represented 7% of the population in 2016, but accounted for 26% of arrests/summons in the 18th Judicial District. Hispanics represented 16% of the population and accounted for 22% of arrests. The Other race/ethnicity category represented 7% of the population, and was underrepresented in arrests (2%), as were Whites which represented 71% of the population and 50% of arrests/summons in the 18th Judicial District.

Table 2-2. Arrests by race/ethnicity

Race/ethnicity	%	N
Black	26%	8,382
Hispanic	22%	7,153
Other	2%	775
White	50%	16,109
All	100%	32,419

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 15% of on view/probable cause arrests, and that 12% of those arrests were for violent crimes, a proportion lower than adults (17%). Juveniles accounted for 19% of custody/warrant arrests (Table 2-4). Overall, juveniles were less likely to get summoned than arrested; they accounted for one-fifth (22%) of summonsed cases (Table 2-5). Violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

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

Age Group	Offense	%	N
Adult		85%	13,808
	Drugs	10%	1,426
	Other	53%	7,371
	Property	20%	2,727
	Violent	17%	2,284
Juvenile		15%	2,453
	Drugs	14%	345
	Other	43%	1,046
	Property	32%	776
	Violent	12%	286
All		100%	16,261

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		81%	8,078
	Drugs	3%	260
	Other	82%	6,605
	Property	7%	548
	Violent	8%	665
Juvenile		19%	1,914
	Drugs	1%	11
	Other	96%	1,832
	Property	2%	35
	Violent	2%	36
All		100%	9,992

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		78%	4,803
	Drugs	9%	413
	Other	56%	2,698
	Property	28%	1,332
	Violent	8%	360
Juvenile		22%	1,363
	Drugs	16%	216
	Other	54%	731
	Property	27%	362
	Violent	4%	54
All		100%	6,166

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

Combining juveniles and adults, the following three tables show type of arrest/summons by offense type, disaggregated by race/ethnicity. First, Table 2-6 shows that 11% of probable cause arrests were for Drug related offenses, 52% were for Other offenses, 22% for Property offenses, and 16% for Violent offenses. While Blacks made up 7% of the population in the 18th Judicial District, Table 2-6 shows that they were arrested at multiple times that rate for probable cause arrests in 2016: 21% of Drug arrests were Blacks, 30% of arrests for Other offenses were Blacks, 31% of Property arrests were Blacks, and 32% of Violent arrests were Blacks. Likewise, while Hispanics represented 16% of the population in 2016, they accounted for 29% of Drug incidents, 26% of Other offenses, 24% of Property arrests and 24% of Violent probable cause arrests in the 18th Judicial District.

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

Offense	Race/ethnicity	%	N
Drugs		11%	1,771
	Black	21%	378
	Hispanic	29%	512
	Other	2%	38
	White	48%	843
Other		52%	8,417
	Black	30%	2,556
	Hispanic	26%	2,188
	Other	2%	203
	White	41%	3,470
Property		22%	3,503
	Black	31%	1,083
	Hispanic	24%	827
	Other	2%	78
	White	43%	1,515
Violent		16%	2,570
	Black	32%	821
	Hispanic	24%	609
	Other	3%	81
	White	41%	1,059
All		100%	16,261

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. Over 80% (84%) 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, Blacks made up 29% of Violent crime warrant arrests and Hispanics made up 18%, which is greater than the proportion of Blacks (7%) and Hispanics (16%) in the 18th Judicial District.

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

Offense	Race/ethnicity	%	N
Drugs		3%	271
	Black	11%	31
	Hispanic	17%	47
	Other	4%	12
	White	67%	181
Other		84%	8,437
	Black	29%	2,436
	Hispanic	22%	1,893
	Other	2%	153
	White	47%	3,955
Property		6%	583
	Black	30%	172
	Hispanic	20%	116
	Other	1%	7
	White	49%	288
Violent		7%	701
	Black	29%	200
	Hispanic	18%	129
	Other	2%	13
	White	51%	359
All		100%	9,992

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

Table 2-8 shows that summons are less likely to be issued for Violent offenses (7%) compared to Other (56%) and Property (27%) and that, of those summons issued for Violent crimes, 17% went to Blacks and 15% to Hispanics. Whites were least likely to be summonsed for a Violent crime (65%) and most likely for Drugs (75%).

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

Offense	Race/ethnicity	%	N
Drugs		10%	629
	Black	8%	48
	Hispanic	15%	94
	Other	3%	16
	White	75%	471
Other		56%	3,429
	Black	10%	357
	Hispanic	13%	435
	Other	3%	94
	White	74%	2,543
Property		27%	1,694
	Black	14%	231
	Hispanic	14%	242
	Other	4%	66
	White	68%	1,155
Violent		7%	414
	Black	17%	69
	Hispanic	15%	61
	Other	3%	14
	White	65%	270
All		100%	6,166

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 23-42% of arrests and 27-48% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were more likely to be involved in Property and Other offenses compared with the other offense categories.

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

Offense	Gender	%	N
Drugs		11%	1,771
	Female	25%	448
	Male	75%	1,323
Other		52%	8,417
	Female	27%	2,240
	Male	73%	6,177
Property		22%	3,503
	Female	42%	1,473
	Male	58%	2,030
Violent		16%	2,570
	Female	30%	774
	Male	70%	1,796
All		100%	16,261

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		3%	271
	Female	31%	83
	Male	69%	188
Other		84%	8,437
	Female	33%	2,795
	Male	67%	5,642
Property		6%	583
	Female	30%	175
	Male	70%	408
Violent		7%	701
	Female	23%	163
	Male	77%	538
All		100%	9,992

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

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

Offense	Gender	%	N
Drugs		10%	629
	Female	27%	172
	Male	73%	457
Other		56%	3,429
	Female	30%	1,035
	Male	70%	2,394
Property		27%	1,694
	Female	48%	818
	Male	52%	876
Violent		7%	414
	Female	32%	131
	Male	68%	283
All		100%	6,166

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 32,419 arrests/summonses in the 18th 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 8% of all arrests/summonses and Violent crimes accounted for another 11% of arrests/summonses, Property offenses accounted for 18% of arrests/summonses, and the remainder of arrests/summonses (63%) fell into the Other crime category. Blacks represented 7% of the population in the 18th Judicial District in 2016, but accounted for 26% of arrests/summonses. Hispanics represented 16% of the population and 22% of arrests/summonses. Males represented about 50% of the state population and approximately 70% of arrests. Females were much more likely to be involved in Property and Other offenses than the other offense categories. Juveniles were more likely to be arrested than summonsed. Violent crimes were less likely than the other crime categories to result in a summons.

Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide, with the exception of Denver County Court.¹⁵ For this analysis, cases were selected for the 18th Judicial District. County court contains both adult and juvenile misdemeanor cases. The data are presented here by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in adult district court.

Note that this analysis reflects **cases not individuals**. Individuals may have multiple, concurrent cases,¹⁶ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent. The analysis of the 24 offense categories, summarized from more than 1500 statutes, is available on the interactive data dashboard at colorado.gov/dcj-ors/ors-SB185. 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 12,578 case filings in county, adult district, and juvenile courts combined in the 18th Judicial District. While Blacks represented 6% of the population and 26% of the arrests/summons in 2016, they accounted for 18% of court filings. Hispanics represented 16% of the population and 20% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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

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

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

Race/ethnicity	%	N
Black	18%	2,301
Hispanic	20%	2,502
Other	3%	426
White	58%	7,349
All	100%	12,578

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 13% of cases, and Violent charges comprised the largest category at 34% of charges filed. Blacks represented 7% of the population in 2016 but 21% of Violent cases; Hispanics represented 16% of the population and 23% of Drug cases.

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

Offense	Race/ethnicity	%	N
Drugs		13%	1,654
	Black	11%	188
	Hispanic	23%	381
	Other	4%	68
	White	61%	1,017
Other		31%	3,848
	Black	18%	677
	Hispanic	20%	780
	Other	3%	120
	White	59%	2,271
Property		22%	2,764
	Black	20%	546
	Hispanic	19%	522
	Other	3%	83
	White	58%	1,613
Violent		34%	4,312
	Black	21%	890
	Hispanic	19%	819
	Other	4%	155
	White	57%	2,448
All		100%	12,578

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, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Drug crimes (15% compared to 12%, respectively) and slightly less to be involved in Violent offenses (33% compared to 35%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	%	N
Female		26%	3,220
	Drugs	15%	486
	Other	28%	904
	Property	24%	774
	Violent	33%	1,056
Male		74%	9,358
	Drugs	12%	1,168
	Other	31%	2,944
	Property	21%	1,990
	Violent	35%	3,256
All		100%	12,578

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 18th Judicial District. County court had the most cases in 2016 (52% of the total), followed by adult district court (39%) and juvenile court at 9%. Blacks, comprising 6% of the population in the 18th Judicial District, represented 16% of county court cases filed compared to 20% in adult district court and 27% in juvenile court. Hispanic adults made up 16% of the adult population in the 18th Judicial District and 21% of district court filings in 2016.

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

Court	Race/ethnicity	%	N
Adult District		39%	4,861
	Black	20%	959
	Hispanic	21%	1,017
	Other	3%	165
	White	56%	2,720
County		52%	6,534
	Black	16%	1,017
	Hispanic	19%	1,222
	Other	3%	226
	White	62%	4,069
Juvenile		9%	1,183
	Black	27%	325
	Hispanic	22%	263
	Other	3%	35
	White	47%	560
All		100%	12,578

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 (45%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (29%) and Drug cases (27%) comprised the largest categories of cases in adult district court. Property crimes (36%) and Violent crimes (32%) made up the majority of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (28%) compared to adult district court (23%) and juvenile court (21%).

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

Court	Offense	%	N
Adult District		39%	4,861
	Drugs	27%	1,319
	Other	24%	1,173
	Property	29%	1,395
	Violent	20%	974
County		52%	6,534
	Drugs	4%	240
	Other	36%	2,382
	Property	15%	948
	Violent	45%	2,964
Juvenile		9%	1,183
	Drugs	8%	95
	Other	25%	293
	Property	36%	421
	Violent	32%	374
All		100%	12,578

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		39%	4,861
	Female	23%	1,140
	Male	77%	3,721
County		52%	6,534
	Female	28%	1,835
	Male	72%	4,699
Juvenile		9%	1,183
	Female	21%	245
	Male	79%	938
All		100%	12,578

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 (1-2%). Table 3-8 combines information across court types and shows the number of trials completed by offense category. Cases with a Violent offense were most likely to complete a trial.

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

Court	Completed Trial	%	N
Adult District		39%	4,861
	No	99%	4,811
	Yes	1%	50
County		52%	6,534
	No	99%	6,472
	Yes	1%	62
Juvenile		9%	1,183
	No	98%	1,162
	Yes	2%	21
All		100%	12,578

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		13%	1,654
	No	100%	1,653
	Yes	<1%	1
Other		31%	3,848
	No	99%	3,809
	Yes	1%	39
Property		22%	2,764
	No	99%	2,750
	Yes	1%	14
Violent		34%	4,312
	No	98%	4,233
	Yes	2%	79
All		100%	12,578

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 12,578 case filings in county, district, and juvenile courts combined found that, while Blacks represented 6% of the population in the 18th Judicial District, and 26% of the arrests/summons in 2016, they accounted for 20% of district court filings. In juvenile court, Blacks represented 27% of cases, compared to 8% Black juveniles in the population. Hispanic adults made up 16% of the adult population in the 18th Judicial District but had 21% of district court filings in 2016. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Drug crimes (15% compared to 12%, respectively) and slightly less to be involved in Violent offenses (33% compared to 35%, respectively). Only 1% of cases completed a trial in county and district court; 2% of juvenile court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case outcomes

The following three tables present the case outcomes for the 18th Judicial District, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2016. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, overall, in nearly one-quarter (34%) of cases, all charges were dismissed in county court in 2016 (Table 3-9).

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

Table 3-9 reflects county court case outcomes, showing that 30% of cases were convicted as charged, and 25% were convicted of another crime. In adult district court (Table 3-10), 42% were convicted of another crime and one-fourth (22%) were convicted as charged. In juvenile court (Table 3-11), 20% were convicted of another offense and 32% 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		28%	29%	32%	11%	100%	1,017
	Drugs	14%	27%	50%	9%	100%	22
	Other	26%	30%	28%	16%	100%	362
	Property	42%	28%	18%	12%	100%	130
	Violent	27%	28%	38%	8%	100%	503
Hispanic		31%	28%	28%	13%	100%	1,222
	Drugs	17%	27%	42%	13%	100%	52
	Other	29%	29%	25%	18%	100%	488
	Property	34%	31%	19%	16%	100%	149
	Violent	33%	28%	31%	8%	100%	533
Other		26%	25%	38%	11%	100%	226
	Drugs	0%	50%	50%	0%	100%	4
	Other	25%	27%	41%	7%	100%	85
	Property	43%	10%	23%	23%	100%	30
	Violent	23%	26%	40%	10%	100%	107
White		31%	23%	37%	9%	100%	4,069
	Drugs	19%	23%	48%	10%	100%	162
	Other	35%	24%	33%	8%	100%	1,447
	Property	30%	21%	35%	14%	100%	639
	Violent	29%	24%	40%	7%	100%	1,821
All		30%	25%	34%	10%	100%	6,534

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		18%	40%	13%	29%	100%	959
	Drugs	15%	55%	8%	22%	100%	156
	Other	18%	31%	24%	27%	100%	252
	Property	23%	40%	6%	31%	100%	284
	Violent	13%	40%	14%	32%	100%	267
Hispanic		20%	50%	9%	22%	100%	1,017
	Drugs	14%	56%	7%	23%	100%	317
	Other	25%	42%	17%	16%	100%	215
	Property	27%	49%	4%	20%	100%	287
	Violent	16%	48%	8%	29%	100%	198
Other		15%	45%	12%	28%	100%	165
	Drugs	8%	55%	6%	31%	100%	62
	Other	26%	9%	26%	39%	100%	23
	Property	20%	58%	7%	16%	100%	45
	Violent	11%	34%	20%	34%	100%	35
White		24%	40%	15%	21%	100%	2,720
	Drugs	21%	46%	10%	23%	100%	784
	Other	22%	34%	28%	15%	100%	683
	Property	30%	39%	8%	23%	100%	779
	Violent	21%	42%	15%	22%	100%	474
All		22%	42%	13%	23%	100%	4,861

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		24%	23%	27%	25%	100%	325
	Drugs	20%	60%	10%	10%	100%	10
	Other	30%	14%	38%	17%	100%	63
	Property	27%	20%	25%	28%	100%	132
	Violent	19%	28%	26%	28%	100%	120
Hispanic		36%	27%	21%	16%	100%	263
	Drugs	25%	42%	17%	17%	100%	12
	Other	45%	19%	27%	8%	100%	77
	Property	37%	31%	14%	17%	100%	86
	Violent	28%	26%	23%	23%	100%	88
Other		23%	20%	43%	14%	100%	35
	Drugs	50%	0%	50%	0%	100%	2
	Other	25%	25%	42%	8%	100%	12
	Property	25%	12%	50%	12%	100%	8
	Violent	15%	23%	38%	23%	100%	13
White		33%	15%	39%	13%	100%	560
	Drugs	37%	10%	51%	3%	100%	71
	Other	40%	10%	38%	13%	100%	141
	Property	32%	16%	38%	14%	100%	195
	Violent	27%	20%	35%	17%	100%	153
All		31%	20%	32%	17%	100%	1,183

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, 34% of cases in county court were dismissed, as were 13% of cases in district court and 32% of cases in juvenile court. Nearly one-third (30%) of county court cases were convicted as charged compared to 22% in district court and 13% in juvenile court. One-quarter (25%) of county court cases were convicted of a different charge, as were nearly half (42%) of district court cases, and 32% of juvenile court cases.

Initial sentences

The tables below show cases sentenced between Jan 1, 2016 and Dec 31, 2016 in the 18th Judicial District, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** section above. Also, because these data represent cases, not individuals, the number of individuals sentenced to the Department of Corrections (DOC) or the Division of Youth Services (DYS) from this jurisdiction will not match the number reported as admissions by DOC or DYS.

Cases generally have multiple initial sentences, usually include fines, and can also include community service and credit for time served. The data below reflect the most serious initial sentence. For example, the sentence of fines means that no more serious sentence was found. The same is true for credit for time served and community service.

Initial sentences can be later modified, such as when jail is added as part of a probation revocation. When probation sentences also include a jail sentence, the probation sentence is counted as the initial sentence because it is longer than the jail sentence. Probation/Intensive Supervision includes electronic monitoring.

Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. Also, please note that the crime categories include attempts, solicitations, and conspiracy offenses.

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

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in the 18th Judicial District in 2016. County court Drug cases resulted in a fine in 28% of cases, and community service for 37% of cases. Deferred judgments occurred for over one-quarter of Property (27%) and 37% of Violent crime cases, 21% of Other cases, and 12% for Drug cases (this figure represents only 10 cases). Jail was imposed in 32% of Property cases and 22% of Violent cases.

Table 3-12. Initial sentence in County Court, by most serious conviction charge (N=4,012)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Service	31	37%	116	7%	5	1%	6	<1%
Deferred	10	12%	360	21%	170	27%	584	37%
Dept of Corrections	0	0%	0	0%	0	0%	1	<1%
Fines/fees	23	28%	241	14%	117	18%	158	10%
Jail	10	12%	354	21%	202	32%	352	22%
Probation/Intensive Supervision	8	10%	618	36%	126	20%	477	30%
Unsupervised Probation	1	1%	16	1%	13	2%	13	1%
All	83	100%	1,705	100%	633	100%	1,591	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 (37% compared to 25%, respectively). Men were more likely than women to receive a jail sentence (26% for men compared to 15% for women).

Table 3-13. Initial sentence in County Court by gender (N=4,012)

Sentence	Female	%	Male	%
Community Service	45	4%	113	4%
Deferred	388	37%	736	25%
Dept of Corrections	0	0%	1	<1%
Fines/fees	149	14%	390	13%
Jail	157	15%	761	26%
Probation/Intensive Supervision	288	28%	941	32%
Unsupervised Probation	16	2%	27	1%
All	1,043	100%	2,969	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 18th Judicial District. Those in the White and Other race/ethnicity categories (each at 34%) were much more likely to receive a deferred judgment compared to Blacks (19%) and Hispanics (18%). Blacks and Hispanics were considerably more likely to receive jail time (31% and 28%, respectively), compared to 20% of Other cases and 19% of White cases.

Table 3-14. Initial sentence in County Court by race/ethnicity (N=4,012)*

Sentence	Black	Hispanic	Other	White
N	699	815	112	2,386
Community Service	5%	3%	1%	4%
Deferred	19%	18%	34%	34%
Dept of Corrections	0%	0%	0%	<1%
Fines/fees	16%	14%	16%	13%
Jail	31%	28%	20%	19%
Probation/Intensive Supervision	29%	36%	27%	29%
Unsupervised Probation	1%	1%	3%	1%
All	100%	100%	100%	100%

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

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

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. The few numbers of cases in the Black, Hispanic and Other race/ethnicity category require caution when interpreting the findings.

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity (N=83)*

Sentence	Black	Hispanic	Other	White
N	9	11	1	62
Community Service	22%	27%	0%	42%
Deferred	0%	18%	0%	13%
Fines/fees	33%	36%	100%	24%
Jail	22%	18%	0%	10%
Probation/Intensive Supervision	22%	0%	0%	10%
Unsupervised Probation	0%	0%	0%	2%
All	100%	100%	100%	100%

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

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

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Blacks (31%) and Hispanics (24%) were more likely to receive a jail sentence than those in the Other (19%) and White (16%) race/ethnicity categories. Table 3-17 provides information on the

initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types, Blacks and Hispanics were more likely to receive jail sentences compared to Whites.

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity (N=1,705)*

Sentence	Black	Hispanic	Other	White
N	321	374	37	973
Community Service	8%	4%	3%	7%
Deferred	8%	10%	19%	30%
Fines/fees	15%	13%	22%	14%
Jail	31%	24%	19%	16%
Probation/Intensive Supervision	37%	49%	35%	31%
Unsupervised Probation	1%	1%	3%	1%
All	100%	100%	100%	100%

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

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

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity (N=633)*

Sentence	Black	Hispanic	Other	White
N	116	121	22	374
Community Service	2%	1%	0%	1%
Deferred	21%	19%	36%	31%
Fines/fees	22%	17%	9%	18%
Jail	35%	36%	41%	29%
Probation/Intensive Supervision	19%	23%	9%	20%
Unsupervised Probation	1%	3%	5%	2%
All	100%	100%	100%	100%

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

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

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity* (N=1,591)

Sentence	Black	Hispanic	Other	White
N	253	309	52	977
Community Service	1%	<1%	0%	<1%
Deferred	32%	28%	44%	40%
Dept of Corrections	0%	0%	0%	<1%
Fines/fees	12%	12%	13%	8%
Jail	30%	30%	12%	18%
Probation/Intensive Supervision	24%	28%	29%	32%
Unsupervised Probation	<1%	1%	2%	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 18th Judicial District. Probation was the most frequently occurring initial sentence, imposed 65% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 7% of Drug cases, 29% of Other cases, 13% of Property cases, and 26% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were most likely to be imposed in Property and Violent cases (each at 12%), and least likely to be imposed in Other cases (7%).

Table 3-20 indicates the initial sentence in district court by gender. Women were more likely to receive a deferred judgment compared to men (14% versus 9%, respectively) and less likely to receive a prison sentence (8% compared to 19%, respectively).

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge (N=3,810)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	50	4%	51	6%	96	8%	22	3%
Community Service	1	<1%	4	1%	1	<1%	0	0%
Deferred	93	8%	54	7%	143	12%	89	12%
Dept of Corrections	77	7%	225	29%	147	13%	187	26%
Fines/fees	21	2%	15	2%	16	1%	7	1%
Jail	148	13%	75	10%	104	9%	63	9%
Probation/Intensive Supervision	735	65%	362	46%	662	57%	358	49%
Youthful Offender System	0	0%	0	0%	0	0%	4	1%
All	1,125	100%	786	100%	1,169	100%	730	100%

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

Table 3-20. Initial sentence in Adult District Court by gender (N=3,810)

Sentence	Female	%	Male	%
Community Corrections	43	5%	176	6%
Community Service	1	<1%	5	<1%
Deferred	123	14%	256	9%
Dept of Corrections	74	8%	562	19%
Fines/fees	15	2%	44	2%
Jail	71	8%	319	11%
Probation/Intensive Supervision	572	64%	1,545	53%
Youthful Offender System	0	0%	4	<1%
All	899	100%	2,911	100%

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. One-quarter (25%) of initial sentences for Blacks were to the Department of Corrections, and 17% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the Other (15%) and White (13%) race/ethnicity groups.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity (N=3,810)*

Sentence	Black	Hispanic	Other	White
N	792	843	99	2,076
Community Corrections	5%	6%	7%	6%
Community Service	1%	<1%	0%	<1%
Deferred	6%	7%	13%	12%
Dept of Corrections	25%	17%	15%	13%
Fines/fees	1%	1%	1%	2%
Jail	12%	10%	4%	10%
Probation/Intensive Supervision	50%	57%	60%	57%
Youthful Offender System	0%	<1%	0%	<1%
All	100%	100%	100%	100%

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

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

The following four tables show initial district court sentences for each of the offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Blacks (3%) and Hispanics (6%) were less likely to receive a deferred judgment than the Other (19%) and White (10%) race/ethnicity groups, and Blacks were more likely to receive a sentence to jail (18% compared with 13% for Whites). For Other offenses, Blacks and Hispanics were more likely to receive jail sentences; Blacks, compared to Whites, were much more likely to receive a prison sentence for Property and Violent crimes (Tables 3-23, 3-24 and 3-25).

Table 3-22. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity (N=1,125)*

Sentence	Black	Hispanic	Other	White
N	123	268	32	702
Community Corrections	6%	3%	3%	5%
Community Service	1%	0%	0%	0%
Deferred	3%	6%	19%	10%
Dept of Corrections	8%	11%	12%	5%
Fines/fees	0%	1%	3%	2%
Jail	18%	12%	9%	13%
Probation/Intensive Supervision	64%	68%	53%	65%
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=786)*

Sentence	Black	Hispanic	Other	White
N	192	175	21	398
Community Corrections	6%	6%	5%	7%
Community Service	2%	0%	0%	<1%
Deferred	6%	6%	5%	8%
Dept of Corrections	30%	30%	24%	28%
Fines/fees	2%	3%	0%	2%
Jail	10%	14%	5%	8%
Probation/Intensive Supervision	44%	42%	62%	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=1,169)*

Sentence	Black	Hispanic	Other	White
N	271	258	32	608
Community Corrections	6%	12%	12%	7%
Community Service	0%	<1%	0%	0%
Deferred	10%	7%	16%	15%
Dept of Corrections	17%	10%	9%	12%
Fines/fees	1%	1%	0%	2%
Jail	11%	8%	0%	9%
Probation/Intensive Supervision	55%	61%	62%	55%
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=730)*

Sentence	Black	Hispanic	Other	White
N	206	142	14	368
Community Corrections	3%	3%	7%	3%
Deferred	4%	13%	7%	17%
Dept of Corrections	40%	26%	21%	18%
Fines/fees	1%	0%	0%	1%
Jail	13%	7%	0%	7%
Probation/Intensive Supervision	39%	49%	64%	54%
Youthful Offender System	0%	2%	0%	<1%
All	100%	100%	100%	100%

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

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

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases, by crime type, for the 18th Judicial District. Deferred judgments were used more frequently in juvenile court compared to county and district court. Drug cases and Violent cases were more likely than other offenses to receive a deferred judgment (46% and 34%, respectively) in juvenile court. Those with an Other offense were most likely to receive a sentence to the Division of Youth Services (26%).

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge (N=650)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Deferred	19	46%	46	28%	76	31%	66	34%
Division of Youth Services	0	0%	42	26%	20	8%	24	12%
Fines/fees	0	0%	3	2%	5	2%	3	2%
Jail	1	2%	2	1%	3	1%	1	1%
Juvenile Detention	0	0%	2	1%	4	2%	3	2%
Probation/Intensive Supervision	21	51%	69	42%	141	57%	99	51%
All	41	100%	164	100%	249	100%	196	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=650)

Sentence	Female	%	Male	%
Deferred	52	40%	155	30%
Division of Youth Services	11	8%	75	14%
Fines/fees	6	5%	5	1%
Jail	2	2%	5	1%
Juvenile Detention	3	2%	6	1%
Probation/Intensive Supervision	56	43%	274	53%
All	130	100%	520	100%

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

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred judgment (18% and 19%, respectively compared to 47% for Whites). Blacks and Hispanics were much more likely to receive a sentence to the Division of Youth Services (22% and 20%, respectively, compared to 6% for Whites). The few numbers of cases (n=15) in the Other race/ethnicity category means that the information must be interpreted with caution.

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity (N=650)*

Sentence	Black	Hispanic	Other	White
N	153	179	15	303
Deferred	18%	19%	20%	47%
Division of Youth Services	22%	20%	0%	6%
Fines/fees	2%	1%	0%	2%
Jail	1%	1%	0%	1%
Juvenile Detention	1%	1%	7%	2%
Probation/Intensive Supervision	57%	58%	73%	42%
All	100%	100%	100%	100%

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

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

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. Note that the number of cases can be quite small for some sentences; in these cases the findings should be interpreted with caution. Table 3-29 shows the initial sentence when a Drug offense was the most serious conviction crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes. For Violent offenses (Table 3-32), Hispanics were less likely than the other race/ethnicity categories to receive a deferred judgment and both Blacks and Hispanics were much more likely to receive an initial sentence to the Division of Youth Services.

Table 3-29. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity (N=41)*

Sentence	Black	Hispanic	Other	White
N	3	7	2	29
Deferred	0%	57%	50%	48%
Jail	0%	0%	0%	3%
Probation/Intensive Supervision	100%	43%	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 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity (N=164)*

Sentence	Black	Hispanic	Other	White
N	37	55	3	69
Deferred	14%	13%	0%	49%
Division of Youth Services	43%	36%	0%	9%
Fines/fees	0%	2%	0%	3%
Jail	3%	2%	0%	0%
Juvenile Detention	3%	0%	0%	1%
Probation/Intensive Supervision	38%	47%	100%	38%
All	100%	100%	100%	100%

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

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

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity (N=249)*

Sentence	Black	Hispanic	Other	White
N	62	69	6	112
Deferred	15%	20%	17%	46%
Division of Youth Services	10%	14%	0%	4%
Fines/fees	3%	0%	0%	3%
Jail	0%	1%	0%	2%
Juvenile Detention	0%	1%	17%	2%
Probation/Intensive Supervision	73%	62%	67%	44%
All	100%	100%	100%	100%

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

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

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity* (N=196)

Sentence	Black	Hispanic	Other	White
N	51	48	4	93
Deferred	25%	19%	25%	46%
Division of Youth Services	22%	12%	0%	8%
Fines/fees	2%	2%	0%	1%
Jail	2%	0%	0%	0%
Juvenile Detention	0%	0%	0%	3%
Probation/Intensive Supervision	49%	67%	75%	42%
All	100%	100%	100%	100%

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

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

Summary: Initial sentences. This analysis reflects the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

In county court in the 18th Judicial District in 2016, Drug cases resulted in a fine in 28% of cases, and community service for 37% of cases. Deferred judgments occurred for over one-quarter of Property (27%) and 37% of Violent crime cases, 21% of Other cases, and 12% for Drug cases (this figure represents only 10 cases). Jail was imposed in 32% of Property cases and 22% of Violent cases. Women were significantly more likely than men to receive a deferred judgment in county court (37% compared to 25%, respectively). Men were more likely than women to receive a jail sentence (26% for men compared to 15% for women). Those in the White and Other race/ethnicity categories (each at 34%) were much more likely to receive a deferred judgment compared to Blacks (19%) and Hispanics (18%). Blacks and Hispanics in county court were considerably more likely to receive jail time (31% and 28%, respectively), compared to 20% of Other cases and 19% of White cases.

In district court, probation was the most frequently occurring initial sentence, imposed 65% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 7% of Drug cases, 29% of Other cases, 13% of Property cases, and 26% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were most likely to be imposed in Property and Violent cases (each at 12%), and least likely to be imposed in Other cases (7%). Women were more likely to receive a deferred judgment compared to men (14% versus 9%, respectively) and less likely to receive a prison sentence (8% compared to 19%, respectively). One-quarter (25%) of district court initial sentences for Blacks were to the Department of Corrections, and 17% of initial sentences for Hispanic cases were to

prison, a higher proportion compared to the Other (15%) and White (13%) race/ethnicity groups. For Drug offenses in district court, Blacks (3%) and Hispanics (6%) were less likely to receive a deferred judgment than the Other (19%) and White (10%) race/ethnicity groups, and Blacks were more likely to receive a sentence to jail (18% compared with 13% for Whites). For Other offenses, Blacks and Hispanics were more likely to receive jail sentences; Blacks, compared to Whites, were much more likely to receive a prison sentence for Property and Violent crimes.

In juvenile court, deferred judgments were used more frequently compared to county and district court. Drug cases and Violent cases were more likely than other offenses to receive a deferred judgment (46% and 34%, respectively) in juvenile court. Those with an Other offense were most likely to receive a sentence to the Division of Youth Services (26%). Across race/ethnicity categories, Blacks and Hispanics were considerably less likely to receive a deferred judgment (18% and 19%, respectively) compared to 47% for Whites. Blacks and Hispanics were much more likely to receive a sentence to the Division of Youth Services (22% and 20%, respectively) compared to 6% for Whites. The few numbers of cases (n=15) in the Other race/ethnicity category means that the information must be interpreted with caution.

Revocations

Cases sentenced in 2016 to probation or a deferred judgment that received a revocation in the 18th Judicial District are included in the analyses presented here.¹⁷ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals.** Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2016, 22% of adult state probation terminations were the result of a revocation.¹⁸ The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, 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, 14% of cases receiving a probation/deferred judgment in county court in the 18th Judicial District in 2016 were revoked. Blacks were considerably more likely to be revoked compared to the overall revocation rate (21% and 14%, respectively). Blacks were least likely to be revoked when the most serious crime was Drugs (however, because of the small number of cases [n=2], this information should be interpreted with caution), and most likely to be revoked when they were sentenced for

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

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

Property offense. Females in county court were revoked at a rate of 11% compared to 15% for males.

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		79%	21%	100%	337
	Drugs	100%	0%	100%	2
	Other	79%	21%	100%	146
	Property	77%	23%	100%	47
	Violent	78%	22%	100%	142
Hispanic		86%	14%	100%	454
	Drugs	50%	50%	100%	2
	Other	89%	11%	100%	221
	Property	82%	18%	100%	55
	Violent	85%	15%	100%	176
Other		93%	7%	100%	71
	Other	95%	5%	100%	21
	Property	100%	0%	100%	11
	Violent	90%	10%	100%	39
White		88%	12%	100%	1,534
	Drugs	87%	13%	100%	15
	Other	92%	8%	100%	606
	Property	84%	16%	100%	196
	Violent	85%	15%	100%	717
All		86%	14%	100%	2,396

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		89%	11%	100%	692
	Drugs	60%	40%	100%	5
	Other	90%	10%	100%	268
	Property	86%	14%	100%	115
	Violent	88%	12%	100%	304
Male		85%	15%	100%	1,704
	Drugs	93%	7%	100%	14
	Other	89%	11%	100%	726
	Property	81%	19%	100%	194
	Violent	83%	17%	100%	770
All		86%	14%	100%	2,396

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

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (21%, Table 3-35) compared to county court (14%, Table 3-33) in 2016. In district court, those in the Other race/ethnicity group were least likely to be revoked 12% compared to 21% overall). Hispanics and Whites with Drug offenses were most likely to be revoked (27% and 34%, respectively). Table 3-36 shows that women in adult district court were slightly less likely than men to get revoked (20% compared to 21%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

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

Race/ethnicity		No	Yes	All	N
Black		81%	19%	100%	445
	Drugs	78%	22%	100%	83
	Other	79%	21%	100%	96
	Property	82%	18%	100%	177
	Violent	84%	16%	100%	89
Hispanic		79%	21%	100%	542
	Drugs	73%	27%	100%	196
	Other	92%	8%	100%	84
	Property	76%	24%	100%	174
	Violent	85%	15%	100%	88
Other		88%	12%	100%	72
	Drugs	96%	4%	100%	23
	Other	93%	7%	100%	14
	Property	76%	24%	100%	25
	Violent	90%	10%	100%	10
White		78%	22%	100%	1,437
	Drugs	66%	34%	100%	526
	Other	87%	13%	100%	222
	Property	84%	16%	100%	429
	Violent	87%	13%	100%	260
All		79%	21%	100%	2,496

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		80%	20%	100%	695
	Drugs	69%	31%	100%	265
	Other	88%	12%	100%	73
	Property	87%	13%	100%	262
	Violent	87%	13%	100%	95
Male		79%	21%	100%	1,801
	Drugs	70%	30%	100%	563
	Other	86%	14%	100%	343
	Property	79%	21%	100%	543
	Violent	86%	14%	100%	352
All		79%	21%	100%	2,496

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, 15% of cases sentenced to probation/deferred judgment in 2016 in the 18th Judicial District were revoked (Table 3-37). Whites were slightly more likely to get revoked, at 16%, compared to 12% for Blacks. Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 9% compared to 16% for males.

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		88%	12%	100%	114
	Drugs	67%	33%	100%	3
	Other	84%	16%	100%	19
	Property	93%	7%	100%	54
	Violent	84%	16%	100%	38
Hispanic		85%	15%	100%	138
	Drugs	86%	14%	100%	7
	Other	88%	12%	100%	33
	Property	84%	16%	100%	57
	Violent	83%	17%	100%	41
Other		86%	14%	100%	14
	Drugs	100%	0%	100%	2
	Other	33%	67%	100%	3
	Property	100%	0%	100%	5
	Violent	100%	0%	100%	4
White		84%	16%	100%	271
	Drugs	86%	14%	100%	28
	Other	92%	8%	100%	60
	Property	79%	21%	100%	101
	Violent	84%	16%	100%	82
All		85%	15%	100%	537

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		91%	9%	100%	108
	Drugs	92%	8%	100%	12
	Other	84%	16%	100%	25
	Property	93%	7%	100%	42
	Violent	93%	7%	100%	29
Male		84%	16%	100%	429
	Drugs	82%	18%	100%	28
	Other	89%	11%	100%	90
	Property	82%	18%	100%	175
	Violent	82%	18%	100%	136
All		85%	15%	100%	537

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 18th Judicial District are included in the analyses presented here.¹⁹ Those sentenced near the end of 2016 may not have had enough time to get revoked. **Note that these are cases, not individuals.** Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2016, 22% of adult state probation terminations were the result of a revocation.²⁰ The revocations presented here may not result in termination from probation supervision. In fact, in 2016, across county, adult district, and juvenile district courts *statewide*, 49% of cases were reinstated, 44% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

Overall, 214 of county court cases receiving a probation/deferred judgment in the 18th Judicial District in 2016 were revoked. Blacks were considerably more likely to be revoked compared to the overall revocation rate (21% and 14%, respectively). Blacks were least likely to be revoked when the most serious crime was Drugs (however, because of the small number of cases [n=2], this information should be interpreted with caution), and most likely to be revoked when they were sentenced for Property offense. Females in county court were revoked at a rate of 11% compared to 15% for males.

Revocations from probation/deferred judgments occurred more frequently in district court (21%) compared to county court (14%) in 2016. In district court, those in the Other race/ethnicity group were least likely to be revoked 12% compared to 21% overall). Hispanics and Whites with Drug offenses were most likely to be revoked (27% and 34%, respectively). Table 3-36 shows that women in adult district court were slightly less likely than men to get revoked (20% compared to 21%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

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

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

In juvenile court, 15% of cases sentenced to probation/deferred judgment in 2016 in the 18th Judicial District were revoked (Table 3-37). Whites were slightly more likely to get revoked, at 16%, compared to 12% for Blacks. Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 9% compared to 16% for males.

Section 4: Additional Information

To better understand the sentencing information presented in Section 3, additional analyses were undertaken in an attempt to account for circumstances that may impact the initial sentence decision in district and juvenile court. To the extent that differential sentences were granted across race/ethnicity, these analyses allow for the examination of the impact of concurrent and prior cases, including current and prior violent cases, may have on those decisions.

This section begins with a description of the statistical approach employed, and then presents the findings²¹ to the following research questions (the results are summarized below):

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

Results

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

Method

To determine if differences in initial sentences, in district and juvenile court, between Whites and non-Whites were due to the presence of concurrent cases, prior cases, the seriousness of the current offense, and the existence of specific violent crimes in the individual's current/past offense(s), a statistical technique called logistic regression was used. Logistic regression can examine the effect (through odds ratios) of race/ethnicity on sentences received, while controlling for other factors that may impact the sentencing decision. The factors included were those that decision makers often take into in consideration at sentencing, and for which data were available in Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

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

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

For deferred sentences, the following factors were included in the analysis:

- Prior cases,
- Other concurrent cases,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.²⁴

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

Logistic regression models produce odds ratios which, in this study, are the odds for Blacks (or Hispanics) to receive a sentence divided by the odds for Whites to receive the same sentence. An odds ratio of 1 indicates no difference between Whites and Blacks (or Hispanics). An odds ratio greater than 1 means that Blacks (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Blacks (or Hispanics) had lower odds of receiving that sentence than Whites. Because logistic regression simultaneously controls for the other factors in the model, odds ratios can be used to measure the differences between race/ethnicity groups after removing the influence of the other factors. Odds ratios and their 95% confidence intervals (CI)²⁵ are reported below.

DOC Sentence for Felony Conviction

Sentences to the Department of Corrections for felony convictions in adult district court were examined. Blacks received a sentence to DOC in 40% of cases and Hispanics received a sentence to DOC in 30% of cases. In comparison, Whites received a sentence to DOC in 23% of cases. After controlling for factors described above, Blacks still had a higher odds of receiving a DOC

²² The violent crimes included in this analysis are as follows: C.R.S. 18-3-102, 1st degree homicide; 18-3-103, 2nd degree homicide; 18-3-202, 1st degree assault; 18-3-203, 2nd degree assault; 18-3-301, 1st degree kidnapping; 18-3-302, 2nd degree kidnapping; 18-3-402, sex assault (felony); 18-3-404, unlawful sexual contact (felony); 18-3-405, sex assault on a child; 18-3-405.3, sex assault on a child position of trust; 18-4-302, aggravated robbery; 18-4-102, 1st degree arson; 18-3.5-103, 1st degree unlawful termination of pregnancy; 18-3.5-104, 2nd degree unlawful termination of a pregnancy.

²³ See footnote above.

²⁴ See footnote above.

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

sentence than Whites (Odds ratio: 1.34, 95% CI 1.01 - 1.77). Hispanics also had a higher odds of receiving a DOC sentence than Whites (Odds ratio: 1.38, 95% CI: 1.03 - 1.83).

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

Race/ethnicity	DOC Sentence	%	N
White		54%	1,188
	No	77%	909
	Yes	23%	279
Black		22%	484
	No	60%	289
	Yes	40%	195
Hispanic		22%	481
	No	70%	336
	Yes	30%	145
Other		3%	63
	No	76%	48
	Yes	24%	15
All		100%	2,216

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

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

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

Race/ethnicity	COV Convictions	%	N
White		54%	1,188
	None	95%	1,129
	1 to 2	5%	58
	3 to 5	<1%	1
Black		22%	484
	None	83%	404
	1 to 2	15%	73
	3 to 5	1%	4
	Greater than 5	1%	3
Hispanic		22%	481
	None	92%	443
	1 to 2	8%	38
Other		3%	63
	None	94%	59
	1 to 2	6%	4
All		100%	2,216

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

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

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

Deferred Sentences - Adults in District Court

Deferred sentences for all convictions in adult district court were examined. Blacks received a deferred sentence in 6% of cases and Hispanics received a deferred sentence in 7% of cases. In comparison, Whites received a deferred sentence in 12% of cases. After controlling for other factors described above, Blacks still had lower odds of receiving a deferred sentence than Whites (Odds ratio: .54, 95% CI .38 - .74). Hispanics also had lower odds of receiving a deferred sentence than Whites (Odds ratio: .55, 95% CI .40 - .74).

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

Race/ethnicity	isDefer	%	N
White		54%	2,076
	No	88%	1,821
	Yes	12%	255
Black		21%	792
	No	94%	741
	Yes	6%	51
Hispanic		22%	843
	No	93%	783
	Yes	7%	60
Other		3%	99
	No	87%	86
	Yes	13%	13
All		100%	3,810

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

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

Deferred Sentences - Juvenile Court

Deferred sentences for all convictions in juvenile court were examined (Table 4-4). Blacks received a deferred sentence in 18% of cases and Hispanics received a deferred sentence in 19% of cases. In comparison, Whites received a deferred sentence in 47% of cases. After controlling for the sentencing factors described above, Blacks still had a lower odds of receiving a deferred sentence than Whites (Odds ratio: .25, %95 CI: .14 - .43). Hispanics also had a lower odds of receiving a deferred sentence than Whites (Odds ratio: .28, 95% CI .17 - .47).

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

Race/ethnicity	isDefer	%	N
White		47%	303
	No	53%	160
	Yes	47%	143
Black		24%	153
	No	82%	126
	Yes	18%	27
Hispanic		28%	179
	No	81%	145
	Yes	19%	34
Other		2%	15
	No	80%	12
	Yes	20%	3
All		100%	650

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: Additional analyses. To better understand the disparity across race/ethnicity in initial sentences in district court and juvenile court, a statistical technique called logistic regression was employed in an attempt to account for circumstances that may impact decision making at this point in the process. These additional analyses allow for the examination of the impact of concurrent and prior cases, including current and prior violent offenses,²⁶ may have on those decisions.

After controlling for the additional factors, Hispanics and Blacks in district court in the 18th Judicial District were statistically significantly more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Hispanics and Blacks were statistically significantly less likely than Whites to receive a deferred judgment in district court. Finally, after controlling for the additional factors, Hispanic and Black youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences between White, Hispanic and Black defendants.

²⁶ The violent crimes included in this analysis are as follows: C.R.S. 18-3-102, 1st degree homicide; 18-3-103, 2nd degree homicide; 18-3-202, 1st degree assault; 18-3-203, 2nd degree assault; 18-3-301, 1st degree kidnapping; 18-3-302, 2nd degree kidnapping; 18-3-402, sex assault (felony); 18-3-404, unlawful sexual contact (felony); 18-3-405, sex assault on a child; 18-3-405.3, sex assault on a child position of trust; 18-4-302, aggravated robbery; 18-4-102, 1st degree arson; 18-3.5-103, 1st degree unlawful termination of pregnancy; 18-3.5-104, 2nd degree unlawful termination of a pregnancy.

Appendix A NIBRS Group A Arrest Crimes

Category	Subcategory	NIBRS Offense
Drugs		
	Drugs	
		Drug Equipment
		Drugs
Other		
	DUI	
		DUI
	Other	
		All Other
		Bad Checks
		Bribery
		Curfew/Loitering/Vagrancy
		Destruction of Property
		Disorderly Conduct
		Drunkenness
		Hit and Run
		Human Trafficking - Labor
		Liquor Law Violations
		Non-violent Family Offenses
		Runaway
		Trespassing
		Wagering
	Other Sex Crime	
		Fondling
		Human Trafficking - Commercial Sex Acts
		Peeping Tom
		Pornography
		Promoting Prostitution
		Prostitution
		Purchasing Prostitution
	Weapons	
		Weapons Laws Violation
Property		
	Arson	
		Arson
	Burglary	
		Burglary
	Fraud	
		Counterfeit
		Credit Card/ATM Fraud

		Embezzlement
		Extortion
		False Pretenses
		Impersonation
		Wire Fraud
	Motor Vehicle Theft	
		Motor Vehicle Theft
	Theft	
		Other Larceny
		Pocket Picking
		Purse Snatching
		Shop Lifting
		Stolen Property
		Theft from Building
		Theft from Coin-Operated
		Theft from Motor Vehicle
		Theft of Motor Vehicle Parts
Violent		
	Agg Assault	
		Agg Assault
	Homicide	
		Homicide
	Kidnapping	
		Kidnapping
	Other Homicide	
		Manslaughter
	Robbery	
		Robbery
	Sex Assault	
		Incest
		Rape
		Sexual Assault
		Sodomy
		Statutory Rape
	Simple Assault	
		Intimidation
		Simple Assault

Appendix B

Most serious filing/conviction charge categories

Drugs
Drugs(Distribution)
Drugs(Possession)
Other
Escape
Inchoate
Miscellaneous Felony
Miscellaneous Misdemeanor
Other Custody Violations
Other Sex Crime
Sex Offender Failure to Register
Traffic Felony
Traffic Misdemeanor
Weapons
Property
Arson
Burglary
Extortion
Forgery
Fraud
Motor Vehicle Theft
Other Property
Theft
Violent
Felony Assault
Homicide
Kidnapping
Misdemeanor Assault
Other Homicide
Robbery
Sex Assault

Arson - 1st - 4th degree arson

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

Drug Poss - drug possession, paraphernalia possession

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

Escape

Extortion

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

Forgery

Fraud

Homicide - 1st and 2nd degree murder

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

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

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

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

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

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