

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

Community Law Enforcement Action Reporting Act CY 2017 Report

Pursuant to Senate Bill 2015-185

***Presented to the House and Senate Judiciary Committees of the Colorado
General Assembly***

November 2018



Colorado Department of Public Safety

Division of Criminal Justice

Office of Research and Statistics

700 Kipling St., Denver, Colorado 80215

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

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

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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 2017.

This report presents a summary of the findings by collapsing 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: <https://www.colorado.gov/dcj-ors/ORS-SB185-2017>

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.

Executive Summary

Background. 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,¹ 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 2017.

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,² 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: <https://www.colorado.gov/dcj-ors/ORS-SB185-2017>

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.

The state Demographer’s Office estimates that, in 2017, the Colorado population of those ages 10 and above was 4,930,240. The adult population was comprised as follows: White, 71%; Black, 4%; Hispanic, 20%; and Other, 5%. The juvenile population was comprised as follows: White, 56%, Black, 5%, Hispanic 34%, and other 5%. Males made up approximately 50% of the state population and females made up the other half.

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 2017 Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both the arrest and court data³. Note that while no model is 100% accurate, it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

¹ Local law enforcement agencies submit offense and arrest data to the Colorado Bureau of Investigation. The data used for this report was extracted from CBI’s National Incident Based Reporting System (NIBRS).

² The arrest information includes 17 offense categories summarized from more than 40, and the court data includes 24 offense categories summarized from hundreds of criminal statutes.

³ The S.B. 15-185 2017 report used NIBRS arrest data to identify race/ethnicity in the court data.

Law enforcement data. In 2017, arrests/summonses for Drug offenses accounted for 10% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (64%) fell into the Other crime category. Blacks represented 4% of the state population in 2017, but accounted for 12% of arrests/summonses. Males represented about 50% of the state population and 70-80% of arrests. Females were somewhat more likely to be involved in Property offenses than the other offense categories. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of 115,565 case filings in county, district, and juvenile courts combined found that while Blacks represented 4% to 5% of the state population and 12% of the arrests/summonses in 2017, they accounted for 11% of district court filings. In juvenile court, Blacks represented 16% of cases, compared to 5% Black juveniles in the population. Hispanic adults made up 20% of the adult population but had 30% of district court filings in 2017. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property crimes (29% compared to 24%, respectively) and slightly less likely to be involved in Violent offenses (32% compared to 35%, respectively). In 2017, only 1% of cases completed a trial in county, district court and juvenile court; 2% of Violent court cases completed a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

Court case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 32% of cases in county court were dismissed, as were 14% of cases in district court and 27% of cases in juvenile court. One-third (33%) of county court cases were convicted as charged compared to 25% in district court and 38% in juvenile court. One-quarter (25%) of county court cases were convicted of a different charge, as were almost half (47%) of district court cases, and 25% of juvenile court cases. Black youth in juvenile court were somewhat less likely to be convicted as charged (30% compared to 38% overall), and were almost twice as likely to have a case falling into the not yet resolved/case closed category (18% compared to 10% overall).

Initial court sentences. The analyses undertaken reflect 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. In fact, in 2017, 19% of county court cases, 36% of district court cases, and 39% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to

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

Women were more likely than men to receive a deferred judgment in county court (29% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 25% for women) in county court. Hispanics were considerably less likely than the other race/ethnicity groups to receive a deferred judgment.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (68%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 29% of Other cases, 16% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Blacks (23%) and Hispanics (22%) were to the Department of Corrections, compared to 16% of Whites. Deferred judgments were initially granted in 9% of district court cases overall, and were most likely to be imposed in Property cases (13%) and least likely to be imposed in Drug cases (4%). Overall in district court, Blacks and Hispanics were more likely than the other race/ethnicity categories to receive initial sentences to the Department of Corrections and less likely to receive probation or a deferred judgment.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court. Drug cases were slightly more likely than other offenses to receive a deferred judgment (41%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Across race/ethnicity categories, Blacks and Hispanics in juvenile court were considerably less likely to receive a deferred judgment, and Blacks were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations. Cases sentenced in 2017 to probation or a deferred judgment that received a revocation were included in this analyses. **Note that these are cases, not individuals** and, as previously mentioned, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In 2017, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 22% of county court cases receiving a probation/deferred judgment in 2017 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (19% compared to 23%, respectively).

In district court, 34% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Women in adult district court were slightly more likely than men to get revoked (36% compared to 33%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked (46% compared to 43%, respectively).

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2017 were revoked; 55% of Blacks with Drug offenses were revoked but the number of cases was small (n=22). Females were revoked at a rate of 20% compared to 25% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (25%) and males with Property cases were most likely to be revoked (29%).

Adult Parole Board data. The Parole Board conducted 19,655 parole application hearings in 2017. In terms of gender, 13% were women and 87% were men. Of those application hearings, 48% involved White inmates, while 15% were Black, and 32% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 19,655 discretionary hearings in 2017, 51% of inmates were deferred (not released) and 49% were released.

Additional analyses. To better understand the disparity across race/ethnicity in initial sentences, a statistical technique called logistic regression was employed in an attempt to account for circumstances that may impact decision making at this point in the process. These additional analyses allowed for the examination of the impact concurrent and prior cases, including current and prior violent offenses,⁴ may have on those decisions. After controlling for the additional factors, Blacks and Hispanics in district court were statistically significantly more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Blacks and Hispanics in district court were statistically significantly less likely than Whites to receive a deferred judgment. Additionally, after controlling for the additional factors, Black and Hispanic youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Finally, Black and Hispanic youth in juvenile court were significantly more likely compared to Whites to receive a sentence to the Division of Youth Services. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black and Hispanic defendants.

Overall summary. In 2017, Blacks represented 4% of the adult state population but accounted for 12% of arrests/summons, 11% of adult district court filings, and 10% of cases sentenced in district court. Hispanic adults represented 20% of the population, 29% of arrests/summons, 30% of district court filings and 30% of cases sentenced in district court. In juvenile court, Blacks represented 16% of cases, compared to 5% of Black juveniles in the population; Hispanic youth were 34% of the population and 35% of cases filed.

⁴ The violent crimes included in these additional analyses 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.

In county court, Blacks and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to the other two race/ethnicity categories. In adult district court, 23% of initial sentences for Blacks and 22% of initial sentences for Hispanics were to the Department of Corrections compared to 16% for Whites. When the offense was Violent, Blacks were sentenced to prison in 28% of cases compared to 18% of Whites. In juvenile court, for each of the four crime types, Blacks and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Blacks were much more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 32% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, Drug cases, compared to the other offense categories, were the most likely to be revoked. Blacks and Hispanics with Drug cases were revoked at a rate of 42% and 43%, respectively. In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2017 were revoked; 55% of Blacks with Drug offenses were revoked but the number of cases was small (n=22).

The Parole Board conducted 19,655 parole application hearings in 2017. In terms of gender, 13% were women and 87% were men. Of those application hearings, 48% involved White inmates, while 15% were Black, and 32% were Hispanic. In 12,572 discretionary hearings in 2017, 51% of offenders were deferred and 49% were released.

Section 1: Introduction

Background and overview

In 2015, the General Assembly passed Senate Bill 15-185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice annually analyze and report data provided by law enforcement agencies,⁵ 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 2017, 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;
- Revocations for probation and deferred judgments, and
- Adult parole hearings and release decisions.

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 hundreds of criminal 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 and judicial district are presented in the corresponding web-based interactive dashboard available at: <https://www.colorado.gov/dcj-ors/ORS-SB185-2017>

This report is presented to the Judiciary Committees of the General Assembly in tandem with the data dashboard that provides information by offense type, and includes a feature that shows the initial sentence by number of prior cases. 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 2017 Hispanics represented 22% of the Colorado population, but only 6% of cases were classified as Hispanic in ICON. In addition, the arrest data are plagued with random

⁵ Local law enforcement agencies submit offense and arrest data to the Colorado Bureau of Investigation. The data used for this report was extracted from CBI’s National Incident Based Reporting System (NIBRS).

misclassifications of race/ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both arrest and court data.⁶ Note that while no model is perfectly accurate it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Finally, the Colorado Department of Local Affairs, Office of the State Demographer, estimated that the state population in 2017 for residents ages 10 and over was 4,930,240 and was comprised as follows:

Table 1-1. Colorado race/ethnicity estimates for those ages 10 and above, 2017

Age Group	Race/ethnicity	%	N
Adult		88%	4,344,761
	Black	4%	173,912
	Hispanic	20%	865,589
	Other	5%	199,194
	White	71%	3,106,066
Juvenile		12%	585,479
	Black	5%	27,243
	Hispanic	34%	197,076
	Other	5%	30,679
	White	56%	330,481
Total		100%	4,930,240

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

Males made up approximately 50% of the state population and females made up the other half of the population.

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2017 and December 31, 2017 was obtained from the Colorado Bureau of Investigation’s National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests. 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;

⁶ The S.B. 15-185 report published in 2017 (of 2016 data) used NIBRS arrest data to identify race/ethnicity in the court data.

- The likelihood that law enforcement is the best source for collecting data regarding the offense;
- The burden placed on law enforcement in collecting data on the offense;
- The national statistical validity and usefulness of the collected data.

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into “Other.”⁷ Per the CLEAR Act, the data presented here includes information concerning arrests classified as *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). More than 224,000 NIBRS incidents were analyzed for calendar year 2017 (Table 1-2).

Table 1-2. Arrests by type, 2017

Arrest Type	%	N
On-view/probable cause	36%	80,616
Summons	34%	75,439
Custody/warrant	31%	68,852
Total	100%	224,907

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

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.

Judicial case processing data. ICON is the Colorado Judicial Branch's information management system, which contains county and district court adult and juvenile filings and case dispositions statewide, with the exception of Denver County Court.⁸ 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 can be seen in Table 1-3.

Table 1-3. Court of case filing, 2017

Court	%	N
County	49%	57,035
Adult District	44%	50,823
Juvenile	7%	7,707
Total	100%	115,565

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

⁷ Group B crimes include bad checks, curfew/loitering/vagrancy, disorderly conduct, driving under the influence, drunkenness, family offenses (nonviolent), liquor law violations, voyeurism, runaway, trespass of real property, all other offenses.

⁸ Denver County Court is not part of ICON and consequently this information is excluded from the information presented in this report and on the interactive web dashboard.

Note that the information presented here reflects the analysis of more than 115,000 **cases not individuals**. Individuals may have multiple, concurrent cases,⁹ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories¹⁰ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.¹¹ The analysis of the 24 offense categories is available on the interactive data dashboard. See Appendix B for the list of offenses that were combined into the four broad categories.

This analysis focused on the most serious charge as defined by felony or misdemeanor level. Traffic cases are not in this analysis unless they appeared in a district/county filing. Cases sentenced to probation or a deferred judgment that were revoked are reported, but those sentenced near the end of 2017 may not have had time to revoke.

Finally, 245 cases in the charges data and 111 cases in the sentences data were removed because gender was not specified.

Adult Parole Board decisions. The Department of Corrections, Office of Planning and Analysis, analyzed and provided the results of parole board decision making in calendar year 2017.

Finally, please note that the cases represented in the arrests, filings, sentences, and parole board sections were not necessarily the same cases. This is due to the fact that lags exist between when an arrest results in a filing, when a filing results in a sentence, and when an offender is paroled. This report analyzes events (arrests, filings, sentences, parole decisions) that occurred in a single year.

Organization of this report: This report is organized into five sections. The current 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 analyses 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 presents information obtained from the Department of Corrections regarding parole board decisions, and Section Five describes the findings from additional analyses undertaken to better understand the impact of concurrent cases and criminal history on the initial sentence.

⁹ This study found that in 2017 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

¹⁰ The 24 offense categories are summarized from hundreds of criminal statutes.

¹¹ Note that all offenses include attempts, solicitations, and conspiracies.

Section 2: Law Enforcement Data

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 <https://www.colorado.gov/dcj-ors/ORS-SB185-2017>, provides information on 17 arrest offense types. The analyses 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 2017.

Table 2-1. Arrests/summons by offense, 2017

Offense	%	N
Other	64%	143,655
Property	14%	32,587
Violent	12%	26,773
Drugs	10%	21,892
Total	100%	224,907

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

Table 2-2 reflects over 224,000 arrests/summons captured in NIBRS for calendar year 2017, by race/ethnicity. Blacks represented 4% of the state population in 2017, but accounted for 12% of arrests/summons. Hispanics represented 22% of the state population and accounted for 29% of arrests. The Other race/ethnicity category represented 5% of the state population, and were underrepresented in arrests (2%), as were Whites, who represented 70% of the state population and 57% of arrests/summons.

Table 2-2. Arrests/summons by race/ethnicity, 2017

Race/ethnicity	%	N
White	57%	127,486
Hispanic*	29%	65,788
Black	12%	26,016
Other	2%	5,617
Total	100%	224,907

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 2-3 shows that juveniles accounted for 6% of on view/probable cause arrests, and that 23% of those arrests were for violent crimes, a proportion similar to adults (20%). Juveniles accounted for 9% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for 17% of summonsed cases (Table 2-5). Not surprisingly, violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

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

Age Group	Offense	%	N
Adult		94%	75,588
	Drugs	14%	10,864
	Other	52%	38,960
	Property	14%	10,793
	Violent	20%	14,971
Juvenile		6%	5,028
	Drugs	11%	565
	Other	40%	2,026
	Property	26%	1,289
	Violent	23%	1,148
Total		100%	80,616

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

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

Age Group	Offense	%	N
Adult		91%	62,762
	Drugs	4%	2,646
	Other	80%	50,186
	Property	7%	4,430
	Violent	9%	5,500
Juvenile		9%	6,090
	Drugs	2%	119
	Other	85%	5,189
	Property	6%	368
	Violent	7%	414
Total		100%	68,852

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

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

Age Group	Offense	%	N
Adult		83%	62,470
	Drugs	8%	5,048
	Other	65%	40,806
	Property	21%	13,163
	Violent	6%	3,453
Juvenile		17%	12,969
	Drugs	20%	2,650
	Other	50%	6,488
	Property	20%	2,544
	Violent	10%	1,287
Total		100%	75,439

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

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 14% of probable cause arrests were for Drug related offenses, 51% were for Other offenses, 15% for Property offenses, and 20% for Violent offenses. While Blacks made up 4% of the state population, Table 2-6

shows that they were arrested at three to 4 times that rate for probable cause arrests in 2017: 13% of Drug arrests were Blacks, 13% of arrests for Other offenses were Blacks, 15% of Property arrests were Blacks, and 19% of Violent arrests were Blacks.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Over 80% of these arrests involved an offense that fell into the Other category. While only 9% of these types of arrests involved a Violent offense, Blacks made up 14% of Violent crime arrests and Hispanics made up 33%, which was greater than the proportion of Blacks and Hispanics in the state population (4% and 22%, respectively).

Table 2-8 shows that summons were less likely to be issued for Violent offenses (6%) compared to Other (63%) and Property (21%) and that, of those summons issued for Violent crimes, 14% went to Blacks. Whites were least likely to be summonsed for a Violent crime (55%).

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

Offense	Race/ethnicity	%	N
Drugs		14%	11,429
	Black	13%	1,500
	Hispanic*	28%	3,238
	Other	2%	203
	White	57%	6,488
Other		51%	40,986
	Black	13%	5,220
	Hispanic*	30%	12,172
	Other	2%	1,026
	White	55%	22,568
Property		15%	12,082
	Black	15%	1,783
	Hispanic*	31%	3,781
	Other	2%	285
	White	52%	6,233
Violent		20%	16,119
	Black	19%	3,013
	Hispanic*	29%	4,699
	Other	3%	440
	White	49%	7,967
Total		100%	80,616

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Offense	Race/ethnicity	%	N
Drugs		4%	2,765
	Black	6%	154
	Hispanic*	30%	840
	Other	1%	34
	White	63%	1,737
Other		80%	55,375
	Black	11%	6,018
	Hispanic*	31%	17,241
	Other	2%	1,328
	White	56%	30,788
Property		7%	4,798
	Black	10%	475
	Hispanic*	34%	1,654
	Other	2%	79
	White	54%	2,590
Violent		9%	5,914
	Black	14%	848
	Hispanic*	33%	1,932
	Other	2%	129
	White	51%	3,005
Total		100%	68,852

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Offense	Race/ethnicity	%	N
Drugs		10%	7,698
	Black	10%	791
	Hispanic*	27%	2,114
	Other	2%	135
	White	61%	4,658
Other		63%	47,294
	Black	9%	4,219
	Hispanic*	26%	12,398
	Other	3%	1,521
	White	62%	29,156
Property		21%	15,707
	Black	9%	1,342
	Hispanic*	28%	4,358
	Other	2%	324
	White	62%	9,683
Violent		6%	4,740
	Black	14%	653
	Hispanic*	29%	1,361
	Other	2%	113
	White	55%	2,613
Total		100%	75,439

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following three tables show arrest/summons by broad offense category and gender. Although women made up half the Colorado population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 22-30% of arrests and 28-44% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be involved in Property offenses compared with the other offense categories.

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

Offense	Gender	%	N
Drugs		14%	11,429
	Female	29%	3,347
	Male	71%	8,082
Other		51%	40,986
	Female	25%	10,067
	Male	75%	30,919
Property		15%	12,082
	Female	31%	3,723
	Male	69%	8,359
Violent		20%	16,119
	Female	25%	4,069
	Male	75%	12,050
Total		100%	80,616

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

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

Offense	Gender	%	N
Drugs		4%	2,765
	Female	30%	817
	Male	70%	1,948
Other		80%	55,375
	Female	29%	16,125
	Male	71%	39,250
Property		7%	4,798
	Female	31%	1,510
	Male	69%	3,288
Violent		9%	5,914
	Female	22%	1,323
	Male	78%	4,591
Total		100%	68,852

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

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

Offense	Gender	%	N
Drugs		10%	7,698
	Female	28%	2,189
	Male	72%	5,509
Other		63%	47,294
	Female	29%	13,746
	Male	71%	33,548
Property		21%	15,707
	Female	44%	6,894
	Male	56%	8,813
Violent		6%	4,740
	Female	33%	1,543
	Male	67%	3,197
Total		100%	75,439

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 08/10/2018.

Summary: Law enforcement data. In 2017, law enforcement made/issued over 224,000 arrests/summonses. 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 2017, arrests/summonses for Drug offenses accounted for 10% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (64%) fell into the Other crime category. Blacks represented 4% of the state population in 2017 but accounted for 12% of arrests/summonses. Hispanics represented 22% of the population and 29% of arrests/summonses. Males represented about 50% of the state population and 70-80% of arrests. Females were more likely to be involved in Property offenses than the other offense categories. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide, with the exception of Denver County Court.¹² County court contains both adult and juvenile misdemeanor cases. The 2017 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,¹³ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent. The analysis of the 24 offense categories, summarized from hundreds of criminal statutes, is available on the interactive data dashboard <https://www.colorado.gov/dcj-ors/ORS-SB185-2017>. See Appendix B for the list of offenses that were combined into the four broad crime 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.

Finally, 245 cases in the charges data and 111 cases in the sentences data were removed because gender was not specified. Only cases with non-blank and non-error charges were selected from ICON.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 115,565 case filings in county, adult district, and juvenile courts combined for calendar year 2017. While Blacks represented 4% of the state population and 12% of the arrests/summonses in 2017, they accounted for 10% of court filings. Hispanics represented 22% of the population, 29% of arrests/summonses, and 29% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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

¹³ This study found that in 2017, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

Table 3-1. Overall filings by race/ethnicity, 2017

Race/ethnicity	%	N
White	59%	67,653
Hispanic*	29%	33,900
Black	10%	11,020
Other	3%	2,992
All	100%	115,565

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 15% of cases, and Violent charges comprised the largest category at 34% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

Table 3-2. Most serious filing charge by race/ethnicity, 2017

Offense	Race/ethnicity	%	N
Drugs		15%	17,639
	Black	9%	1,509
	Hispanic*	28%	4,981
	Other	2%	346
	White	61%	10,803
Other		25%	28,657
	Black	9%	2,520
	Hispanic*	31%	8,904
	Other	3%	780
	White	57%	16,453
Property		26%	29,479
	Black	9%	2,769
	Hispanic*	29%	8,504
	Other	3%	786
	White	59%	17,420
Violent		34%	39,790
	Black	11%	4,222
	Hispanic*	29%	11,511
	Other	3%	1,080
	White	58%	22,977
Total		100%	115,565

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 Property crimes (29% compared to 24%, respectively) and Drug crimes (17% compared to 15%, respectively) and slightly less to be involved in Violent offenses (32% compared to 35%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	%	N
Female		26%	30,411
	Drugs	17%	5,162
	Other	22%	6,634
	Property	29%	8,806
	Violent	32%	9,809
Male		74%	85,154
	Drugs	15%	12,477
	Other	26%	22,023
	Property	24%	20,673
	Violent	35%	29,981
Total		100%	115,565

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court¹⁴ had the most cases in 2017, with 49% of the total. Blacks represented 7% of county court cases filed compared to 11% in adult district court and 16% in juvenile court. Hispanics represented 30% of county court filings, 30% of district court filings, and 35% of juvenile court filings in 2017.

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

Court	Race/ethnicity	%	N
Adult District		44%	50,823
	Black	11%	5,515
	Hispanic*	30%	15,320
	Other	2%	1,209
	White	57%	28,779
County		49%	57,035
	Black	7%	4,250
	Hispanic*	28%	15,869
	Other	3%	1,520
	White	62%	35,396
Juvenile		7%	7,707
	Black	16%	1,255
	Hispanic*	35%	2,711
	Other	3%	263
	White	45%	3,478
Total		100%	115,565

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases. *Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

¹⁴ Note that county court data excludes Denver County because it is not part of the statewide ICON court data system.

Table 3-5 shows the type of offense within court type. Nearly half (45%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (30%) and Drug cases (26%) comprised the largest categories of cases in adult district court; and Property crimes made up over one-third (38%) of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (29%) compared to adult district court (24%) and juvenile court (23%).

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

Court	Offense	%	N
Adult District		44%	50,823
	Drugs	26%	13,069
	Other	22%	11,381
	Property	30%	15,223
	Violent	22%	11,150
County		49%	57,035
	Drugs	7%	3,879
	Other	28%	15,974
	Property	20%	11,315
	Violent	45%	25,867
Juvenile		7%	7,707
	Drugs	9%	691
	Other	17%	1,302
	Property	38%	2,941
	Violent	36%	2,773
Total		100%	115,565

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

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

Court	Gender	%	N
Adult District		44%	50,823
	Female	24%	12,253
	Male	76%	38,570
County		49%	57,035
	Female	29%	16,415
	Male	71%	40,620
Juvenile		7%	7,707
	Female	23%	1,743
	Male	77%	5,964
Total		100%	115,565

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

Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial (1%). Table 3-8 combines information across court types and shows the number of trials completed by offense type. Cases with a Violent offense were most likely to complete a trial.

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

Court	Completed Trial	%	N
Adult District		44%	50,823
	No	99%	50,145
	Yes	1%	678
County		49%	57,035
	No	99%	56,402
	Yes	1%	633
Juvenile		7%	7,707
	No	99%	7,626
	Yes	1%	81
Total		100%	115,565

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

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

Offense	Completed Trial	%	N
Drugs		15%	17,639
	No	100%	17,566
	Yes	<1%	73
Other		25%	28,657
	No	99%	28,346
	Yes	1%	311
Property		26%	29,479
	No	99%	29,315
	Yes	1%	164
Violent		34%	39,790
	No	98%	38,946
	Yes	2%	844
Total		100%	115,565

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

Summary: Filings. This study of more than 115,000 case filings in county, district, and juvenile courts combined found that while Blacks represented 4% of the state population and 12% of the arrests/summonses in 2017, they accounted for 11% of district court filings. In juvenile court, Blacks represented 16% of cases, compared to 5% Black juveniles in the population. Hispanic adults made up 20% of the adult population but had 30% of district court filings in 2017. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property and Drug crimes and slightly less likely to be

involved in Violent offenses. Only 1% of cases completed a trial in 2017. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2017. 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-third (32%) of cases, all charges were dismissed in county court in 2017 (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 33% of cases were convicted as charged, and one-quarter (25%) were convicted of another crime. In adult district court (Table 3-10), 47% were convicted of another crime and one-fourth (25%) were convicted as charged. In juvenile court (Table 3-11), 25% were convicted of another offense and 38% 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	Total	N
Black		29%	22%	35%	14%	100%	4,250
	Drugs	28%	19%	41%	13%	100%	231
	Other	30%	28%	25%	17%	100%	1,118
	Property	32%	23%	31%	15%	100%	826
	Violent	27%	19%	41%	13%	100%	2,075
Hispanic*		34%	26%	29%	12%	100%	15,869
	Drugs	41%	19%	31%	10%	100%	1,025
	Other	36%	31%	20%	12%	100%	4,980
	Property	35%	25%	28%	12%	100%	2,815
	Violent	31%	23%	34%	11%	100%	7,049
Other		34%	23%	32%	12%	100%	1,520
	Drugs	41%	18%	36%	5%	100%	76
	Other	33%	24%	30%	13%	100%	422
	Property	40%	18%	27%	15%	100%	294
	Violent	31%	24%	35%	10%	100%	728
White		33%	24%	33%	9%	100%	35,396
	Drugs	38%	16%	36%	9%	100%	2,547
	Other	34%	30%	27%	9%	100%	9,454
	Property	34%	23%	31%	11%	100%	7,380
	Violent	31%	23%	38%	8%	100%	16,015
Total		33%	25%	32%	10%	100%	57,035

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-10 reflects case outcomes for district court in 2017. Fourteen percent (14%) of cases filed in district court had all charges dismissed (fewer than 1% of those in this category were not guilty). Cases falling into the Other race/ethnicity category were slightly more likely to have charges dismissed, especially Other offenses. In fact, offenses falling in the Other crime category were more likely to get dismissed compared to the other offense types.

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	Total	N
Black		22%	47%	15%	16%	100%	5,515
	Drugs	20%	57%	11%	11%	100%	1,209
	Other	24%	39%	22%	15%	100%	1,183
	Property	26%	46%	10%	17%	100%	1,458
	Violent	18%	45%	18%	20%	100%	1,665
Hispanic*		23%	48%	14%	16%	100%	15,320
	Drugs	20%	54%	11%	15%	100%	3,713
	Other	27%	43%	16%	14%	100%	3,466
	Property	23%	48%	13%	16%	100%	4,670
	Violent	20%	46%	14%	20%	100%	3,471
Other		24%	43%	16%	17%	100%	1,209
	Drugs	17%	53%	10%	19%	100%	257
	Other	26%	30%	28%	17%	100%	318
	Property	28%	45%	12%	15%	100%	373
	Violent	23%	46%	14%	18%	100%	261
White		26%	47%	14%	12%	100%	28,779
	Drugs	26%	54%	11%	10%	100%	7,890
	Other	27%	40%	21%	13%	100%	6,414
	Property	28%	48%	12%	13%	100%	8,722
	Violent	24%	47%	14%	15%	100%	5,753
Total		25%	47%	14%	14%	100%	50,823

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-11 presents case outcomes for juvenile court. All charges were dismissed for 27% of cases filed, while 38% of cases were convicted as charged and 25% were convicted of a different crime. Blacks were somewhat less likely to be convicted as charged (30% compared to 38% overall), and Blacks were nearly twice as likely to have a case falling into the not yet resolved/case closed category (18% compared to 10% overall).

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	Total	N
Black		30%	23%	29%	18%	100%	1,255
	Drugs	14%	32%	41%	13%	100%	69
	Other	42%	18%	26%	14%	100%	219
	Property	29%	20%	31%	20%	100%	485
	Violent	27%	27%	27%	19%	100%	482
Hispanic*		40%	28%	24%	9%	100%	2,711
	Drugs	39%	30%	25%	6%	100%	243
	Other	46%	20%	27%	7%	100%	458
	Property	41%	27%	23%	8%	100%	1,019
	Violent	36%	30%	23%	11%	100%	991
Other		35%	21%	31%	13%	100%	263
	Drugs	23%	31%	31%	15%	100%	13
	Other	42%	12%	35%	10%	100%	40
	Property	33%	20%	35%	12%	100%	119
	Violent	35%	25%	24%	15%	100%	91
White		40%	25%	27%	8%	100%	3,478
	Drugs	45%	25%	28%	3%	100%	366
	Other	43%	21%	29%	7%	100%	585
	Property	39%	24%	30%	7%	100%	1,318
	Violent	38%	27%	25%	11%	100%	1,209
Total		38%	25%	27%	10%	100%	7,707

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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, 32% of cases in county court were dismissed, as were 14% of cases in district court and 27% of cases in juvenile court. One-third (33%) of county court cases were convicted as charged compared to 25% in district court and 38% in juvenile court. One-quarter (25%) of county court cases were convicted of a different charge, as were almost half (47%) of district court cases, and 25% of juvenile court cases. Black youth in juvenile court were somewhat less likely to be convicted as charged (30% compared to 38% overall), and were almost twice as likely to have a case falling into the not yet resolved/case closed category (18% compared to 10% overall).

Initial Sentences

The tables below show cases sentenced between Jan 1, 2017 and Dec 31, 2017, 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) will not match the number reported as admissions by these agencies.

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. Gender was missing for 111 cases; these cases were removed from analysis.

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. In fact, as previously mentioned, in 2017, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

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 final initial sentence.

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in 2017. County court Drug cases resulted in a fine in 44% of cases, and community service for 26% of cases. Deferred judgments occurred for approximately one-quarter of Property (23%) and Violent (27%) crime cases, 17% of Other cases, and 14% of Drug cases. Many (41%) of Violent cases received an initial sentence to probation.

Table 3-12. Initial sentence in County Court, by most serious conviction charge (N=33,311)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	0	0%	1	<1%	1	<1%	4	<1%
Community Service	503	26%	547	4%	249	4%	87	1%
Deferred	276	14%	2,057	17%	1,607	23%	3,245	27%
Fines/fees	866	44%	2,386	19%	1,137	16%	550	5%
Jail	187	10%	3,111	25%	2,245	32%	2,550	21%
Probation/Intensive Supervision	98	5%	3,463	28%	1,085	15%	4,972	41%
Unsupervised Probation	34	2%	688	6%	786	11%	576	5%
Total	1,964	100%	12,253	100%	7,110	100%	11,984	100%

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

Table 3-13 reflects initial county court sentences by gender. Women were considerably more likely than men to receive a deferred judgment in county court (29% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 18% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 25% for women).

Table 3-13. Initial sentence in County Court by gender (N=33,311)

Sentence	Female	%	Male	%
Community Corrections	2	<1%	4	<1%
Community Service	452	5%	934	4%
Deferred	2,674	29%	4,511	19%
Fines/fees	1,422	16%	3,517	15%
Jail	1,607	18%	6,486	27%
Probation/Intensive Supervision	2,308	25%	7,310	30%
Unsupervised Probation	698	8%	1,386	6%
Total	9,163	100%	24,148	100%

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (32% compared to 17% to 23% for other race/ethnicities); Hispanics were especially unlikely to receive a deferred judgement, at 17%. Blacks and Hispanics were more likely to receive jail time (30% and 26%, respectively, compared to 21% of Other cases and 23% of White cases).

Table 3-14. Initial sentence in County Court by race/ethnicity (N=33,311)

Sentence	Black	Hispanic*	Other	White
N	2,324	9,746	885	20,356
Community Corrections	0%	<1%	0%	<1%
Community Service	3%	4%	3%	4%
Deferred	21%	17%	32%	23%
Fines/fees	13%	14%	12%	16%
Jail	30%	26%	21%	23%
Probation/Intensive Supervision	28%	32%	26%	27%
Unsupervised Probation	6%	6%	6%	6%
Total	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. Excludes Denver County Court cases.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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. Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (29%) compared to the other groups (14%), however there were only 42 cases in this category. Blacks and Hispanics were more likely to receive jail sentences (13% and 11%, respectively) for Drug offenses compared to Whites (9%).

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity (N=1,964)

Sentence	Black	Hispanic*	Other	White
N	99	567	42	1,256
Community Service	21%	25%	24%	27%
Deferred	14%	14%	29%	14%
Fines/fees	48%	45%	36%	44%
Jail	13%	11%	2%	9%
Probation/Intensive Supervision	3%	4%	7%	6%
Unsupervised Probation	0%	2%	2%	2%
Total	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. Excludes Denver County Court cases.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Blacks and Hispanics were more likely to receive a jail sentence and much less likely to receive a deferred judgment. 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 for property offenses and Blacks were more likely to receive a jail sentence for a Violent offense.

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity (N=12,253)

Sentence	Black	Hispanic*	Other	White
N	832	3,885	323	7,213
Community Corrections	0%	0%	0%	<1%
Community Service	3%	5%	4%	5%
Deferred	15%	12%	24%	19%
Fines/fees	16%	18%	17%	21%
Jail	32%	29%	20%	23%
Probation/Intensive Supervision	28%	31%	27%	27%
Unsupervised Probation	5%	5%	9%	6%
Total	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. Excludes Denver County Court cases.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity (N=7,110)

Sentence	Black	Hispanic*	Other	White
N	510	1,941	174	4,485
Community Corrections	0%	<1%	0%	0%
Community Service	2%	4%	2%	3%
Deferred	23%	20%	37%	23%
Fines/fees	16%	14%	16%	17%
Jail	36%	33%	26%	31%
Probation/Intensive Supervision	13%	18%	14%	15%
Unsupervised Probation	10%	12%	5%	11%
Total	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. Excludes Denver County Court cases.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity (N=11,984)

Sentence	Black	Hispanic*	Other	White
N	883	3,353	346	7,402
Community Corrections	0%	<1%	0%	<1%
Community Service	<1%	1%	1%	1%
Deferred	25%	21%	38%	29%
Fines/fees	5%	4%	2%	5%
Jail	26%	22%	23%	20%
Probation/Intensive Supervision	40%	47%	33%	40%
Unsupervised Probation	4%	4%	4%	5%
Total	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. Excludes Denver County Court cases.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2017. Probation was the most frequently occurring initial sentence, happening two-thirds (68%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 29% of Other cases, 16% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 9% of cases (3506/39439) and were most likely to be imposed in Property cases (13%), and least likely to be imposed in Drug cases (4%).

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge (N=39,439)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	613	5%	531	7%	872	7%	279	3%
Community Service	57	1%	32	<1%	26	<1%	9	<1%
Deferred	498	4%	497	6%	1,555	13%	956	11%
Dept of Corrections	1,238	11%	2,316	29%	1,892	16%	1,803	22%
Division of Youth Services	0	0%	0	0%	0	0%	3	<1%
Fines/fees	108	1%	140	2%	138	1%	43	1%
Jail	1,108	10%	1,051	13%	1,204	10%	785	9%
Probation/ Intensive Supervision	7,589	68%	3,316	42%	6,287	52%	4,427	53%
Youthful Offender System	2	<1%	5	<1%	9	<1%	50	1%
Total	11,213	100%	7,888	100%	11,983	100%	8,355	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 shows the initial district court sentence by gender. Women were much more likely to receive a deferred judgment compared to men (12% versus 8%, respectively), and more likely to be granted probation (63% compared to 52% for men). Women were less likely to receive a jail sentence (8%) compared to men (11%), and also considerably less likely to receive a prison sentence compared to men (10% compared to 21%).

Table 3-20. Initial sentence in Adult District Court by gender (N=39,439)

Sentence	Female	%	Male	%
Community Corrections	456	5%	1,839	6%
Community Service	26	<1%	98	<1%
Deferred	1,175	12%	2,331	8%
Dept of Corrections	936	10%	6,313	21%
Division of Youth Services	0	0%	3	<1%
Fines/fees	113	1%	316	1%
Jail	787	8%	3,361	11%
Probation/Intensive Supervision	5,979	63%	15,640	52%
Youthful Offender System	3	<1%	63	<1%
Total	9,475	100%	29,964	100%

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-quarter (23%) of initial sentences for Blacks were to the Department of Corrections, and 22% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Blacks and Hispanics were also less likely to receive a deferred judgment compared to those in the Other and White categories.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity (N=39,439)

Sentence	Black	Hispanic*	Other	White
N	4,205	11,937	805	22,492
Community Corrections	4%	6%	5%	6%
Community Service	<1%	<1%	<1%	<1%
Deferred	8%	7%	15%	10%
Dept of Corrections	23%	22%	13%	16%
Division of Youth Services	0%	<1%	0%	<1%
Fines/fees	1%	1%	1%	1%
Jail	10%	11%	7%	10%
Probation/Intensive Supervision	53%	53%	58%	56%
Youthful Offender System	1%	<1%	0%	<1%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Blacks and Hispanics were less likely to receive a deferred judgement than the other race/ethnicity categories, and Blacks and Hispanics were more likely to receive a sentence to jail. For Other, Property and Violent offenses, Blacks and Hispanics were more likely to receive prison sentences (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=11,213)

Sentence	Black	Hispanic*	Other	White
N	1,087	3,089	176	6,861
Community Corrections	5%	5%	2%	6%
Community Service	<1%	1%	0%	<1%
Deferred	4%	3%	11%	5%
Dept of Corrections	12%	15%	9%	9%
Fines/fees	1%	1%	1%	1%
Jail	11%	11%	5%	9%
Probation/Intensive Supervision	68%	64%	72%	69%
Youthful Offender System	<1%	0%	0%	<1%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-23. Initial sentence for Other as most serious conviction in Adult District Court by race/ethnicity (N=7,888)

Sentence	Black	Hispanic*	Other	White
N	788	2,527	181	4,392
Community Corrections	4%	6%	6%	7%
Community Service	<1%	<1%	0%	<1%
Deferred	5%	5%	10%	7%
Dept of Corrections	36%	32%	13%	27%
Fines/fees	1%	2%	2%	2%
Jail	12%	15%	10%	13%
Probation/Intensive Supervision	41%	39%	59%	43%
Youthful Offender System	<1%	<1%	0%	0%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-24. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity (N=11,983)

Sentence	Black	Hispanic*	Other	White
N	1,144	3,652	247	6,940
Community Corrections	5%	7%	7%	8%
Community Service	<1%	<1%	<1%	<1%
Deferred	13%	11%	21%	14%
Dept of Corrections	18%	16%	14%	15%
Fines/fees	1%	1%	2%	1%
Jail	9%	10%	6%	10%
Probation/Intensive Supervision	53%	55%	50%	51%
Youthful Offender System	<1%	<1%	0%	0%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-25. Initial sentence for Violent as most serious conviction in Adult District Court by race/ethnicity (N=8,355)

Sentence	Black	Hispanic*	Other	White
N	1,186	2,669	201	4,299
Community Corrections	3%	4%	3%	3%
Community Service	<1%	<1%	0%	<1%
Deferred	8%	7%	16%	15%
Dept of Corrections	28%	26%	17%	18%
Division of Youth Services	0%	<1%	0%	<1%
Fines/fees	<1%	<1%	<1%	1%
Jail	10%	10%	7%	9%
Probation/Intensive Supervision	49%	52%	56%	55%
Youthful Offender System	2%	1%	0%	<1%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2017, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: nearly half (2431/5137, 47%) of initial sentences were to Probation, while 36% of cases were granted a deferred judgment (1857/5137). Drug cases were somewhat more likely than other offenses to receive a deferred judgment (41%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge (N=5,137)

Sentence	Drugs	%	Other	%	Property	%	Violent	%
Community Corrections	0	0%	0	0%	1	<1%	1	<1%
Community Service	6	1%	2	<1%	4	<1%	3	<1%
Deferred	201	41%	349	36%	694	34%	613	37%
Division of Youth Services	29	6%	134	14%	216	11%	217	13%
Fines/fees	31	6%	25	3%	32	2%	15	1%
Jail	6	1%	14	1%	38	2%	12	1%
Juvenile Detention	11	2%	22	2%	15	1%	14	1%
No Sentence	0	0%	0	0%	0	0%	1	<1%
Probation/Intensive Supervision	206	42%	427	44%	1,026	51%	772	47%
Total	490	100%	973	100%	2,026	100%	1,648	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 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (43% versus 34%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 13%).

Table 3-27. Initial sentence in Juvenile Court by gender (N=5,137)

Sentence	Female	%	Male	%
Community Corrections	0	0%	2	<1%
Community Service	4	<1%	11	<1%
Deferred	484	43%	1,373	34%
Division of Youth Services	66	6%	530	13%
Fines/fees	35	3%	68	2%
Jail	7	1%	63	2%
Juvenile Detention	13	1%	49	1%
No Sentence	0	0%	1	<1%
Probation/Intensive Supervision	522	46%	1,909	48%
Total	1,131	100%	4,006	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 (22% and 34%, respectively compared to 46% and 43%), and Blacks were more likely to receive an initial sentence to the Division of Youth Services (18% compared to 10%-12%).

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity (N=5,137)

Sentence	Black	Hispanic*	Other	White
N	769	1,956	134	2,278
Community Corrections	0%	<1%	0%	<1%
Community Service	<1%	<1%	0%	<1%
Deferred	22%	34%	46%	43%
Division of Youth Services	18%	11%	12%	10%
Fines/fees	2%	2%	1%	2%
Jail	2%	2%	0%	1%
Juvenile Detention	2%	1%	2%	1%
No Sentence	0%	0%	0%	<1%
Probation/Intensive Supervision	55%	50%	40%	43%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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 instances, 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 each of these crime types, Blacks and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment. Additionally, compared to the other race/ethnicity categories, Blacks were much more likely to receive an initial sentence to the Division of Youth Services for Drug, Other and Violent offenses.

Table 3-29. Initial sentence for Drugs as most serious conviction in Juvenile Court by race/ethnicity (N=490)

Sentence	Black	Hispanic*	Other	White
N	31	180	15	264
Community Service	0%	1%	0%	2%
Deferred	3%	40%	47%	46%
Division of Youth Services	19%	4%	7%	5%
Fines/fees	10%	6%	0%	6%
Jail	0%	3%	0%	0%
Juvenile Detention	0%	4%	0%	2%
Probation/Intensive Supervision	68%	42%	47%	39%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-30. Initial sentence for Other as most serious conviction in Juvenile Court by race/ethnicity (N=973)

Sentence	Black	Hispanic*	Other	White
N	188	375	25	385
Community Service	1%	<1%	0%	0%
Deferred	19%	36%	44%	44%
Division of Youth Services	20%	13%	12%	11%
Fines/fees	2%	3%	4%	3%
Jail	2%	2%	0%	1%
Juvenile Detention	2%	2%	4%	3%
Probation/Intensive Supervision	54%	45%	36%	39%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity (N=2,026)

Sentence	Black	Hispanic*	Other	White
N	297	763	53	913
Community Corrections	0%	<1%	0%	0%
Community Service	0%	<1%	0%	<1%
Deferred	25%	33%	47%	38%
Division of Youth Services	14%	9%	17%	10%
Fines/fees	2%	1%	0%	3%
Jail	3%	2%	0%	1%
Juvenile Detention	2%	<1%	4%	1%
Probation/Intensive Supervision	54%	55%	32%	47%
Total	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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity (N=1,648)

Sentence	Black	Hispanic*	Other	White
N	253	638	41	716
Community Corrections	0%	0%	0%	<1%
Community Service	<1%	<1%	0%	<1%
Deferred	23%	32%	44%	47%
Division of Youth Services	21%	14%	7%	10%
Fines/fees	0%	1%	0%	1%
Jail	<1%	1%	0%	1%
Juvenile Detention	2%	1%	0%	<1%
No Sentence	0%	0%	0%	<1%
Probation/Intensive Supervision	54%	51%	49%	41%
All	100%	100%	100%	100%

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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. In fact, in 2017, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

Women were significantly more likely than men to receive a deferred judgment in county court (29% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 18% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 25% for women) in county court. Hispanics were considerably less likely than the other race/ethnicity groups to receive a deferred judgment.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (68%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 11% of Drug cases, 29% of Other cases, 16% of Property cases, and 22% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Blacks (23%) and Hispanics (22%) were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups. Deferred judgments were initially granted in 9% of district court cases overall, and were most likely to be imposed in Property cases (13%) and least likely to be imposed in Drug cases (4%). Overall in district court, Blacks and Hispanics were less likely to receive an initial sentence to probation or a deferred judgment.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court. Drug cases were more likely than other offenses to receive a deferred judgment (41%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Other cases. Across race/ethnicity categories, Blacks and Hispanics in juvenile court were considerably less likely to receive a deferred judgment and Blacks were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations

Cases sentenced in 2017 to probation or a deferred judgment that received a revocation are included in the analyses presented here.¹⁵ Those sentenced near the end of 2017 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these

¹⁵ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

analyses. For example, the Judicial Department reports that in 2017, 24% of adult state probation terminations were the result of a revocation.¹⁶ The revocations presented here may not result in termination from probation supervision. In fact, in 2017, across county, adult district, and juvenile district courts, 48% of cases were reinstated, 45% 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, 19% of cases receiving a probation/deferred judgment in 2017 were revoked. Blacks and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (25% and 24%, respectively, compared to 22% overall). Blacks were least likely to be revoked when the most serious crime was Drugs (however, because of the small number of cases in this category, this information should be interpreted with caution), and most likely to be revoked if they were sentenced for a Violent offense. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories.

¹⁶ See *Judicial Branch Annual Statistical Report, Fiscal Year 2017*, Table 48, page 121.

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

Race/ethnicity		No	Yes	Total	N
Black		75%	25%	100%	1,267
	Drugs	82%	18%	100%	17
	Other	80%	20%	100%	403
	Property	79%	21%	100%	233
	Violent	70%	30%	100%	614
Hispanic*		76%	24%	100%	5,396
	Drugs	81%	19%	100%	111
	Other	82%	18%	100%	1,890
	Property	76%	24%	100%	957
	Violent	72%	28%	100%	2,438
Other		79%	21%	100%	565
	Drugs	100%	0%	100%	16
	Other	83%	17%	100%	193
	Property	82%	18%	100%	98
	Violent	74%	26%	100%	258
White		79%	21%	100%	11,659
	Drugs	78%	22%	100%	264
	Other	85%	15%	100%	3,722
	Property	78%	22%	100%	2,190
	Violent	76%	24%	100%	5,483
Total		78%	22%	100%	18,887

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (19% compared to 23%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Compared to other offense types, females with Drug cases were most likely to be revoked (25%) whereas males with Drug crimes were less likely to be revoked (18%). Compared with the other offense types, men with Violent cases were most likely to get revoked (28%).

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

Gender		No	Yes	Total	N
Female		81%	19%	100%	5,680
	Drugs	75%	25%	100%	118
	Other	85%	15%	100%	1,633
	Property	78%	22%	100%	1,329
	Violent	79%	21%	100%	2,600
Male		77%	23%	100%	13,207
	Drugs	82%	18%	100%	290
	Other	83%	17%	100%	4,575
	Property	77%	23%	100%	2,149
	Violent	72%	28%	100%	6,193
Total		78%	22%	100%	18,887

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

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (34%, Table 3-35) compared to county court (22%, Table 3-33) in 2017. Hispanics were most likely to be revoked (35% compared to 34% overall). Those with Drug offenses were most likely to be revoked. Table 3-36 shows that women in adult district court were very slightly more likely than men to get revoked (36% compared to 33%). Men and women with Drug cases were considerably more 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	Total	N
Black		68%	32%	100%	2,582
	Drugs	58%	42%	100%	777
	Other	74%	26%	100%	366
	Property	71%	29%	100%	759
	Violent	73%	27%	100%	680
Hispanic*		65%	35%	100%	7,168
	Drugs	57%	43%	100%	2,088
	Other	73%	27%	100%	1,117
	Property	62%	38%	100%	2,384
	Violent	74%	26%	100%	1,579
Other		73%	27%	100%	591
	Drugs	66%	34%	100%	145
	Other	79%	21%	100%	126
	Property	75%	25%	100%	175
	Violent	74%	26%	100%	145
White		66%	34%	100%	14,784
	Drugs	55%	45%	100%	5,077
	Other	76%	24%	100%	2,204
	Property	64%	36%	100%	4,524
	Violent	79%	21%	100%	2,979
Total		66%	34%	100%	25,125

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Gender		No	Yes	Total	N
Female		64%	36%	100%	7,154
	Drugs	54%	46%	100%	2,715
	Other	71%	29%	100%	817
	Property	65%	35%	100%	2,553
	Violent	78%	22%	100%	1,069
Male		67%	33%	100%	17,971
	Drugs	57%	43%	100%	5,372
	Other	76%	24%	100%	2,996
	Property	64%	36%	100%	5,289
	Violent	76%	24%	100%	4,314
Total		66%	34%	100%	25,125

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

Juvenile Court

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2017 were revoked (Table 3-37). Hispanics were more likely to get revoked (25% compared to 24% overall). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 20% compared to 25% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (25%) and males with Drug and Property cases were most likely to be revoked (29%).

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

Race/ethnicity		No	Yes	Total	N
Black		77%	23%	100%	588
	Drugs	45%	55%	100%	22
	Other	80%	20%	100%	138
	Property	73%	27%	100%	233
	Violent	84%	16%	100%	195
Hispanic		75%	25%	100%	1,640
	Drugs	80%	20%	100%	147
	Other	75%	25%	100%	301
	Property	70%	30%	100%	667
	Violent	79%	21%	100%	525
Other		86%	14%	100%	114
	Drugs	93%	7%	100%	14
	Other	90%	10%	100%	20
	Property	83%	17%	100%	42
	Violent	84%	16%	100%	38
White		76%	24%	100%	1,946
	Drugs	70%	30%	100%	224
	Other	74%	26%	100%	317
	Property	74%	26%	100%	778
	Violent	80%	20%	100%	627
Total		76%	24%	100%	4,288

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Gender		No	Yes	Total	N
Female		80%	20%	100%	1,006
	Drugs	78%	22%	100%	118
	Other	75%	25%	100%	145
	Property	80%	20%	100%	380
	Violent	81%	19%	100%	363
Male		75%	25%	100%	3,282
	Drugs	71%	29%	100%	289
	Other	76%	24%	100%	631
	Property	71%	29%	100%	1,340
	Violent	80%	20%	100%	1,022
Total		76%	24%	100%	4,288

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

Summary: Revocations. Cases sentenced in 2017 to probation or a deferred judgment that received a revocation are included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In 2017, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 22% of county court cases receiving a probation/deferred judgment in 2017 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (19% compared to 23%, respectively).

In district court, 34% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Hispanics were revoked at a rate of 35% compared to 34% overall. Women in adult district court were slightly more likely than men to get revoked (36% compared to 33%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2017 were revoked. Hispanics were most likely to be revoked (25% compared to 24% overall). Females were revoked at a rate of 20% compared to 25% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (25%) and males with Drugs and Property cases were most likely to be revoked (29%).

Court processing summary. In 2017, Blacks represented 4% of the adult state population but accounted for 11% of adult district court filings, and 11% of district court cases sentenced. Hispanic adults represented 20% of the population and 30% of district court filings and 30% of

district court cases sentenced. In juvenile court, Blacks represented 16% of cases, compared to 5% of Black juveniles in the population; Hispanic youth were 34% of the population and 35% of cases filed.

In county court, Blacks and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to the other two race/ethnicity categories. In adult district court, 23% of initial sentences for Blacks and 22% of initial sentences for Hispanics were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. When the offense was violent, Blacks were sentenced to prison in 28% of cases compared to 18% of Whites. In juvenile court, for each of the four crime types, Blacks and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Blacks were more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 34% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, Drug cases compared to the other offense categories, were the most likely to be revoked. Blacks and Hispanics with Drug cases were revoked at a rate of 42% and 43%, respectively. In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2017 were revoked; 55% of Blacks with Drug offenses were revoked but the number of cases was small (n=22).

Section 4: Colorado State Parole Board Decisions

The following information was provided by the Colorado Department of Corrections' Office of Planning and Analysis. The data include race/ethnicity and gender information for final decisions made by the Parole Board in calendar year 2017. As shown in Table 4-1, women were involved in 13% of Parole Board application hearings. Table 4-2 depicts that nearly half (48%) of application hearings involved Whites, 15% involved Blacks, 32% involved Hispanics, less than 1% involved Asians, and 4% involved Native Americans.

*Table 4-1. Parole Board Application Hearings conducted, by gender, CY 2017**

Gender	%	N
Female	13%	2,476
Male	87%	17,179
Total	100%	19,655

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2017, including those tabled and those taken to the full Board.

*Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2017**

Race/ethnicity	%	N
Black	15%	2,998
Asian American	1%	166
White	48%	9,494
Hispanic	32%	6,290
Native American	4%	707
Total	100%	19,655

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2017, including those tabled and those taken to the full Board.

Table 4-3 presents information about defer/release decisions made during discretionary application hearings. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 2017, 51% of inmates were deferred and 49% were released.

*Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2017**

Gender	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Female	11%	685	16%	998	13%	1,683
Male	89%	5,674	84%	5,215	87%	10,889
Total	51%	6,359	49%	6,213	100%	12,572

Data Source: Colorado Department of Corrections, Parole Board.

*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Table 4-4 reflects application hearing outcomes by race/ethnicity categories. Blacks and Hispanics were slightly more likely to be deferred and Whites were slightly more likely to be released, but these differences represented only one percentage point.

*Table 4-4. Parole Board Application Hearings Decisions, by race/ethnicity CY 2017**

Race/ethnicity	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Black	16%	1,020	14%	874	15%	1,894
Asian American	1%	50	1%	65	1%	115
White	47%	2,990	50%	3,108	49%	6,098
Hispanic	33%	2,069	32%	1,965	32%	4,034
Native American	4%	230	3%	201	3%	431
Total	51%	6,359	49%	6,213	100%	12,572

Data Source: Colorado Department of Corrections, Parole Board.

*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Summary: Parole Board data. The Parole Board conducted 19,655 parole application hearings in 2017. In terms of gender, 13% were women and 87% were men. Of those application hearings, 48% involved White inmates, while 15% were Black, and 32% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 12,572 discretionary hearings in 2017, 51% of offenders were deferred and 49% were released.

Section 5: Additional Information

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

This section begins with a description of the statistical approach employed, and then presents the findings¹⁷ 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?
4. Compared to Whites, are Black juveniles (or Hispanic juveniles) more or less likely to receive a sentence to the Division of Youth Services?

Results

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

Method

To determine if differences in initial sentences between Whites and non-Whites were due to the presence of concurrent cases, prior cases, and the seriousness of the current offense, 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

¹⁷ Technical details of these statistical analyses are available from the Office of Research and Statistics, Division of Criminal Justice.

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

- Prior cases,
- Prior convictions for a specific violent crime,¹⁸
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.¹⁹

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.²⁰

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)²¹ are reported below.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2017 were examined. As can be seen in Table 5-1, Blacks received a sentence to DOC in 36% of cases and Hispanics received a sentence to DOC in 35% of cases. In comparison, Whites received a

¹⁸The 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.

¹⁹ See footnote above.

²⁰ See footnote above.

²¹ A 95% confidence interval means that we can be 95% confident that the true odds ratio is within the specified interval.

sentence to DOC in 27% of cases. After controlling for the factors described above, Blacks still had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.25, 95% CI 1.13 - 1.39). Hispanics also had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.37, 95% CI: 1.27 - 1.47).

Table 5-1. DOC Sentences for felony convictions by race/ethnicity

Race/ethnicity	DOC Sentence	%	N
White		56%	13,404
	No	73%	9,790
	Yes	27%	3,614
Black		11%	2,679
	No	64%	1,724
	Yes	36%	955
Hispanic*		30%	7,258
	No	65%	4,693
	Yes	35%	2,565
Other		2%	477
	No	77%	369
	Yes	23%	108
Total		100%	23,818

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Deferred Sentences - Adults in District Court

Deferred sentences for all convictions in adult district court in 2017 were examined (Table 5-2). Blacks received a deferred sentence in 8% of cases and Hispanics received a deferred sentence in 7% of cases. In comparison, Whites received a deferred sentence in 10% of cases. After controlling for other factors described above, Blacks still had lower odds of receiving a deferred sentence than Whites (odds ratio: .78, 95% CI .69 - .89). Hispanics also had lower odds of receiving a deferred sentence than Whites (odds ratio: .68, 95% CI .62 - .74).

Table 5-2. Deferred sentence for all convictions in Adult District Court by race/ethnicity

Race/ethnicity	Deferred	%	N
White		57%	22,492
	No	90%	20,254
	Yes	10%	2,238
Black		11%	4,205
	No	92%	3,869
	Yes	8%	336
Hispanic*		30%	11,937
	No	93%	11,127
	Yes	7%	810
Other		2%	805
	No	85%	683
	Yes	15%	122
Total		100%	39,439

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.

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Deferred Sentences - Juvenile Court

Deferred sentences for all convictions in juvenile court in 2017 were examined (Table 5-3). Blacks received a deferred sentence in 22% of cases and Hispanics received a deferred sentence in 34% of cases. In comparison, Whites received a deferred sentence in 43% 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: .41, 95% CI: .33 - .51). Hispanics also had a lower odds of receiving a deferred sentence than Whites (odds ratio: .64, 95% CI .56 - .74).

Table 5-3. Deferred sentence for all convictions in Juvenile Court by race/ethnicity

Race/ethnicity	Deferred Sentence	%	N
White		44%	2,278
	No	57%	1,306
	Yes	43%	972
Black		15%	769
	No	78%	601
	Yes	22%	168
Hispanic*		38%	1,956
	No	66%	1,300
	Yes	34%	656
Other		3%	134
	No	54%	73
	Yes	46%	61
Total		100%	5,137

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Division of Youth Services Sentences

Ten percent of White juveniles received a DYS sentence in 2017 compared to 18% of Blacks and 11% of Hispanics (Table 5-4). After controlling for the sentencing factors described above, Blacks still had a higher odds of receiving a DYS sentence than Whites (odds ratio: 1.59, 95% CI: 1.20– 2.08). Hispanics also had higher odds of receiving a DYS sentence as compared to Whites (odds ratio 1.33, 95% CI: 1.06 - 1.68).

Table 5-4. Division of Youth Services sentences for all convictions in Juvenile Court by race/ethnicity

Race/ethnicity	DYS	%	N
White		44%	2,278
	No	90%	2,056
	Yes	10%	222
Black		15%	769
	No	82%	630
	Yes	18%	139
Hispanic*		38%	1,956
	No	89%	1,737
	Yes	11%	219
Other		3%	134
	No	88%	118
	Yes	12%	16
Total		100%	5,137

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

*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

Summary: Additional analyses. Because of the disparities in initial sentences for Black and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Blacks and Hispanics were statistically significantly more likely than Whites to receive a DOC sentence. Additionally, Blacks and Hispanics—adult and juveniles--were still more likely not to receive a deferred judgment when compared to Whites. A deferred judgment is an opportunity to avoid a criminal record. Finally, controlling for the factors described above, compared to Whites, Black and Hispanic youth were more likely to receive a sentence to the Division of Youth Services. It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black and Hispanic defendants.

Appendix A

NIBRS Group A Arrest Crimes

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

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

Appendix B

Most serious filing/conviction charge categories

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

Arson - 1st - 4th degree arson

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

Drug Poss - drug possession, paraphernalia possession

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

Escape

Extortion

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

Forgery

Fraud

Homicide - 1st and 2nd degree murder

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

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

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

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

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

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

Appendix C

Statistical Model for Classifying Hispanic Ethnicity

Court records in the Judicial Branch's ICON system do not distinguish between race and ethnicity. As a result, the Hispanic category underrepresents the true proportion of Hispanics in the court data system. In addition, the White category is overrepresented because Hispanics are most often coded as White. Finally, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data.

To address this problem of unreliable race/ethnicity information in the source data, an estimate of Hispanic ethnicity was developed using C50, a decision tree-based methodology that identifies important variables and generates rules to partition individuals into those having the characteristic of interest and those who do not.

Building a statistical model to predict Hispanic ethnicity requires a data set with the true outcome (Hispanic ethnicity) already known so that the performance of the model can be measured. Since the ICON data do not have Hispanic ethnicity consistently recorded, another criminal justice data source was needed. Data from the Department of Corrections were used to build the prediction model because it contained self-reported ethnicity for offenders. These records were matched by name, date of birth (DOB), and SID (State Identification number) to court records to construct the variables numbered 3 and 4 below.

The variables provided to the model included:

1. Hispanic ethnicity of the person's last name using the Census Bureau's Hispanic names list
2. Gender
3. Proportion of court cases in which the person is labeled Hispanic
4. Proportion of court cases in which the person is labeled Native American

The sample was split into 2/3 for development of the model and 1/3 for validation of the results. C50 selected Hispanic Name, the proportion of Hispanic cases in an individual's history, and the proportion of Native American cases in an individual's history for use in the final prediction model.

The development model achieved an AUC (Area Under the Curve) of .95 and the validation AUC was also .95.²² The validation AUC for females was slightly lower at .91. Females often change their last name at marriage and the Hispanic name indicator was the most important variable in the model. The overall predictive accuracy was 94% for both development and validation data sets.

As an additional check, the 2017 cohort of those receiving a DOC sentence and predicted to be Hispanic was compared to the development dataset's proportion of Hispanics in DOC. In the

²² AUC is a measure of discrimination between the event of interest and the non-event, ranging from 0-1; 1 means the prediction model perfectly discriminates between the event of interest and the non-event.

ICON data, 35% were predicted to be Hispanic, and this compared to 32% Hispanic in the DOC data. Because persons can have more than one court case at a time in ICON, the higher percentage predicted in ICON was determined acceptable.

For more information about the technical details of the methodology, contact the Office of Research and Statistics.