

Summary of Law Enforcement and District Attorney Reports of Student Contacts

Pursuant to House Bill 15-1273

Prepared for the Education and Judiciary Committees of the Colorado State House and Senate

June 2017



Colorado Department of Public Safety
Division of Criminal Justice
Office of Research and Statistics

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<https://www.colorado.gov/pacific/dcj-ors>

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

https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD

Preface

In 2015, the Colorado General Assembly passed House Bill 1273 (C.R.S. 22-32-146(5) and C.R.S. 20-1-113(4)), which mandated that local law enforcement agencies and district attorney offices annually report specific information to the Division of Criminal Justice (DCJ) within the Colorado Department of Public Safety concerning every incident that resulted in a student’s arrest, summons or ticket during the academic year for an offense that occurred on school grounds, in a school vehicle, or at a school activity or event sanctioned by public elementary schools, middle or junior high schools, or high schools.

H.B. 15-1273 mandated DCJ to annually analyze and report these data disaggregated by law enforcement agency, district attorney, and school. This report is presented to the Judiciary and Education Committees of the General Assembly in tandem with a corresponding web-based interactive data dashboard that provides information on individual schools and law enforcement agencies. These two reporting mechanisms—this report and the data dashboard—should be viewed together since only the report contains the analyses of all incidents and information regarding the development of the data sets used in the report and in the dashboard.

Every effort was made to protect the identity of individual students. Disaggregating the data by individual school required special precautions to protect student privacy. To this end, schools with five or fewer incidents were placed into a category titled “Schools with few incidents.” Additionally, when only one individual fell into a race/ethnicity category in a specific school, that case was placed into the “other or unknown” race/ethnicity category in an effort to protect the identity of the student.

For information on incidents analyzed by school, school district, and by law enforcement agency, please go to the following website to access the data dashboard:
https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD

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Executive Summary

Background. In 2015, the Colorado General Assembly passed House Bill 1273, which mandated that local law enforcement agencies annually report specific information to the Division of Criminal Justice (DCJ) within the Colorado Department of Public Safety concerning every incident that resulted in a student's arrest, summons or ticket during the prior academic year for an offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event. In addition, H.B. 15-1273 mandated that each district attorney annually report to DCJ, the name of any student who was granted pre-filing juvenile or adult diversion for a ticket, summons, or offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event. The DCJ provided data collection instruments on its website for law enforcement agencies and district attorney offices to use that would allow for the submission of this information. This report covers the 2015-2016 academic year.

One hundred forty-seven (147) law enforcement agencies provided data to DCJ for this study. Of these, forty four (44) law enforcement agencies reported no incidents. Thus, 103 agencies reported more than 6727 incidents in 554 public schools for the 2015-16 academic year.^{1,2}

The legislative declaration in House Bill 15-1273 notes that there are 246 law enforcement agencies expected to report data to DCJ. It is unknown if those agencies that did not report did not have incidents on school grounds, or were unaware of the reporting requirements specified in H.B. 15-1273.

Not all district attorney offices offer pre-filing diversion opportunities. Fifteen of the 22 district attorney offices submitted information to DCJ for the 2015-2016 academic year. Of these reports, one was not usable (due to an extensive amount of missing data) and was not included in the data analysis.

Law enforcement incident reports. Over 80% of the incidents reported by law enforcement agencies occurred in six judicial districts: the 1st, 2nd, 4th, 10th, 17th, and 18th. The majority (81%) of the 6727 incidents resulted in law enforcement officers issuing a ticket or summons and 19% resulted in an arrest. In terms of race/ethnicity, 48% of the students involved in the incidents reported by law enforcement were White, 34% were Hispanic, and 15% were Black (for 3% of incidents, race/ethnicity was coded "other or unknown").³ Weapons were reported to be present in 16% of incidents, however, this figure includes 517 (48%) instances when the weapon was a leg or fist (personal weapon) and another 411 (38%) where the weapon was unknown or something other than the common weapons listed in the data collection instrument.

Marijuana-related offenses, assault and disorderly conduct were the most frequently occurring offenses. While White students were involved in 48% of incidents overall, Whites were represented in 60% of dangerous drug violations, 69% of liquor/alcohol offenses, and 65% of tobacco violations. Hispanic students, involved in 34% of incidents overall, were more likely to be involved in disorderly conduct

¹ This compares to 92 agencies that responded to the DCJ request for school incident reports corresponding to the 2014-15 school year, the focus of last year's H.B. 15-1273 report. At that time, 72 agencies reported incidents in at least one school in their jurisdiction. Seventeen (17) agencies reported no-incidents.

² Please see the "Developing the data base" section for information describing why some incidents were excluded from the analysis.

³ The Colorado Department of Education reports the race/ethnicity distribution for all schools at the beginning of academic year 2015-16 as follows: 54% were White, 33% were Hispanic, 5% were Black, and 8% of students fell into "other, Asian/Native Hawaiian/American Indian/Alaska Native." Note that law enforcement agencies reported incidents in 554 schools; there are over 1800 schools statewide.

(47%), trespassing (38%), harassing communication (35%) and weapon offenses (37%). Black students, involved in 15% of incidents overall, were more likely to be involved in assault (21%), public peace violations (36%), trespassing (21%), and obstruction (24%). It should be noted that some of these offenses—assault, obstruction and weapon offenses in particular—were more likely to result in an arrest rather than a summons/ticket.

For information by law enforcement agency, school district, and school, please use the following link to access an interactive data dashboard: https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD

Court case outcome. H.B. 15-1273 requires that DCJ obtain the court disposition for the reported incident, when this information is available. Using data from Judicial’s ICON data system (which does not include Denver County Court data or municipal court data), court case records were found for 1221 of law enforcement records. About half of these cases resulted in a conviction. Convictions occurred more frequently for Hispanic students (59%) and less frequently for Blacks (42%). Charges were dismissed in 38% of cases. Charges were dismissed more frequently for White students and Blacks students (42% respectively) and less frequently for Hispanic students (28%).

Sentencing information was available for 615 of cases. Of these, 68% received probation/deferred judgment or intensive supervision, whereas 20% of these cases received a fine. Hispanics or Blacks were more likely to receive Probation/deferred judgment or intensive supervision compared to White students. Whites were more likely to receive a fine. Eight cases resulted in a sentence to the Division of Youth Services.

District attorney diversion cases. Fourteen district attorney offices reported 579 pre-filing diversion cases involving 204 females and 375 males. Blacks represented 12% of the cases, Hispanics represented 26%, and Whites represented 55% of the cases; for the remaining eight percent of cases, race/ethnicity was “other or unknown.” Offense type was found for 225 cases after matching district attorney cases with law enforcement records. Among these cases, assault was the most common offense (25%) followed by marijuana-related offenses (13%), public peace (11%) and disorderly conduct/fighting offenses (8%).

Background

In 2015, the Colorado General Assembly passed House Bill 1273 (C.R.S. 22-32-146(5) and C.R.S. 20-1-113(4)), which mandated that local law enforcement agencies annually report specific information to the Division of Criminal Justice (DCJ) in the Department of Public Safety concerning every incident that resulted in a student's arrest, summons or ticket during the academic year. H.B. 15-1273 mandated DCJ to annually analyze and report the data by law enforcement agency and by school. For information on incidents analyzed by school, school district, and by law enforcement agency, please go to the following website to access an interactive data dashboard: https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD

In addition, H.B. 15-1273 mandated that each district attorney office annually report to DCJ specific information regarding any student who was granted pre-filing juvenile or adult diversion for a ticket, summons, or offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

DCJ provided data collection instruments on its website for law enforcement agencies and district attorney offices to use that would allow for the submission of this information for the period between August 1, 2015 and July 31, 2016.

This report is organized as follows: Section One describes the statute including the data requested, and also describes the approach employed to develop the data set; Section Two focuses on the findings from the data provided by law enforcement agencies; Section Three presents information on the final outcome of the incidents according to court records; and, Section Four provides results from district attorney pre-filing diversion cases and a summary of the findings by judicial district.

Section One: Data sources and method

Data sources

Law enforcement data. Based on the statutory mandate, each law enforcement agency employee or contractor who acted in an official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event at public elementary schools, middle or junior high schools, or high schools, was required to report the following information:

- a) The student's full name;
- b) The student's date of birth;
- c) The student's race, ethnicity, and gender;
- d) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;
- e) The date of the arrest or taking of a student into custody;
- f) The date of the issuance of the summons or ticket;
- g) The arrest or incident report number as recorded by the law enforcement agency;
- h) The single most serious offense for which a student was arrested, issued a summons, or issued a ticket using the National Crime Information Center (NCIC) crime code;
- i) The type of weapon involved, if any, for offenses classified as Group A offenses in NIBRS; and
- j) The law enforcement agency's originating reporting identifier.

For the period between August 1, 2015 and July 31, 2016, 147 law enforcement agencies provided information to DCJ. Of these, 44 agencies reported no-incidents and 103 agencies reported at least one school incident.⁴

The legislative declaration in House Bill 15-1273 notes that there are 246 law enforcement agencies expected to report data to DCJ. It is unknown if those agencies that did not report to DCJ did not have incidents on school grounds, or were unaware of the reporting requirements specified in H.B. 15-1273.

A note of caution. Given the limitations of law enforcement records management systems, it is likely that agencies reported incidents based on the address of the school. This means information may be missing regarding incidents that occurred elsewhere, such as in a school vehicle or at a school-sanctioned event. It also means that incidents that involved individuals other than students may be included in the data provided to DCJ.

District attorney data. As previously mentioned, H.B. 15-1273 mandated that each district attorney office annually report to DCJ specific information regarding any student who was granted pre-filing

⁴ This compares to 92 agencies that responded to the DCJ request for school incident reports corresponding to the 2014-15 school year, the focus of last year's H.B. 15-1273 report. At that time, 72 agencies reported incidents in at least one school in their jurisdiction. Seventeen (17) agencies reported no-incidents.

juvenile diversion for a ticket, summons, or offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

The following information regarding granted pre-file juvenile or adult diversions was required:

- a) The student's full name;
- b) The student's date of birth;
- c) The student's race, ethnicity, and gender;
- d) The date of the arrest or taking of a student into custody;
- e) The date of the issuance of the summons or ticket;
- f) The arrest or incident report number as recorded by the law enforcement agency; and
- g) The name of the law enforcement agency that issued the ticket/summons or arrest.

For this report, the information covered the period between August 1, 2015 and July 31, 2016. Not all DA offices offer pre-filing diversion. Fifteen of the 22 district attorney offices in Colorado submitted information to the DCJ; one of these reports was not usable due to extensive missing data.

Court data from the Judicial Branch's ICON data system. Using Judicial's ICON data system, efforts were made to locate the disposition of cases filed in county or district court. Note that Denver County Court is not part of the ICON system, so that information is unavailable. Additionally, there is no central repository for municipal court information so these data are not available for analysis. Court records were located for approximately 18% of incidents.

National Crime Information Center. To obtain the type of offense associated with the incidents provided, the offenses or crimes reported by the law enforcement agencies were matched with crime codes and categories provided by the National Crime Information Center (NCIC) which is managed by the Federal Bureau of Investigation. Not all reported incidents included a crime type, however. When this occurred, the offense type was coded "other/unclear."

Colorado Department of Education. H.B. 15-1273 limits the analysis to public schools. An official list of public schools from the Colorado Department of Education (CDE) website was used to identify and match the school name provided by law enforcement agencies with the official school name, and to obtain the school level (e.g., middle school). Some of the school names provided corresponded to a school facility or a school program not listed by CDE as having a school code. Those incidents that were in private schools were excluded from the analysis.

Method

Incident date and name. For an incident to qualify for analysis in the study, the arrest date of the incident had to fall between August 1, 2015 and July 31, 2016. If the arrest date was not provided (and arrest information was unavailable in the court record), or the arrest date was outside the period of study, the incident was not included in the analysis (n=116). Another 78 incidents did not include the name of the student (required for matching with court data), and these were eliminated from the analysis.

Some agencies reported more than one offense for the same person on the same arrest date, using the same incident number. When this occurred, the most serious offense was selected for analysis.

Contact type. H.B. 15-1273 called for incidents that resulted in either an arrest, a summons or a ticket. Because “summons” and “ticket” are used interchangeably, these two categories were combined. Additionally, 11 incidents that were indicated to have been “referred to district attorney” were changed to “summons/ticket.” When the contact type was blank or unclear, which occurred in 579 reported incidents, the case was eliminated from the analysis.

Calculation of age. The data collection instrument requested the student’s date of birth (DOB). Using the DOB and the arrest date, the age of the person at the time of the incident was calculated. When no DOB was available, which occurred in 168 incidents, that incident was excluded from the analysis.

Once the age for each individual was calculated, the ages were categorized as follows: those less than ten years old, 10-11 years old, 12-13 years old, 14-15 years old, 16-17 years old, 18-19 years old, and those 20 years old and over. The incidents with students age 20 and older, and those age 9 or younger were excluded from the analysis (n=192).

Schools. School information was necessary to identify those incidents that occurred on school premises. Incidents for which the school name was not provided were eliminated. Further elimination of incidents was done based on school identification (that is, the name of the school must be in the list of Colorado Department of Education schools). Also, to protect the identity of students who may be involved in these incidents, schools with five or fewer incidents were placed in a category titled “Schools with few incidents.” In total, 294 schools (53%) were re-assigned to the category “Schools with few incidents.”

Race/ethnicity. The following categories describe race/ethnicity: White, Hispanic, Black, and Other/Unknown. To ensure the privacy of students in this study, further aggregation was done based on race/ethnicity in the following manner: When there was a school with only one incident, the race/ethnicity of the student was changed to “other or unknown.”

Matching records. Name, date of birth, incident/arrest number, arrest date and most serious offense from the law enforcement agency data were used to match incidents with court records in Judicial’s ICON data system. A similar matching process was undertaken to obtain offense type for the district attorney diversion cases.

Summary

One hundred forty-seven (147) law enforcement agencies responded to the DCJ request for school incident reports corresponding to the 2015-16 academic year. Out of those that responded, 103 law enforcement agencies reported incidents in at least one school in their jurisdiction. Forty-four (44) law enforcement agencies reported no-incidents in their jurisdiction.

The legislative declaration in House Bill 15-1273 notes that there are 246 law enforcement agencies expected to report data to DCJ. It is unknown if those agencies that did not report to DCJ did not have incidents on school grounds, or were unaware of the reporting requirements specified in H.B. 15-1273.

Given the limitations of law enforcement records management systems, it is likely that law enforcement agencies reported incidents based on the address of the school. This means information may be missing

regarding incidents that occurred elsewhere (school vehicle or school-sanctioned event). It also means that incidents that involved individuals other than students may be included in the data provided to DCJ.

A total of 6727 incidents in 554 public schools were included in the analyses presented here. Court records were found for 1221 incidents, representing 18% of the 6727 incidents analyzed. Since these cases were filed in district or county court,⁵ it is likely that these 1221 incidents represent more serious offenses, or individuals with prior incidents. Fifteen of the 22 district attorney offices in Colorado submitted information to DCJ; one submission was unusable due to extensive missing data, and analysis was performed on data from 14 offices.

⁵ Denver County Court data and municipal court data were not available for analysis. Denver County Court is not part of the statewide Judicial ICON data system. There is no centralized repository of municipal court data.

Section Two: Analysis of law enforcement contacts

One hundred three (103) law enforcement agencies reported 6727 qualifying incidents in 554 public schools during the 2015-16 academic year, from August 1, 2015 through July 31, 2016. This section provides an analysis of law enforcement reports of incidents. For information on incidents analyzed by school and by law enforcement agency, please go to the following website to access an interactive data dashboard: https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD

Description of incidents

Table 2.1 shows that 81% of incidents resulted in a summons/ticket and 19% resulted in arrest. In terms of race/ethnicity, 48% of students were White, 34% were Hispanic, 15% were Black, and for 3% of students the race was either “other or unknown” (Table 2.2).

Two-thirds (67%) of incidents reported by law enforcement agencies involved male students and 33% involved female students (data not presented). Table 2.3 below shows the age breakdown of the students involved in the incidents. Fourteen and 15 year olds were more likely than those in the other age categories to be involved in the incidents reported here. Five percent (5%) of cases fell into the 10-11 age category and another 4% fell into the 18-19 age category. Table 2.4 shows that 5% of the incidents occurred in elementary schools, 28% occurred in middle schools, and 67% occurred in high schools.

Table 2.1: Contact type

Contact Type	N	%
Summons	5482	81%
Arrest	1245	19%
Total	6727	100%

Table 2.2: Race/ethnicity

Race/Ethnicity	N	%
White	3209	48%
Hispanic	2314	34%
Black	994	15%
Other/ Unknown	210	3%
Total	6727	100%

Table 2.3: Age category

Age	N	%
10-11	305	5%
12-13	1510	22%
14-15	2649	39%
16-17	1976	29%
18-19	287	4%
Total	6727	100%

Table 2.4: School level

School Level	N	%
High School	4520	67%
Middle School	1858	28%
Elementary	349	5%
Total	6727	100%

Table 2.5 shows the type of offenses involved in the incidents described here. The most frequently occurring offense involved marijuana. That is, 23% of the incidents reported by law enforcement agencies were marijuana-related. Assault, at 12% of offenses, and disorderly conduct, at 12%, when combined with marijuana, represent almost half of all incidents as shown in the cumulative percent column in Table 2.5.

Marijuana offenses, assault and disorderly conduct were the top three offenses across high, middle and elementary school. Table 2.6 shows offense type by school level for 90% of the most frequently occurring crimes and collapses the least frequent (and remaining) 10% into the last row category. Marijuana offenses were the most frequently reported offense in high schools (27%) whereas assault was the most common offense type in middle schools (18%) and elementary schools (22%).

Of all incidents reported, 16% (1069 incidents) involved a weapon according to law enforcement agency reports. Table 2.7 shows that personal weapons, such as a fist, were involved in 48% of incidents that had a weapon and an unknown or other (non-specified) weapon was involved in 38% of incidents, totaling 86% of incidents with a weapon. A firearm was involved in 1% of incidents involving a weapon.

Table 2.5: Offense Type

Offense	N	%	Cumulative %
Marijuana	1561	23%	23%
Assault	838	12%	36%
Disorderly Conduct/Fighting	814	12%	48%
Public Peace	666	10%	58%
Dangerous Drugs	420	6%	64%
Larceny/Theft	341	5%	69%
Liquor/Alcohol	297	4%	73%
Trespass	260	4%	77%
Obstruct	206	3%	80%
Harassing Communication	203	3%	83%
Other/Unclear	194	3%	86%
Weapon Offense	141	2%	88%
Tobacco	127	2%	90%
Damage Property	120	2%	92%
Traffic Offense	91	1%	93%
Sexual Assault/Offense	76	1%	94%
Warrant	57	1%	95%
Criminal Mischief	47	1%	96%
Runaway/Missing Person	41	1%	97%
Interference with Educ Inst	39	<1%	97%
Truancy	36	<1%	98%
Burglary	33	<1%	98%
Menacing	26	<1%	99%
Arson	25	<1%	99%
Robbery	20	<1%	99%
Curfew	16	<1%	100%
Family/Child Offense	12	<1%	100%
Vehicle Theft	8	<1%	100%
Fraud/Forgery	5	<1%	100%
Kidnapping	5	<1%	100%
Invasion of Privacy	2	<1%	100%
Total	6727	100%	100%

Table 2.6: Offense type by school level

Offense	High	Middle	Elementary	Total
N	4520	1858	349	6727
Marijuana	27%	16%	15%	23%
Assault	9%	18%	22%	12%
Disorderly Conduct/Fighting	10%	17%	14%	12%
Public Peace	9%	13%	11%	10%
Dangerous Drugs	8%	3%	3%	6%
Larceny/Theft	5%	5%	3%	5%
Liquor/Alcohol	5%	4%	1%	4%
Trespass	5%	2%	5%	4%
Obstruct	3%	3%	3%	3%
Harassing Communication	2%	5%	3%	3%
Other/Unclear	3%	2%	2%	3%
Weapon Offense	2%	2%	3%	2%
Tobacco	2%	2%	1%	2%
Remaining 10% of crimes	10%	9%	15%	10%
Total	100%	100%	100%	100%

Note: For a full list of offense types see Table 2.5.

Table 2.7: Weapon type (n=1069)

Weapon	N	%
Personal Weapons (e.g., fist)	517	48%
Other/Unknown	411	38%
Knife/Cutting Instrument	103	10%
Blunt Object	16	1%
Any Firearm	16	1%
Fire/Incendiary Device/Explosives	6	<1%
Total	1069	100%

Summary. One hundred three (103) law enforcement agencies reported 6727 qualifying incidents in 554 public schools during the 2015-16 academic year. The majority of incidents (81%) resulted in law enforcement officers issuing a ticket/summons and 19% resulted in an arrest. Nearly half (48%) of the students involved in the incidents reported by law enforcement agencies were White, 34% were Hispanic, 15% were Black, and for 3% of incidents the race/ethnicity was “other or unknown.” Marijuana-related incidents, assault and disorderly conduct were the most frequently occurring offenses. Weapons were present in 16% of incidents; of these, the most common weapon types were personal weapons such as a fist (48%) or an unknown (non-specified) weapon (38%).

Description of incidents by contact type (summons/ticket or arrest)

Table 2.8 shows that female students were more likely to receive a summons/ticket than were males, at 85% and 80% respectively and, conversely, males were more likely to get arrested (20% for males compared to 15% for females). As shown in Table 2.9, those younger than age 18 were somewhat more likely to receive a summons compared to those between the ages of 18 and 19. Based on school level (Table 2.10), the incident resulted in arrest for 21% of elementary school students, 19% of middle school students, and 18% of the high school students.

Table 2.8: Contact type by gender

Gender	N	Summons	Arrest	Total
Female	2226	85%	15%	100%
Male	4501	80%	20%	100%
Total	6727	81%	19%	100%

Table 2.9: Contact type by age category

Age	N	Summons	Arrest	Total
10-11	305	83%	17%	100%
12-13	1510	82%	18%	100%
14-15	2649	82%	18%	100%
16-17	1976	81%	19%	100%
18-19	287	76%	24%	100%
Total	6727	81%	19%	100%

Table 2.10: Contact type by school level

School Level	N	Summons	Arrest	Total
High school	4520	82%	18%	100%
Middle school	1858	81%	19%	100%
Elementary	349	79%	21%	100%
Total	6727	81%	19%	100%

In terms of race/ethnicity and contact type, Hispanic students were more likely to receive a summons (85% compared to 81% overall) while White students and those in the “other or unknown” race category were slightly more likely to be arrested (Table 2.11).

Table 2.11: Contact type by race/ethnicity

Race/Ethnicity	N	Summons	Arrest	Total
White	3209	79%	21%	100%
Hispanic	2314	85%	15%	100%
Black	994	81%	19%	100%
Other/Unknown	210	78%	22%	100%
Total	6727	81%	19%	100%

Table 2.12 shows the types of offenses that are more likely to result in an arrest. Incidents resulting in a weapons-related crime were considerably more likely to be linked to an arrest (43% of incidents); this was also the case with obstruction incidents (69%). Regarding the top three offenses, marijuana offenses and disorderly conduct resulted in an arrest in 7% and 3% of the time respectively, while assault resulted in an arrest in 32% of incidents. The crimes combined in the “remaining 10%” also had a high rate of arrests: 46% compared to 19% overall. This is not surprising since many of the “remaining 10%” of crimes were serious, infrequent events (see Table 2.5).

Table 2.12: Contact type by offense type

Offense	N	Summons	Arrest	Total
Marijuana	1561	93%	7%	100%
Assault	838	68%	32%	100%
Disorderly Conduct/Fighting	814	97%	3%	100%
Public Peace	666	88%	12%	100%
Dangerous Drugs	420	78%	22%	100%
Larceny/Theft	341	86%	14%	100%
Liquor/Alcohol	297	90%	10%	100%
Trespass	260	88%	12%	100%
Obstruct	206	31%	69%	100%
Harassing Communication	203	83%	17%	100%
Other/Unclear	194	87%	13%	100%
Weapon Offense	141	57%	43%	100%
Tobacco	127	96%	4%	100%
Remaining 10% of offenses	659	54%	46%	100%
Total	6727	81%	19%	100%

Sixteen percent (16%) of incidents involved weapons, according to law enforcement reports. However, most of these incidents included personal weapons (such as a leg or fist) or an unknown weapon. As shown in Table 2.13, these incidents (involving personal weapons or unknown weapons) rarely resulted in an arrest. Almost half (43%) of incidents that involved a knife/cutting instrument resulted in an arrest; 81% of incidents involving a firearm resulted in an arrest; and 50% of incidents that involved a blunt object resulted in an arrest.

Table 2.13: Contact type by weapon (n=1069)

Weapon	N	Summons	Arrest	Total
Personal Weapons (e.g., fist)	517	83%	17%	100%
Other/Unknown	411	85%	15%	100%
Knife/Cutting Instrument	103	57%	43%	100%
Blunt Object	16	50%	50%	100%
Any Firearm	16	19%	81%	100%
Fire/Incendiary Device/Explosives	6	17%	83%	100%
Total	1069	80%	20%	100%

Summary. This section explored differences in arrest rates across a variety of factors. Males were somewhat more likely to be arrested than females, and those incidents that involved a serious weapon (knife, blunt object, firearm) were much more likely to result in an arrest. One-in-three assaults resulted in an arrest, but only 7% of marijuana-related incidents resulted in an arrest.

Description of incidents by race/ethnicity

Table 2.14 shows gender by race/ethnicity for those involved in the 6727 incidents. Table 2.15 displays the distribution of age within each racial/ethnic group and Table 2.16 reflects the race/ethnicity distribution within each age category. Table 2.15 shows that White students were more likely (33%) to fall into the 16-17 age category than were Hispanic (26%) or Black students (26%). Hispanics were more likely to fall in the 14-15 age category (39%). Table 2.16 shows that race/ethnicity was “other or unknown” for 9% of those in the youngest age category. It also shows that most of those in the 12-13 age category (42%) were Hispanics students, even though across all ages most students were White. White students were more likely to fall into the older age groups of 16-19 years old.

Table 2.14: Gender by race/ethnicity

Gender	White	Hispanic	Black	Other/ Unknown	Total
N	3209	2314	994	210	6727
Male	70%	63%	67%	64%	67%
Female	30%	37%	33%	36%	33%
Total	100%	100%	100%	100%	100%

Table 2.15: Age category by race/ethnicity

Age	White	Hispanic	Black	Other/ Unknown	Total
N	3209	2314	994	210	6727
10-11	4%	5%	6%	12%	5%
12-13	19%	27%	23%	24%	22%
14-15	40%	39%	41%	29%	39%
16-17	33%	26%	26%	29%	29%
18-19	5%	3%	4%	6%	4%
Total	100%	100%	100%	100%	100%

Table 2.16: Race/ethnicity by age category

Age	N	White	Hispanic	Black	Other/ Unknown	Total
10-11	305	38%	35%	18%	9%	100%
12-13	1510	39%	42%	15%	3%	100%
14-15	2649	48%	34%	16%	2%	100%
16-17	1976	53%	31%	13%	3%	100%
18-19	287	59%	24%	13%	4%	100%
Total	6727	48%	34%	15%	3%	100%

Table 2.17 shows school level by race/ethnicity. Students in the race/ethnicity category of “other or unknown” were more likely to be involved in high school incidents compared to all other race/ethnicity groups. White and Black students were more likely to be involved in high school incidents. Hispanics were more likely to be involved in middle school incidents compared to the overall race/ethnicity distribution.

Table 2.17: School level by race/ethnicity

School Level	White	Hispanic	Black	Other/ Unknown	Total
N	3209	2314	994	210	6727
High School	72%	61%	69%	55%	67%
Middle School	23%	35%	25%	25%	28%
Elementary	5%	4%	6%	20%	5%
Total	100%	100%	100%	100%	100%

Table 2.18 depicts the race/ethnicity of students involved in the top 90% of offenses, and collapsing the least frequent 10% of offenses into a single category. While White students were involved in 48% of incidents overall, Whites were represented in 69% of liquor/alcohol offenses, 65% of tobacco violations, and 60% of dangerous drug violations. Hispanic students, involved in 34% of incidents overall, were represented in 47% of disorderly conduct offenses, 38% of trespassing offenses, 37% of assault offenses, and 37% of weapon offenses. Black students, involved in 15% of incidents overall, were represented in 36% of public peace violations, 24% of obstruction violations, 21% of assaults and 21% of trespassing offenses. It should be noted that some of these offenses—assault, obstruction and weapon offenses in particular—were more likely to result in an arrest rather than a summons/ticket.

Table 2.18: Race/ethnicity by offense type

Offense	N	White	Hispanic	Black	Other/ Unknown	Total
Marijuana	1561	52%	34%	11%	3%	100%
Assault	838	38%	37%	21%	4%	100%
Disorderly Conduct/Fighting	814	44%	47%	8%	1%	100%
Public Peace	666	28%	34%	36%	3%	100%
Dangerous Drugs	420	60%	30%	7%	2%	100%
Larceny/Theft	341	50%	28%	18%	3%	100%
Liquor/Alcohol	297	69%	20%	6%	5%	100%
Trespass	260	37%	38%	21%	4%	100%
Obstruct	206	37%	33%	24%	5%	100%
Harassing Communication	203	50%	35%	10%	4%	100%
Other/Unclear	194	70%	24%	3%	4%	100%
Weapon Offense	141	41%	37%	16%	6%	100%
Tobacco	127	65%	31%	2%	2%	100%
Remaining 10% of offenses	659	55%	30%	12%	3%	100%
Total	6727	48%	34%	15%	3%	100%

Table 2.19 shows the offense type by the race/ethnicity of students. The least frequent 10% of offenses are in a single category. White students, Hispanic students and students with other/unknown race were more likely to be involved in marijuana incidents, whereas Black students were more likely to be involved in public peace violations.

Table 2.19: Offense type by race/ethnicity

Offense	White	Hispanic	Black	Other/ Unknown	Total
N	3209	2314	994	210	6727
Marijuana	25%	23%	17%	22%	23%
Assault	10%	13%	18%	18%	12%
Disorderly Conduct/Fighting	11%	17%	7%	3%	12%
Public Peace	6%	10%	24%	8%	10%
Dangerous Drugs	8%	5%	3%	5%	6%
Larceny/Theft	5%	4%	6%	5%	5%
Liquor/Alcohol	6%	3%	2%	7%	4%
Trespass	3%	4%	6%	5%	4%
Obstruct	2%	3%	5%	5%	3%
Harassing Communication	3%	3%	2%	4%	3%
Other/Unclear	4%	2%	1%	3%	3%
Weapon Offense	2%	2%	2%	4%	2%
Tobacco	3%	2%	0%	1%	2%
Remaining 10% of offenses	11%	9%	8%	10%	10%
Total	100%	100%	100%	100%	100%

Table 2.20 shows incidents involving a weapon by race/ethnicity. Note that weapons were involved in sixteen percent (16%) of incidents, however, as previously discussed, this figure includes 517 instances when the weapon was a leg or fist (personal weapon) and another 411 where the weapon was unknown or something other than the common weapons listed in the data collection instrument. Table 2.20 shows that, 57% of Whites were linked with a non-specified weapon compared to 38% for total. Also, 62% of Hispanics and 77% of Blacks were involved with personal weapons compared to 48% total.

Table 2.20: Weapon type by race/ethnicity (n=1069)

Weapon	N	White	Hispanic	Black	Other/ Unknown	Total
Personal Weapons	517	29%	62%	77%	49%	48%
Other/Unknown	411	57%	26%	14%	14%	38%
Knife/Cutting Instrument	103	11%	8%	5%	23%	10%
Blunt Object	16	1%	1%	2%	6%	1%
Any Firearm	16	1%	1%	2%	9%	1%
Fire/Incendiary Device/Explosives	6	<1%	1%	<1%	0%	<1%
Total	1069	100%	100%	100%	100%	100%

Summary. While White students were involved in 48% of incidents overall, Whites were more likely to be involved with dangerous drugs, liquor/alcohol, and tobacco violations. Hispanic students, involved in 34% of incidents overall, were more likely to be involved in disorderly conduct, trespassing, harassing communication, and weapon offenses. Black students, involved in 15% of incidents overall, were more likely to be involved in assault, public peace violations, trespassing, and obstruction. It should be noted that some of these offenses—assault, obstruction and weapon offenses in particular—were more likely to result in an arrest rather than a summons/ticket.

Description of incidents by judicial district

This section presents results by judicial district. No incidents were reported by law enforcement agencies in the 15th and 16th judicial districts.

Table 2.21 shows the judicial district in which the incidents occurred. Over 80% of the incidents reported by law enforcement agencies occurred in these six judicial districts: the 1st, 2nd, 4th, 10th, 17th, and 18th.

Table 2.21: Number of incidents by judicial district

Judicial District	N	%
1	1011	15%
2	989	15%
3	15	<1%
4	632	9%
5	31	<1%
6	33	<1%
7	83	1%
8	414	6%
9	61	1%
10	618	9%
11	33	<1%
12	27	<1%
13	51	1%
14	35	1%
17	875	13%
18	1172	17%
19	332	5%
20	143	2%
21	141	2%
22	31	<1%
Total	6727	100%

Note: No qualifying incidents were reported in the 15th and 16th judicial districts.

Table 2.22 provides information about whether the incident involved a summons/ticket or an arrest by judicial district. Incidents in certain judicial districts, such as the 5th, 14th, 18th, 19th, and 21st, were considerably more likely to result in an arrest than a summons compared to typical arrests rates. As discussed previously, arrests were more likely to occur when more serious offenses were involved.

Table 2.22: Contact type by judicial district

Judicial District	N	Summons	Arrest	Total
1	1011	81%	19%	100%
2	989	85%	15%	100%
3	15	73%	27%	100%
4	632	94%	6%	100%
5	31	68%	32%	100%
6	33	94%	6%	100%
7	83	90%	10%	100%
8	414	95%	5%	100%
9	61	90%	10%	100%
10	618	97%	3%	100%
11	33	79%	21%	100%
12	27	93%	7%	100%
13	51	92%	8%	100%
14	35	66%	34%	100%
17	875	81%	19%	100%
18	1172	74%	26%	100%
19	332	57%	43%	100%
20	143	87%	13%	100%
21	141	0%	100%	100%
22	31	97%	3%	100%
Total	6727	81%	19%	100%

Note: No qualifying incidents were reported in the 15th and 16th judicial districts.

Table 2.23 provides information on the race/ethnicity of students involved in incidents, by judicial district. This information should be considered in the context of the race/ethnicity distribution of students in these judicial districts.

Table 2.23: Race/ethnicity by judicial district

Judicial District	N	White	Hispanic	Black	Other/Unknown	Total
1	1011	79%	15%	4%	2%	100%
2	989	11%	53%	32%	4%	100%
3	15	40%	60%	0%	0%	100%
4	632	56%	15%	25%	4%	100%
5	31	42%	45%	3%	10%	100%
6	33	67%	24%	3%	6%	100%
7	83	76%	18%	1%	5%	100%
8	414	63%	30%	5%	2%	100%
9	61	57%	39%	0%	3%	100%
10	618	26%	69%	4%	1%	100%
11	33	88%	0%	0%	12%	100%
12	27	15%	63%	7%	15%	100%
13	51	61%	31%	2%	6%	100%
14	35	74%	17%	6%	3%	100%
17	875	43%	49%	5%	3%	100%
18	1172	40%	26%	31%	3%	100%
19	332	66%	30%	2%	2%	100%
20	143	71%	20%	3%	5%	100%
21	141	78%	18%	2%	2%	100%
22	31	39%	16%	0%	45%	100%
Total	6727	48%	34%	15%	3%	100%

Note: No qualifying incidents were reported in the 15th and 16th judicial districts.

Table 2.24 shows the weapon type by judicial district for the 1069 incidents that involved a weapon. It is important to reiterate that the majority of weapons reported were “personal” such as a fist, or unknown/other.

Table 2.24: Weapon type by judicial district (n=1069)

Judicial District	N	Personal Weapons	Other, Unknown	Knife, Cutting Instrument	Blunt Object	Any Firearm	Fire, Incendiary Device, Explosives	Total
1	401	8%	87%	4%	<1%	<1%	0%	100%
2	319	83%	8%	5%	2%	2%	1%	100%
4	81	79%	7%	10%	2%	1%	0%	100%
5	3	33%	0%	0%	0%	33%	33%	100%
6	3	33%	0%	0%	0%	0%	67%	100%
7	4	75%	0%	25%	0%	0%	0%	100%
8	13	0%	38%	54%	8%	0%	0%	100%
9	6	50%	17%	17%	0%	17%	0%	100%
10	74	80%	5%	12%	3%	0%	0%	100%
11	11	73%	0%	18%	0%	0%	9%	100%
12	11	73%	18%	9%	0%	0%	0%	100%
13	4	0%	25%	0%	75%	0%	0%	100%
14	9	89%	0%	11%	0%	0%	0%	100%
17	23	39%	0%	52%	0%	9%	0%	100%
18	55	44%	13%	38%	2%	4%	0%	100%
19	24	54%	21%	21%	0%	4%	0%	100%
20	11	73%	18%	9%	0%	0%	0%	100%
21	15	53%	20%	13%	0%	13%	0%	100%
22	2	0%	0%	100%	0%	0%	0%	100%
Total	1069	48%	38%	10%	1%	1%	1%	100%

Note: No incidents with weapon were reported in the 3rd, 15th and 16th judicial districts.

Summary. The analysis of 6727 incidents found that the majority of incidents (81%) resulted in law enforcement officers issuing a ticket/summons and 19% resulted in an arrest. Nearly half (48%) of students involved in the incidents reported by law enforcement were White, 34% were Hispanic, and 15% were Black; for 3% of incidents, race/ethnicity was coded “other or unknown.” Marijuana, assault and disorderly conduct were the most frequently occurring offenses. Weapons were present in about 16% of incidents, however, in about half of these the weapon was a leg or fist (personal weapon) and another 38% where the weapon was unknown or something other than the common weapons listed in the data collection instrument.

Overall, males were more likely to be arrested than females. Only 7% of marijuana-related incidents resulted in an arrest, but one-in-three assaults resulted in an arrest. Also, those incidents that involved obstruction or a serious weapon were significantly more likely to result in an arrest.

Given the limitations of law enforcement records management systems, it is likely that agencies reported incidents based on the address of the school. This means information may be missing regarding incidents that occurred elsewhere, such as in a school vehicle or at a school-sanctioned event. It also means that incidents that involved individuals other than students may be included in the data provided to DCJ.

Section Three: Analysis of court records

District and county court records were matched with incidents using Judicial’s ICON/Eclipse data system by using student name, date of birth, the arrest/incident number, and arrest date. Of the 6727 incidents analyzed, court records were found for 1221 incidents, or approximately 18% of incidents. However, Denver County Court and all municipal court records are not contained in ICON/Eclipse, so this information is not available for analysis. The majority of lower level offenses are most likely referred to municipal courts but there is no central repository for municipal court data. Since the 1221 cases were filed in district or county court, it is likely that these incidents represent more serious offenses, or individuals with prior incidents.

Table 3.1 shows that 52% of incidents that resulted in an identified court filing were convicted and 38% were dismissed or not guilty. Ten percent (10%) of the cases found in the ICON data system had not yet been resolved by November 2016 when the case matching analysis occurred.

Table 3.1: Case outcome (n=1221)

Case Outcome	N	%
Convicted	632	52%
Charges Dismissed/Not Guilty	468	38%
No Finding/Not Yet Resolved	121	10%
Total	1221	100%

Note: Case outcome information was obtained using Judicial’s ICON data system which holds district and county (excluding Denver County) court data.

Table 3.2 shows the case outcome by type of offense. The number of cases in each category is shown rather than percentages, because many of the small numbers would round to 0% and thus provide limited information.

While 52% of court cases overall were convicted, higher rates of conviction were found for weapon offenses, sexual assault, burglary, and traffic offenses (Table 3.2). Charges were more likely to be dismissed for cases involving liquor/alcohol, public peace, and interference with educational institution.

Table 3.2: Offense type by case outcome (frequency) (n=1221)

Offense	Convicted	Charges Dismissed	No Finding/Not Yet Resolved	Total
Marijuana	142	119	17	278
Assault	124	63	31	218
Dangerous Drugs	60	40	8	108
Liquor/Alcohol	21	73	7	101
Larceny/Theft	41	22	8	71
Public Peace	27	33	8	68
Weapon Offense	41	17	5	63
Harassing Communication	29	19	3	51
Disorderly Conduct/Fighting	29	12	8	49
Other/Unclear	13	15	3	31
Sexual Assault/Offense	21	5	2	28
Trespass	12	6	5	23
Damage Property	12	7	2	21
Obstruct	8	9	2	19
Burglary	10	3	0	13
Interference with Education Inst.	6	7	0	13
Menacing	6	4	1	11
Criminal Mischief	7	1	3	11
Robbery	6	0	4	10
Traffic Offense	7	1	1	9
Arson	1	5	1	7
Family/Child Offense	2	3	0	5
Warrant	2	0	1	3
Kidnapping	2	1	0	3
Curfew		2	1	3
Vehicle Theft	2	0	0	2
Fraud/Forgery	1	1	0	2
Total	632	468	121	1221

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Table 3.3 displays the contact type by court case outcome. Whereas the overall arrest rate for all incidents was 19%, among those cases that were identified with district or county court filing records, 41% were arrested. For cases that were eventually convicted or cases with an outcome of "no finding," about half were arrested in each category. Whereas, for the 468 cases that were eventually dismissed, only a third had been arrested.

Table 3.3: Contact type by case outcome (n=1221)

Case outcome	N	Summons	Arrest	Total
Convicted	632	53%	47%	100%
Charges Dismissed/Not Guilty	468	67%	33%	100%
No Finding/Not Yet Resolved	121	52%	48%	100%
Total	1221	59%	41%	100%

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Table 3.4 displays the court case outcome by race/ethnicity for those cases that were identified with district or county court records. Convictions occurred more frequently for Hispanics (59%) and less frequently for Blacks (42%), however 16% of cases where the defendant was Black were not yet resolved. Whereas charges were dismissed 38% of the time, this outcome occurred more frequently for Whites (42%) and Blacks (42%) and less frequently for Hispanic students (28%).

Table 3.4: Case outcome by race/ethnicity (n=1221)

Case outcome	White	Hispanic	Black	Other/ Unknown	Total
N	733	295	142	51	1221
Convicted	51%	59%	42%	53%	52%
Charges Dismissed/Not Guilty	42%	28%	42%	37%	38%
No Finding/Not Yet Resolved	8%	13%	16%	10%	10%
Total	100%	100%	100%	100%	100%

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Of the 632 cases that were convicted, only 615 cases had a sentence recorded at the time the data were obtained for analysis. Table 3.5 shows that 68% of the 615 incidents received a sentence to probation/deferred judgment or intensive supervision. One in five (20%) received a fine. Eight youth were sentenced to the Division of Youth Services.

Table 3.5: Case sentence (n=615)

Case Sentence	N	%
Probation / Deferred Judgment / Intensive Supervision	418	68%
Fines	126	20%
Unsupervised Probation / Deferred Judgment	31	5%
Community Service	24	4%
Division of Youth Services	8	1%
Jail	6	1%
Juvenile Detention	2	<1%
Total	615	100%

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Table 3.6 shows the sentence by type of offense. The number of cases in each category is shown rather than percentages because many of the small numbers would round to 0% and thus provide limited information.

According to the data presented in Table 3.6, the more serious offenses (e.g., assault, weapons related) were more likely to result in a probation/deferred judgment sentence while incidents involving marijuana, drugs and alcohol were more likely to receive a fine.

Table 3.6: Offense type by sentence (n=615)

Offense	Prob/ Deferred Jdg/Int Supv	Fines	Unsupv Prob/ Deferred Jdg	Community Service	Div. Youth Services	Jail	Juvenile Det	Total
Marijuana	57	60	6	13	1	1	0	138
Assault	107	5	8	0	2	0	0	122
Dangerous Drugs	37	13	2	5	1	0	0	58
Larceny/Theft	28	6	3	0	1	2	1	41
Weapon Offense	34	3	0	0	1	0	0	38
Disorderly Conduct/Fighting	21	5	1	0	0	1	1	29
Harassing Communication	17	7	2	0	0	2	0	28
Public Peace	24	0	2	0	0	0	0	26
Liquor/Alcohol	3	10	4	4	0	0	0	21
Sexual Assault/Offense	18	0	1	1	0	0	0	20
Other/Unclear	10	2	0	0	1	0	0	13
Damage Property	9	3	0	0	0	0	0	12
Trespass	9	2	0	1	0	0	0	12
Burglary	9	0	0	0	0	0	0	9
Obstruct	6	2	0	0	0	0	0	8
Criminal Mischief	6	0	1	0	0	0	0	7
Traffic Offense	1	6	0	0	0	0	0	7
Menacing	6	0	0	0	0	0	0	6
Robbery	5	0	0	0	1	0	0	6
Interference with Educ Inst	3	1	0	0	0	0	0	4
Family/Child Offense	2	0	0	0	0	0	0	2
Kidnapping	2	0	0	0	0	0	0	2
Vehicle Theft	2	0	0	0	0	0	0	2
Warrant	1	1	0	0	0	0	0	2
Arson	1	0	0	0	0	0	0	1
Fraud/Forgery	0	0	1	0	0	0	0	1
Total	418	126	31	24	8	6	2	615

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Table 3.7 displays the original contact type by sentence. Whereas the overall arrest rate for all incidents was 19%, among those cases that were identified with district or county court filing records and had a sentence, 46% had been arrested. For cases that were eventually sentenced to probation/deferred judgment or intensive supervision, the arrest rate was 58%. Also, for the eight cases that were eventually sentenced to the Division of Youth Services, 6 were originally arrested.

Table 3.7: Contact type by case sentence (n=615)

Case Sentence	N	Summons	Arrest	Total
Probation/Deferred Judg/Int Supv	418	42%	58%	100%
Fines	126	90%	10%	100%
Unsupervised Probation/Deferred Judgment	31	74%	26%	100%
Community Service	24	54%	46%	100%
Division of Youth Services	8	25%	75%	100%
Jail	6	50%	50%	100%
Juvenile Detention	2	100%	0%	100%
Total	615	54%	46%	100%

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Table 3.8 displays the court sentence by race/ethnicity for those cases that were identified with district or county court records. Probation/deferred judgment or intensive supervision sentences occurred more frequently for Hispanics (73%) and Blacks (84%). Fines occurred less frequently for Blacks: 10% of cases compared to 20% overall.

Table 3.8: Sentence by race/ethnicity (n=615)

Sentence	White	Hispanic	Black	Other/ Unk.	Total
N	362	169	58	26	615
Probation/Deferred Judg/Int Supv	65%	73%	84%	38%	68%
Fines	22%	17%	10%	46%	20%
Unsupervised Probation/Deferred	6%	3%	3%	8%	5%
Community Service	5%	3%	0%	4%	4%
Division of Youth Services	1%	1%	2%	4%	1%
Jail	1%	2%	0%	0%	1%
Juvenile Detention	0%	1%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

Note: Case outcome information was obtained using Judicial's ICON data system which holds district and county (excluding Denver County) court data.

Summary. Court case information was found for a subset of 1221 incidents (18% of the total number of incidents analyzed) that were filed in county (excluding Denver) or district court. Of these 1221 cases, 615 had a sentence recorded in Judicial's data system.

The outcome of most cases was conviction (52%), followed by charges dismissed/not guilty (38%). For 10% of cases there was not yet a finding posted in the judicial data. Analysis of these 615 cases found that 41% had been arrested compared to 19% arrested overall, reflecting that these incidents were more serious offenses.

Two-thirds (68%) of the 615 sentenced cases received probation/deferred judgment or intensive supervision. One in five cases (20%) received a fine. Among those sentenced to probation/deferred judgment, 58% had been originally arrested rather than summonsed/ticketed.

Section Four: Analysis of diversion cases provided by district attorney offices

Background. In 2015 the Colorado General Assembly enacted House Bill 15-1273 which requires district attorney (DA) offices to annually report to the Division of Criminal Justice (DCJ) specific information about any student who was granted pre-filing juvenile or adult diversion for a ticket, summons or offense that occurred at a public school, in a school vehicle, or at a school sanctioned event. The data required includes the student's full name, date of birth (DOB), race/ethnicity, gender, and the arrest or incident number. DCJ provided a data collection instrument on its website for DA officials to use that would allow for the submission of this information.

Diversion programs give juveniles the opportunity to avoid a criminal conviction. Pre-filing diversion programs means that no charges are filed in court. If the individual successfully completes the program, there will be no record of the offense in the court system. Not all DA offices operate a juvenile diversion program. For those that do, agency officials decide which cases are appropriate for diversion.

DA offices provided data to DCJ regarding cases that were diverted during the 2015-16 academic year. Researchers matched these cases to the incident data submitted by law enforcement agencies for the same period to find the original offense type.

Matches between data sets used name, date of birth (DOB), and a combination of incident number, arrest number or arrest date. Matches were not found for all cases. This could be due to differences in the spelling of names or differences in recorded DOBs. The lack of match may also be due to differences in the interpretation of what constituted a school-based incident or the inability to identify a school-based incident with precision.

Description of diversion cases

Fifteen of the 22 DA offices in Colorado submitted information to DCJ. One of the reports was not usable due to extensive amounts of missing data. Fourteen offices reported 579 diversion cases. The offices with the most diversion cases reported were from the 4th and 8th Judicial Districts, with 163 and 115 cases, respectively. The offices from the 17th, 18th, 19th and 20th Judicial Districts reported between 44 and 47 cases each.

Among diversion cases, 12% were Black, 26% were Hispanics and 55% were White; for the remaining 8% of students the race/ethnicity was "other or unknown" (Table 4.1). There was considerable variation in the distribution of race/ethnicity across the DA diversion programs.

Table 4.1: Diversion cases by race/ethnicity by judicial district (n=579)

Judicial District	N	White	Hispanic	Black	Other/ Unknown	Total
1	5	40%	20%	0%	40%	100%
4	163	53%	12%	28%	7%	100%
5	32	25%	72%	3%	0%	100%
6	5	60%	0%	0%	40%	100%
8	115	72%	22%	5%	<1%	100%
9	7	71%	29%	0%	0%	100%
10	19	0%	0%	0%	100%	100%
11	6	100%	0%	0%	0%	100%
14	25	84%	12%	0%	4%	100%
17	44	34%	50%	9%	7%	100%
18	45	80%	0%	16%	4%	100%
19	46	24%	70%	4%	2%	100%
20	47	55%	38%	0%	6%	100%
21	20	70%	20%	10%	0%	100%
Total	579	55%	26%	12%	8%	100%

Table 4.2 shows the ages of the students who participated in diversion programs. Eight percent (8%) were in the 10-11 year old category, 19% were in the 12-13 year old category, 36% were in the 14-15 year old category, and 27% were in the 16-17 year old category. For 10% of the students the age was not available because of a missing date of birth or arrest date (Table 4.2).

Table 4.2: Diversion cases by age category by judicial district (n=579)

Judicial District	N	Missing	10-11	12-13	14-15	16-17	18-19	Total
1	5	0%	20%	20%	40%	20%	0%	100%
4	163	0%	4%	17%	45%	34%	0%	100%
5	32	97%	0%	0%	3%	0%	0%	100%
6	5	0%	20%	0%	60%	20%	0%	100%
8	115	0%	9%	28%	37%	26%	0%	100%
9	7	0%	0%	14%	57%	29%	0%	100%
10	19	100%	0%	0%	0%	0%	0%	100%
11	6	100%	0%	0%	0%	0%	0%	100%
14	25	4%	16%	4%	48%	28%	0%	100%
17	44	0%	11%	41%	25%	20%	2%	100%
18	45	0%	13%	18%	29%	40%	0%	100%
19	46	2%	20%	28%	30%	20%	0%	100%
20	47	0%	2%	6%	55%	36%	0%	100%
21	20	0%	10%	35%	30%	25%	0%	100%
Total	579	10%	8%	19%	36%	27%	<1%	100%

Overall, 65% of diversion cases were male and 35% were female, although this varied considerably by judicial district (Table 4.3).

Table 4.3: Gender by judicial district (n=579)

Judicial District	N	Male	Female	Total
1	5	60%	40%	100%
4	163	62%	38%	100%
5	32	72%	28%	100%
6	5	40%	60%	100%
8	115	55%	45%	100%
9	7	57%	43%	100%
10	19	74%	26%	100%
11	6	67%	33%	100%
14	25	76%	24%	100%
17	44	80%	20%	100%
18	45	82%	18%	100%
19	46	39%	61%	100%
20	47	72%	28%	100%
21	20	90%	10%	100%
Total	579	65%	35%	100%

Offense type (Table 4.4), obtained by matching the case with the submitted law enforcement agency record, was found for 271 cases, nearly 47% of diversion cases reported. Among these 271 cases, assault was the most common charge (21%), followed by marijuana-related offenses (18%), and public peace (10%). Information by judicial district regarding the crime type associated with diversion cases (when the information was available) may be found in Appendix A.

Table 4.4: Offense type (n=271)

Offense	N	%
Assault	56	21%
Marijuana	49	18%
Public Peace	27	10%
Dangerous Drugs	23	8%
Disorderly Conduct/Fighting	21	8%
Larceny/Theft	21	8%
Harassing Communication	14	5%
Damage Property	9	3%
Other/Unclear	8	3%
Liquor/Alcohol	8	3%
Obstruct	6	2%
Interference with Educ Inst	6	2%
Trespass	5	2%
Burglary	4	1%
Criminal Mischief	4	1%
Weapon Offense	3	1%
Menacing	2	1%
Vehicle Theft	1	<1%
Sexual Assault/Offense	1	<1%
Arson	1	<1%
Traffic Offense	1	<1%
Fraud/Forgery	1	<1%
Total	271	100%

Summary. Fifteen of 22 district attorney offices submitted information to DCJ for the 2015-16 academic year. Data from one office was unusable. Fourteen offices reported 579 cases involving 204 females and 375 males. Black students represented 12% of the group, while 26% were Hispanic and 55% were White. For the remaining 8%, race/ethnicity was “other or unknown.” Offense type was found for 271 cases that were granted diversion. Among these cases, assault was the most common charge followed by marijuana, and public peace.

Appendix A

Crimes of Diversion Cases by Judicial District 2015-16 Academic Year

Information by DA office. The following Tables A.1-A.14 list the offense type for cases reported by District Attorney (DA) offices. Note that DA offices do not provide offense information. Rather, this is obtained by matching the DA cases with the reports provided by law enforcement. This series of tables provides the frequency of incidents for which no match was found with law enforcement agency records (i.e., the offense is “missing”), followed by the offense types for the cases for which a match was found between the DA record and a law enforcement record. A review of the following 14 tables reflects considerable variation in information available by crime type across the judicial districts.

Table A.1: Offense type for cases reported by the DA office of the 1st Judicial District

Crimes	N	%
<i>Missing</i>	5	100%
Total	5	100%

Table A.2: Offense type for cases reported by the DA office of the 4th Judicial District

Crimes	N	%
<i>Missing</i>	62	38%
Assault	23	14%
Criminal Mischief	1	1%
Damage Property	2	1%
Dangerous Drugs	5	3%
Disorderly Conduct/Fighting	12	7%
Fraud/Forgery	1	1%
Harassing Communication	10	6%
Interference with Educ Inst	5	3%
Larceny/Theft	4	2%
Marijuana	5	3%
Menacing	1	1%
Obstruct	2	1%
Other/Unclear	9	6%
Public Peace	18	11%
Trespass	2	1%
Vehicle Theft	1	1%
Total	163	100%

Table A.3: Offense type for cases reported by the DA office of the 5th Judicial District

Crimes	N	%
<i>Missing</i>	22	69%
Assault	2	6%
Disorderly Conduct/Fighting	1	3%
Harassing Communication	2	6%
Larceny/Theft	1	3%
Liquor/Alcohol	1	3%
Menacing	3	9%
Total	32	100%

Table A.4: Offense type for cases reported by the DA office of the 6th Judicial District

Crimes	N	%
<i>Missing</i>	5	100%
Total	5	100%

Table A.5: Offense type for cases reported by the DA office of the 8th Judicial District

Crimes	N	%
<i>Missing</i>	36	31%
Assault	4	3%
Dangerous Drugs	8	7%
Disorderly Conduct/Fighting	4	3%
Harassing Communication	3	3%
Larceny/Theft	15	13%
Liquor/Alcohol	5	4%
Marijuana	26	23%
Obstruct	2	2%
Public Peace	8	7%
Trespass	3	3%
Weapon Offense	1	1%
Total	115	100%

Table A.6: Offense type for cases reported by the DA office of the 9th Judicial District

Crimes	N	%
<i>Missing</i>	5	71%
Assault	1	14%
Marijuana	1	14%
Total	7	100%

Table A.7: Offense type for cases reported by the DA office of the 10th Judicial District

Crimes	N	%
<i>Missing</i>	15	79%
Damage Property	1	5%
Disorderly Conduct/Fighting	1	5%
Marijuana	1	5%
Menacing	1	5%
Total	19	100%

Table A.8: Offense type for cases reported by the DA office of the 11th Judicial District

Crimes	N	%
<i>Missing</i>	3	50%
Dangerous Drugs	1	17%
Disorderly Conduct/Fighting	2	33%
Total	6	100%

Table A.9: Offense type for cases reported by the DA office of the 14th Judicial District

Crimes	N	%
<i>Missing</i>	15	60%
Assault	3	12%
Larceny/Theft	1	4%
Marijuana	5	20%
Menacing	1	4%
Total	25	100%

Table A.10: Offense type for cases reported by the DA office of the 17th Judicial District

Crimes	N	%
<i>Missing</i>	30	68%
Assault	1	2%
Criminal Mischief	2	5%
Damage Property	2	5%
Dangerous Drugs	2	5%
Disorderly Conduct/Fighting	3	7%
Obstruct	1	2%
Traffic Offense	1	2%
Weapon Offense	2	5%
Total	44	100%

Table A.11: Offense type for cases reported by the DA office of the 18th Judicial District

Crimes	N	%
<i>Missing</i>	22	49%
Assault	5	11%
Damage Property	2	4%
Dangerous Drugs	4	9%
Disorderly Conduct/Fighting	1	2%
Interference with Educ Inst	1	2%
Larceny/Theft	1	2%
Liquor/Alcohol	1	2%
Marijuana	5	11%
Sexual Assault/Offense	1	2%
Trespass	1	2%
Weapon Offense	1	2%
Total	45	100%

Table A.12: Offense type for cases reported by the DA office of the 19th Judicial District

Crimes	N	%
<i>Missing</i>	16	35%
Assault	20	43%
Burglary	4	9%
Damage Property	1	2%
Harassing Communication	1	2%
Larceny/Theft	2	4%
Obstruct	1	2%
Trespass	1	2%
Total	46	100%

Table A.13: Offense type for cases reported by the DA office of the 20th Judicial District

Crimes	N	%
<i>Missing</i>	31	66%
Arson	1	2%
Criminal Mischief	1	2%
Damage Property	1	2%
Dangerous Drugs	2	4%
Liquor/Alcohol	2	4%
Marijuana	8	17%
Weapon Offense	1	2%
Total	47	100%

Table A.14: Offense type for cases reported by the DA office of the 21st Judicial District

Crimes	N	%
<i>Missing</i>	11	55%
Assault	4	20%
Dangerous Drugs	2	10%
Public Peace	3	15%
Total	20	100%