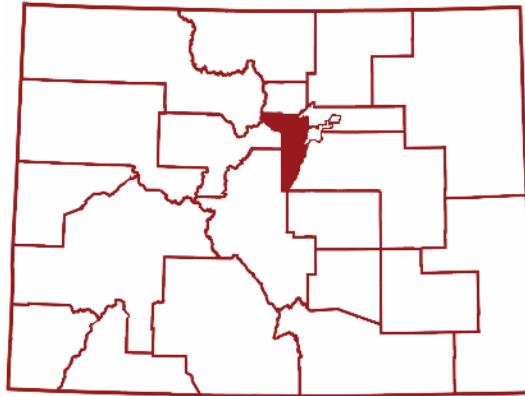


Senate Bill 15-185 CLEAR Act

2018

Community Law Enforcement Action Reporting Act

1st Judicial District



Race/ethnicity estimates for those ages 10 and above, 2018

Age Group	Race/ethnicity	%	N
Adult		89%	468,610
	Black/African American	1%	5,778
	Hispanic	13%	63,202
	Other	4%	17,532
	White	82%	382,097
Juvenile		11%	55,522
	Black/African American	2%	1,090
	Hispanic	22%	12,306
	Other	4%	2,469
	White	71%	39,657
Total		100%	524,132

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

December 2019



COLORADO
Division of Criminal Justice
Department of Public Safety

Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

Prepared by

Kim English

Peg Flick

Laurence Lucero

Damien Angel

Colorado Department of Public Safety

Stan Hilkey, Executive Director

Division of Criminal Justice

Joe Thome, Director

Office of Research and Statistics

Kim English, Research Director

700 Kipling St., Denver, Colorado 80215

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

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



Table of Contents

Community Law Enforcement Action Reporting Act.....	1
1 st Judicial District.....	1
Preface.....	4
Executive Summary.....	5
Section 1: Introduction.....	10
Background and overview.....	10
Data sources.....	11
Section 2: Law Enforcement Data.....	14
Arrest/summons.....	14
Section 3: Court Case Processing.....	20
Case Filings.....	20
Overall.....	20
Court type.....	22
Trials.....	23
Case Outcomes.....	25
Initial Sentences.....	27
County court.....	28
District court.....	32
Juvenile court.....	36
Revocations.....	40
County court.....	40
Adult district court.....	42
Juvenile Court.....	43
Section 4: Additional Information.....	46
Method.....	47
DOC Sentences - Adult Felony Convictions.....	48
Deferred Sentences - Adults in District Court.....	48
Deferred Sentences - Juvenile Court.....	49
Division of Youth Services Sentences.....	50
Appendix A.....	51
NIBRS Group A Arrest Crimes.....	51
Appendix B.....	53
Most serious filing/conviction charge categories.....	53
Appendix C.....	54
Statistical Model for Classifying Hispanic Ethnicity.....	54

Preface

The Community Law Enforcement Action Reporting Act, or 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 report provides information about arrests and court case processing in the 1st Judicial District for events that occurred in 2018. The findings presented here collapse the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes. The details by offense type, along with the statewide report and the individual judicial district reports, may be found at: <https://www.colorado.gov/dcj-ors/ORS-SB185>

Finally, please see the following publication for a discussion of strategies to reduce racial and ethnic disparities: https://www.brennancenter.org/sites/default/files/2019-08/Report_Racial%20Disparities%20Report%20062515.pdf

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.

The Division prepares a statewide report each year and, as resources allow, individual reports for each judicial district. This report provides information about arrests and court case processing in the 1st Judicial District for events that occurred in calendar year 2018.

The CLEAR Act mandates DCJ to report information 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>

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 2018, the population of those ages 10 and above in the 1st Judicial District was 524,132. The adult population was comprised as follows: White, 82%; Black/African American, 1%; Hispanic, 13%; and Other, 4%. The juvenile population was comprised as follows: White, 71%; Black/African American, 2%; Hispanic, 22%; and Other, 4%.

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 2018 Hispanics represented 20% 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 data. Note that while no model is 100% accurate, it was determined that using this 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.

is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Law enforcement data. In 2018 in the 1st Judicial District, law enforcement made/issued over 19,000 arrests/summons. 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 2018, arrests/summons for Drug offenses accounted for 10% of all arrests/summons in the 1st Judicial District while Violent crimes accounted for 9% of arrests/summons, Property offenses accounted for 16% of arrests/summons, and the remainder of arrests/summons (66%) fell into the Other crime category. Black/African Americans represented 1% of the population in 2018, but accounted for 6% of arrests/summons. Hispanics represented 13% of the population in the 1st Judicial District and 30% of arrests/summons. Juveniles were slightly more likely to be summonsed than arrested on view/warrant. Violent and Drug crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of more than 11,000 case filings in district and juvenile court combined found that, while Black/African Americans represented 1% of the population in the 1st Judicial District, and 6% of the arrests/summons in 2018, they accounted for 7% of district court filings; county court (and municipal court) data were not available for analysis in the 1st Judicial District. In juvenile court, Black/African Americans represented 13% of cases, compared to 2% Black/African American juveniles in the population. Hispanic adults made up 13% of the adult population but had 30% of district court filings in 2018. Hispanic juveniles made up 22% of the population and 39% of juvenile court filings. In terms of gender, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property crimes (34% and 27%, respectively), and more likely to be involved in Drug offenses (18% and 14%, respectively). Women were slightly less likely to be involved in Violent offenses compared to men (29% and 34%, respectively). Only 1% of cases completed a trial in 2018. 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, 24% of cases in county court were dismissed, 8% of cases in district court were dismissed, as were 24% of cases in juvenile court.

Initial court sentences. This analysis reflects the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, statewide in 2018, 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.

In district court in the 1st Judicial District in 2018, Probation was the most frequently occurring initial sentence, happening two-thirds (58%) of the time. The second most frequently occurring sentence in district court was a prison sentence: 9% of Drug cases, 32% of Other cases, 18% of Property cases, and 24% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (22%) and Hispanics (22%) were to the Department of Corrections, compared to 17% for Whites. Deferred judgments were initially granted in 6% of district court cases overall, and were most likely to be imposed in Violent cases (10%). Overall in district court, Hispanics were less likely to receive an initial sentence to probation.

Initial sentences to probation were the most frequently occurring sentence in juvenile court (50%). Drug cases were more likely than other offenses to receive a deferred judgment (39%) in juvenile court. Initial sentences to the Division of Youth Services occurred in 17% of cases; 6% of Drug cases were sentences to the Division of Youth Services. Across race/ethnicity categories, Black/African Americans in juvenile court were considerably less likely to receive a deferred judgment and 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 equally likely to receive a sentence to the Division of Youth Services.

Revocations. Cases sentenced in 2018 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, statewide, 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 2018, 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, 27% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories – with the exception of Whites who were more likely to be revoked for Drug crimes. Females and males in county court were equally likely to get revoked (28%).

In district court, 32% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked – with the exception of Black/African Americans who were more likely to be revoked for Property crimes. Women in adult district court were slightly more likely than men to get revoked (22% compared to 20%).

Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked (40% compared to 45%, respectively).

In juvenile court, 22% of cases sentenced to probation/deferred judgment in 2018 were revoked; The total number of juvenile cases was small (n=372) and not all Offense Types were represented across all Race/Ethnicity categories. Females were revoked at a rate of 28% compared to 20% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (36%) and males with Drug cases were most likely to be revoked (30%).

Additional analyses. Because of the disparities in initial sentences for Black/African Americans 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), Hispanics were statistically significantly more likely than Whites to receive a DOC sentence. Additionally, among adults, Black/African Americans 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/African American 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/African American and Hispanic defendants. Generalizing interpretations of these data should be done with caution as the number of observations (N) is small.

Overall summary. In 2018 in the 1st Judicial District, Black/African Americans represented almost 1% of the population but accounted for 6% of arrests/summons and 7% of court filings. Hispanic adults represented 13% of the population, 30% of arrests/summons and 30% of court filings. In juvenile court, Black/African Americans represented 13% of cases, compared to 2% of Black/African American juveniles in the population. Hispanic youth were 22% of the population and 39% of cases filed.

In adult district court, 22% of initial sentences for Black/African Americans and 22% of initial sentences for Hispanics were to the Department of Corrections compared to 17% for Whites. When the offense was Violent, Black/African Americans were sentenced to prison in 36% of cases compared to 20% of Whites.

Across race/ethnicity categories, Black/African Americans in juvenile court were considerably less likely to receive a deferred judgment and were more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, in district court, 25% of cases were revoked. Black/African Americans with Drug cases were the most likely to be revoked (33%), along with those in the Other race/ethnicity category with Violent cases (41%). Women in adult district court were slightly less likely than men to get revoked (24% compared to 25%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 23% of cases sentenced to probation/deferred judgment in 2018 were revoked. Hispanics were revoked at a rate of 27% compared to 7% of White cases. Nearly half (45%) of those in the Other race/ethnicity category were revoked but there were few cases (n=11) and so this finding must be interpreted with caution. Comparing across crime types, females with Other crimes were most likely to be revoked (26%) and males with Drug cases were most likely to be revoked (40%) but, again, note that there were few cases in this category (n=25).

Finally, 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), the following disparities were identified:

- Black/African Americans were more likely than Whites to receive a DOC sentence.
- Black/African Americans and Hispanics—adult and juveniles--were more likely not to receive a deferred judgment when compared to Whites.
- Compared to Whites, Black/African American and Hispanic youth were more likely to receive a sentence to the Division of Youth Services.

Note that the number of cases in the analyses of juveniles was small, and so those findings must be interpreted with caution.

It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black/African American and Hispanic defendants.

Section 1: Introduction

Background and overview

The Community Law Enforcement Action Reporting Act, or the CLEAR Act, mandates that the Division of Criminal Justice annually analyze and report data provided by law enforcement agencies,³ 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 2018, 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

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-SB185-2018>

This report is presented 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 2016 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 misclassifications of race/ethnicity, and both random and non-random missing race/ethnicity

³ 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).

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.⁴ 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 1st Judicial District population in 2018 for residents ages 10 and over was 524,132 and was comprised as follows:

Table 1-1. Colorado race/ethnicity estimates for those ages 10 and above, 2018

Age Group	Race / Ethnicity	Percent	Total
Adult		89%	468,610
	Black/African Am	1%	5,778
	Hispanic	13%	63,202
	Other	4%	17,532
	White	82%	382,097
Juvenile		11%	55,522
	Black/African Am	2%	1,090
	Hispanic	22%	12,306
	Other	4%	2,469
	White	71%	39,657
Total		100%	524,132

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

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2018 and December 31, 2018 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;
- 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.

⁴ The S.B. 15-185 report published in 2017 (of 2016 data) used NIBRS arrest data to identify race/ethnicity in the court data.

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into “Other.”⁵ 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 19,000 NIBRS incidents were analyzed for calendar year 2018 in the 1st Judicial District (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	34%	6,773
On-view / probable cause	27%	5,326
Summons	39%	7,723
Total	100%	19,822

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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.⁶ 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, 2018

Court	Percent	Total
Adult District	43%	5,119
County	51%	5,989
Juvenile	6%	686
Total	100%	11,794

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

Note that the information presented here reflects the analysis of more than 11,000 **cases not individuals**. Individuals may have multiple, concurrent cases,⁷ 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.

⁵ 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.

⁶ Denver County Court is not part of ICON.

⁷ This study found that, statewide in 2018, 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.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories⁸ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.⁹ 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 2018 may not have had time to revoke.

Organization of this report: This report is organized into four 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 describes the findings from additional analyses undertaken to better understand the impact of concurrent cases and criminal history on the initial sentence.

⁸ The 24 offense categories are summarized from hundreds of criminal statutes.

⁹ 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>, 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 2018.

Table 2-1. Arrests/summons by offense, 2018

Offense Type	Percent	Total
Drugs	10%	1,948
Other	66%	12,988
Property	16%	3,187
Violent	9%	1,699
Total	100%	19,822

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

Table 2-2 reflects over 19,000 arrests/summons captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 1% of the 1st Judicial District population in 2018, but accounted for 6% of arrests/summons in the 1st Judicial District. Hispanics represented 13% of the 1st Judicial District population and accounted for 30% of arrests. The Other race/ethnicity category represented 4% of the 1st Judicial District population, and were underrepresented in arrests (1%), as were Whites, who represented 82% of the 1st Judicial District population and 63% of arrests/summons.

Table 2-2. Arrests/summons by race/ethnicity, 2018

Race / Ethnicity	Percent	Total
Black/African Am	6%	1,245
Hispanic*	30%	5,869
Other	1%	290
White	63%	12,418
Total	100%	19,822

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Table 2-3 shows that juveniles accounted for 5% of on view/probable cause arrests, and that 17% of those arrests were for violent crimes, a proportion similar to adults (11%). Juveniles accounted for 6% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for 18% 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 Category	Offense Type	Percent	Total
Adult		95%	5,050
	Drugs	13%	643
	Other	64%	3,238
	Property	12%	613
	Violent	11%	556
Juvenile		5%	276
	Drugs	5%	15
	Other	64%	177
	Property	14%	38
	Violent	17%	46
Total		100%	5,326

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Age Category	Offense Type	Percent	Total
Adult		94%	6,383
	Drugs	6%	389
	Other	79%	5,054
	Property	7%	423
	Violent	8%	517
Juvenile		6%	390
	Drugs	4%	14
	Other	63%	247
	Property	12%	45
	Violent	22%	84
Total		100%	6,773

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Age Category	Offense Type	Percent	Total
Adult		82%	6,325
	Drugs	8%	516
	Other	58%	3,682
	Property	28%	1,762
	Violent	6%	365
Juvenile		18%	1,398
	Drugs	27%	371
	Other	42%	590
	Property	22%	306
	Violent	9%	131
Total		100%	7,723

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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 12% of probable cause

arrests were for Drug related offenses, 64% were for Other offenses, 12% for Property offenses, and 11% for Violent offenses. While Black/African Americans made up 1% of the 1st Judicial District population, Table 2-6 shows that they were arrested at a much higher rate for probable cause arrests in 2018: 5% of Drug arrests were Black/African Americans, 6% of arrests for Other offenses were Black/African Americans, 7% of Property arrests were Black/African Americans, and 8% of Violent arrests were Black/African Americans.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Over 78% of these arrests involved an offense that fell into the Other category. While only 9% of these types of arrests involved a Violent offense, Black/African Americans made up 7% of Violent crime arrests and Hispanics made up 34%, which was greater than the proportion of Black/African Americans and Hispanics in the 1st Judicial District population (1% and 13%, respectively).

Table 2-8 shows that summons were less likely to be issued for Violent offenses (6%) compared to Other (55%) and Property (27%) and that, of those summons issued for Violent crimes, 9% went to Black/African Americans. Whites were least likely to be summonsed for a Violent crime (59%).

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

Offense Type	Race / Ethnicity	Percent	Total
Drugs		12%	658
	Black/African Am	5%	33
	Hispanic*	26%	171
	Other	1%	5
	White	68%	449
Other		64%	3,415
	Black/African Am	6%	215
	Hispanic*	29%	1,007
	Other	1%	47
	White	63%	2,146
Property		12%	651
	Black/African Am	7%	48
	Hispanic*	31%	205
	Other	1%	8
	White	60%	390
Violent		11%	602
	Black/African Am	8%	50
	Hispanic*	28%	170
	Other	1%	9
	White	62%	373
Total		100%	5,326

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*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 Type	Race / Ethnicity	Percent	Total
Drugs		6%	403
	Black/African Am	7%	29
	Hispanic*	30%	119
	Other	1%	5
	White	62%	250
Other		78%	5,301
	Black/African Am	6%	343
	Hispanic*	30%	1,596
	Other	2%	87
	White	62%	3,275
Property		7%	468
	Black/African Am	9%	41
	Hispanic*	36%	169
	Other	1%	5
	White	54%	253
Violent		9%	601
	Black/African Am	7%	42
	Hispanic*	34%	203
	Other	1%	8
	White	58%	348
Total		100%	6,773

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*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 Type	Race / Ethnicity	Percent	Total
Drugs		11%	887
	Black/African Am	4%	37
	Hispanic*	29%	255
	Other	1%	9
	White	66%	586
Other		55%	4,272
	Black/African Am	5%	200
	Hispanic*	26%	1,108
	Other	2%	76
	White	68%	2,888
Property		27%	2,068
	Black/African Am	8%	160
	Hispanic*	34%	713
	Other	1%	28
	White	56%	1,167
Violent		6%	496
	Black/African Am	9%	47
	Hispanic*	31%	153
	Other	1%	3
	White	59%	293
Total		100%	7,723

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

*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 25-34% of arrests and 33-49% 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 Type	Gender	Percent	Total
Drugs		12%	658
	Female	32%	209
	Male	68%	449
Other		64%	3,415
	Female	30%	1,020
	Male	70%	2,395
Property		12%	651
	Female	34%	222
	Male	66%	429
Violent		11%	602
	Female	25%	152
	Male	75%	450
Total		100%	5,326

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Offense Type	Gender	Percent	Total
Drugs		6%	403
	Female	31%	126
	Male	69%	277
Other		78%	5,301
	Female	31%	1,625
	Male	69%	3,676
Property		7%	468
	Female	36%	168
	Male	64%	300
Violent		9%	601
	Female	24%	146
	Male	76%	455
Total		100%	6,773

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

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

Offense Type	Gender	Percent	Total
Drugs		11%	887
	Female	33%	297
	Male	67%	590
Other		55%	4,272
	Female	31%	1,324
	Male	69%	2,948
Property		27%	2,068
	Female	49%	1,007
	Male	51%	1,061
Violent		6%	496
	Female	37%	182
	Male	63%	314
Total		100%	7,723

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.

Summary: Law enforcement data. In 2018, law enforcement made/issued over 19,000 arrests/summons in the 1st Judicial District. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summons for Drug offenses accounted for 10% of all arrests/summons while Violent crimes accounted for 12% of arrests/summons, Property offenses accounted for 14% of arrests/summons, and the remainder of arrests/summons (64%) fell into the Other crime category. Black/African Americans represented 4% of the population in 2018 but accounted for 12% of arrests/summons. Hispanics represented 22% of the population and 29% of arrests/summons. 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.¹⁰ County court contains both adult and juvenile misdemeanor cases. The 2018 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,¹¹ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories 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>. 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.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 11,794 case filings in county, adult district, and juvenile courts combined for calendar year 2018. While Black/African Americans represented 1% of the 1st Judicial District population and 6% of the arrests/summonses in 2018, they accounted for 7% of court filings. Hispanics represented 13% of the population, 30% of arrests/summonses, and 30% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

¹⁰ Denver County Court is not part of the statewide Judicial data management system.

¹¹ This study found that in 2018, statewide, 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, 2018

Race / Ethnicity	Percent	Total
Black/African Am	7%	843
Hispanic*	30%	3,514
Other	2%	272
White	61%	7,165
Total	100%	11,794

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.

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 33% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

Table 3-2. Most serious filing charge by race/ethnicity, 2018

Offense Type	Race / Ethnicity	Percent	Total
Drugs		15%	1,778
	Black/African Am	5%	85
	Hispanic*	27%	473
	Other	2%	32
	White	67%	1,188
Other		23%	2,723
	Black/African Am	7%	189
	Hispanic*	33%	889
	Other	2%	52
	White	59%	1,593
Property		29%	3,402
	Black/African Am	7%	243
	Hispanic*	30%	1,030
	Other	3%	91
	White	60%	2,038
Violent		33%	3,891
	Black/African Am	8%	326
	Hispanic*	29%	1,122
	Other	2%	97
	White	60%	2,346
Total		100%	11,794

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 3-3 depicts that, across all court types, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property crimes (34% compared to 27%, respectively) and Drug crimes (18% compared to 14%, respectively) and slightly less to be involved in Violent offenses (29% compared to 34%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense Type	Percent	Total
Female		28%	3,356
	Drugs	18%	602
	Other	19%	631
	Property	34%	1,141
	Violent	29%	982
Male		72%	8,438
	Drugs	14%	1,176
	Other	25%	2,092
	Property	27%	2,261
	Violent	34%	2,909
Total		100%	11,794

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court¹² had the most cases in 2018, with 51% of the total. Black/African Americans represented 6% of county court cases filed compared to 7% in adult district court and 13% in juvenile court. Hispanics represented 29% of county court filings, 29% of district court filings, and 39% of juvenile court filings in 2018.

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

Court	Race / Ethnicity	Percent	Total
Adult District		43%	5,119
	Black/African Am	7%	374
	Hispanic*	29%	1,506
	Other	2%	112
	White	61%	3,127
County		51%	5,989
	Black/African Am	6%	379
	Hispanic*	29%	1,743
	Other	2%	140
	White	62%	3,727
Juvenile		6%	686
	Black/African Am*	13%	90
	Hispanic	39%	265
	Other	3%	20
	White	45%	311
Total		100%	11,794

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 3-5 shows the type of offense within court type. Nearly half (42%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (34%) and Drug cases (26%) comprised the largest categories of cases in adult district court; and Property crimes made up over one-third (33%) of cases filed in juvenile court. Table 3-6 presents the

¹² Note that county court data excludes Denver County because it is not part of the statewide ICON court data system.

distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (31%) compared to adult district court (27%) and juvenile court (25%).

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

Court	Offense Type	Percent	Total
Adult District		43%	5,119
	Drugs	26%	1,335
	Other	19%	989
	Property	34%	1,765
	Violent	20%	1,030
County		51%	5,989
	Drugs	7%	409
	Other	27%	1,625
	Property	24%	1,410
	Violent	42%	2,545
Juvenile		6%	686
	Drugs	5%	34
	Other	16%	109
	Property	33%	227
	Violent	46%	316
Total		100%	11,794

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

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

Court	Gender	Percent	Total
Adult District		43%	5,119
	Female	27%	1,359
	Male	73%	3,760
County		51%	5,989
	Female	31%	1,828
	Male	69%	4,161
Juvenile		6%	686
	Female	25%	169
	Male	75%	517
Total		100%	11,794

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

Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial (1%). 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	Trial Complete	Percent	Total
Adult District		43%	5,119
	No	99%	5,075
	Yes	1%	44
County		51%	5,989
	No	99%	5,906
	Yes	1%	83
Juvenile		6%	686
	No	99%	681
	Yes	1%	5
Total		100%	11,794

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 Type	Trial Complete	Percent	Total
Drugs		15%	1,778
	No	100%	1,770
	Yes	<1%	8
Other		23%	2,723
	No	99%	2,703
	Yes	1%	20
Property		29%	3,402
	No	100%	3,388
	Yes	<1%	14
Violent		33%	3,891
	No	98%	3,801
	Yes	2%	90
Total		100%	11,794

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 11,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 1% of the 1st Judicial District population and 6% of the arrests/summons in 2018, they accounted for 7% of district court filings. In juvenile court, Black/African Americans represented 13% of cases, compared to 2% Black/African American juveniles in the population. Hispanic adults made up 13% of the adult population but had 29% of district court filings in 2018. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 28% of filings were females and 72% 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 2018. 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 2018. 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 (24%) of cases, all charges were dismissed in county court in 2018 (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 31% of cases were convicted as charged, and one-quarter (26%) were convicted of another crime. In adult district court (Table 3-10), 51% were convicted of another crime and one-fourth (18%) were convicted as charged. In juvenile court (Table 3-11), 33% were convicted of another offense and 30% were convicted as charged.

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

Race / Ethnicity	Offense Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African Am		27%	27%	21%	25%	100%	379
	Drugs	27%	20%	20%	33%	100%	15
	Other	22%	40%	13%	24%	100%	99
	Property	24%	37%	19%	20%	100%	79
	Violent	32%	16%	25%	27%	100%	186
Hispanic*		30%	29%	20%	20%	100%	1,743
	Drugs	39%	10%	35%	16%	100%	98
	Other	25%	40%	11%	24%	100%	536
	Property	25%	37%	17%	22%	100%	427
	Violent	37%	19%	28%	17%	100%	682
Other		27%	25%	29%	19%	100%	140
	Drugs	13%	25%	25%	38%	100%	8
	Other	17%	35%	30%	17%	100%	23
	Property	18%	30%	33%	20%	100%	40
	Violent	38%	19%	26%	17%	100%	69
White		31%	25%	26%	18%	100%	3,727
	Drugs	30%	10%	47%	14%	100%	288
	Other	28%	32%	20%	19%	100%	967
	Property	28%	30%	23%	19%	100%	864
	Violent	36%	19%	29%	16%	100%	1,608
Total		31%	26%	24%	19%	100%	5,989

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 3-10 reflects case outcomes for district court in 2018. Fourteen percent (8%) 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	Offense Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African Am		15%	55%	10%	21%	100%	374
	Drugs	21%	59%	7%	13%	100%	70
	Other	9%	59%	12%	19%	100%	74
	Property	14%	54%	8%	24%	100%	135
	Violent	15%	48%	13%	24%	100%	95
	Hispanic*	17%	50%	8%	25%	100%	1,506
	Drugs	15%	57%	6%	22%	100%	364
	Other	18%	51%	8%	23%	100%	302
	Property	19%	52%	6%	22%	100%	527
	Violent	16%	38%	11%	35%	100%	313
	Other	17%	40%	11%	32%	100%	112
	Drugs	9%	61%	9%	22%	100%	23
	Other	23%	35%	15%	27%	100%	26
	Property	18%	36%	11%	34%	100%	44
	Violent	16%	32%	5%	47%	100%	19
	White	18%	51%	8%	23%	100%	3,127
	Drugs	17%	59%	7%	17%	100%	878
	Other	20%	45%	9%	26%	100%	587
	Property	18%	53%	6%	23%	100%	1,059
	Violent	18%	41%	10%	30%	100%	603
Total		18%	51%	8%	24%	100%	5,119

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 24% of cases filed, while 30% of cases were convicted as charged and 33% were convicted of a different crime. Black/African Americans were somewhat less likely to be convicted as charged (23% compared to 30% overall), and Black/African American were more likely to have a case fall into the not yet resolved/case closed category (16% compared to 13% overall).

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

Race / Ethnicity	Offense Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African Am		23%	28%	33%	16%	100%	90
	Other	31%	31%	31%	6%	100%	16
	Property	31%	24%	28%	17%	100%	29
	Violent	16%	29%	38%	18%	100%	45
Hispanic*		30%	35%	22%	14%	100%	265
	Drugs	36%	45%	0%	18%	100%	11
	Other	39%	25%	27%	8%	100%	51
	Property	25%	37%	26%	12%	100%	76
	Violent	28%	37%	18%	17%	100%	127
Other		45%	15%	20%	20%	100%	20
	Drugs	0%	0%	100%	0%	100%	1
	Other	33%	0%	33%	33%	100%	3
	Property	43%	29%	14%	14%	100%	7
	Violent	56%	11%	11%	22%	100%	9
White		31%	33%	25%	11%	100%	311
	Drugs	45%	36%	14%	5%	100%	22
	Other	28%	41%	21%	10%	100%	39
	Property	30%	31%	30%	10%	100%	115
	Violent	30%	32%	24%	14%	100%	135
Total		30%	33%	24%	13%	100%	686

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, 24% of cases in county court were dismissed, as were 8% of cases in district court and 24% of cases in juvenile court. One-third (31%) of county court cases were convicted as charged compared to 18% in district court and 30% in juvenile court. One-quarter (26%) of county court cases were convicted of a different charge, as were half (51%) of district court cases, and 33% of juvenile court cases. Black/African American youth in juvenile court were somewhat less likely to be convicted as charged (23% compared to 30% overall), and were more likely to have a case falling into the not yet resolved/case closed category (16% compared to 13% overall).

Initial Sentences

The tables below show cases sentenced between Jan 1, 2018 and Dec 31, 2018, 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 103 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, statewide, in 2018, 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 2018. Almost half of all drug cases were sentenced to with a fine. Probation/Intensive Supervision was the most sentence overall (36%).

Table 3-12. Initial sentence in County Court, by most serious conviction charge

Sentence	Offense Type	Percent	Total
Community Service		10%	386
	Drugs	21%	80
	Other	45%	173
	Property	31%	118
	Violent	4%	15
Deferred		14%	558
	Drugs	1%	7
	Other	16%	88
	Property	36%	203
	Violent	47%	260
Division of Youth Services		<1%	1
	Other	100%	1
Fines/fees		12%	464
	Drugs	21%	97
	Other	41%	188
	Property	31%	143
	Violent	8%	36
Jail		27%	1,074
	Drugs	2%	23
	Other	39%	417
	Property	27%	293
	Violent	32%	341
Probation/Intensive Supervision		36%	1,428
	Drugs	1%	12
	Other	31%	441
	Property	14%	196
	Violent	55%	779
Unsupervised Probation		2%	86
	Other	35%	30
	Property	41%	35
	Violent	24%	21
Total		100%	3,997

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

Table 3-13 reflects initial county court sentences by gender. Women were considerably more likely than men to receive a deferred judgment in county court (21% compared to 11%, respectively). Men were more likely than women to receive a jail sentence (30% for men compared to 20% for women), and men were more likely to be granted an initial sentence to probation (37% compared to 33% for women).

Table 3-13. Initial sentence in County Court by gender

Sentence	Female	Male	Total
(N)	1,177	2,820	3,997
Community Service	11%	9%	10%
Deferred	21%	11%	14%
Division of Youth Services	0%	<1%	<1%
Fines/fees	12%	11%	12%
Jail	20%	30%	27%
Probation/Intensive Supervision	33%	37%	36%
Unsupervised Probation	3%	2%	2%
Total	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.

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other or White race/ethnicity category were more likely to receive a deferred judgment (16% compared to 9% to 12% for other race/ethnicities); Black/African Americans were especially unlikely to receive a deferred judgement, at 9%. Black/African Americans were more likely to receive jail time (34%, compared to 29% of Other cases, 28% of Hispanic cases, and 26% of White cases).

Table 3-14. Initial sentence in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	222	1,199	82	2,494	3,997
Community Service	9%	12%	13%	8%	10%
Deferred	9%	12%	16%	16%	14%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines/fees	10%	12%	13%	11%	12%
Jail	34%	28%	29%	26%	27%
Probation/Intensive Supervision	36%	34%	27%	37%	36%
Unsupervised Probation	1%	2%	1%	2%	2%
Total	100%	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 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 Hispanic or White race/ethnicity category were much more likely to receive a deferred judgment (3%) compared to the other groups (0%) - however there were too few total cases in this category to draw representative conclusions (219 total cases).

Table 3-15. Initial sentence for Drugs as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	7	61	2	149	219
Community Service	29%	44%	0%	34%	37%
Deferred	0%	3%	0%	3%	3%
Fines / fees	71%	34%	50%	47%	44%
Jail	0%	18%	50%	7%	11%
Probation / Intensive Supervision	0%	0%	0%	8%	5%
Total	100%	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 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans were the most likely to receive a jail sentence (41%) and less likely to receive a deferred judgment Whites or Hispanics. 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, Black/African Americans and Hispanics were more likely to receive jail sentences for property offenses and those in the Other race/ethnicity category 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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	75	444	29	790	1,338
Community Service	12%	15%	31%	11%	13%
Deferred	5%	6%	0%	7%	7%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines / fees	8%	16%	21%	13%	14%
Jail	41%	30%	28%	31%	31%
Probation / Intensive Supervision	31%	30%	21%	36%	33%
Unsupervised Probation	3%	3%	0%	2%	2%
Total	100%	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 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	63	292	20	613	988
Community Service	13%	15%	10%	10%	12%
Deferred	11%	19%	30%	22%	21%
Fines / fees	16%	15%	15%	14%	14%
Jail	38%	31%	15%	29%	30%
Probation / Intensive Supervision	21%	17%	25%	21%	20%
Unsupervised Probation	2%	3%	5%	4%	4%
Total	100%	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 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	77	402	31	942	1,452
Community Service	3%	2%	0%	1%	1%
Deferred	10%	14%	23%	20%	18%
Fines / fees	1%	3%	3%	2%	2%
Jail	27%	24%	39%	22%	23%
Probation / Intensive Supervision	58%	55%	35%	53%	54%
Unsupervised Probation	0%	2%	0%	1%	1%
Total	100%	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.

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2018 for the 1st Judicial District. Probation was the most frequently occurring initial sentence, happening two-thirds (73%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 9% of Drug cases, 32% of Other cases, 18% of Property cases, and 24% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 6% of all cases and were most likely to be imposed in Violent cases (10%), and least likely to be imposed in Drug or Other cases (2%).

Table 3-19. Initial sentence in Adult District Court, by most serious conviction charge

Sentence	Drugs	Other	Property	Violent	Total
(N)	1,234	824	1,367	776	4,201
Community Corrections	4%	8%	8%	3%	6%
Community Service	<1%	<1%	0%	<1%	<1%
Deferred	2%	2%	8%	10%	6%
Dept of Corrections	9%	32%	18%	24%	19%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines / fees	<1%	1%	1%	<1%	1%
Jail	11%	10%	11%	6%	10%
Probation / Intensive Supervision	73%	46%	55%	55%	58%
Youthful Offender System	0%	0%	0%	1%	<1%
Total	100%	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.

Table 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (7% versus 5%, respectively), and more likely to be granted probation (68% compared to 55% for men). Women were less likely to receive a jail sentence (7%) compared to men (11%), and considerably less likely to receive a prison sentence compared to men (11% compared to 22%).

Table 3-20. Initial sentence in Adult District Court by gender

Sentence	Female	Male	Total
(N)	1,160	3,041	4,201
Community Corrections	6%	6%	6%
Community Service	<1%	<1%	<1%
Deferred	7%	5%	6%
Dept of Corrections	11%	22%	19%
Division of Youth Services	0%	<1%	<1%
Fines / fees	1%	1%	1%
Jail	7%	11%	10%
Probation / Intensive Supervision	68%	55%	58%
Youthful Offender System	<1%	<1%	<1%
Total	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.

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-quarter (22%) of initial sentences for Black/African Americans 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. Black/African Americans 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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	294	1,221	87	2,599	4,201
Community Corrections	3%	7%	7%	6%	6%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	4%	5%	10%	6%	6%
Dept of Corrections	22%	22%	11%	17%	19%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines / fees	1%	1%	2%	1%	1%
Jail	12%	11%	10%	9%	10%
Probation / Intensive Supervision	57%	53%	59%	61%	58%
Youthful Offender System	<1%	<1%	0%	<1%	<1%
Total	100%	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. Whites and Hispanics were less likely to receive a deferred judgement than the other race/ethnicity categories, and Whites were the least likely to receive a sentence to jail. For Other, Property and Violent offenses, Black/African Americans 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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	58	314	22	840	1,234
Community Corrections	5%	3%	0%	4%	4%
Community Service	0%	<1%	0%	0%	<1%
Deferred	7%	2%	5%	2%	2%
Dept of Corrections	5%	11%	9%	8%	9%
Fines / fees	0%	1%	0%	<1%	<1%
Jail	14%	14%	23%	10%	11%
Probation / Intensive Supervision	69%	69%	64%	75%	73%
Total	100%	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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	47	256	19	502	824
Community Corrections	4%	9%	5%	9%	8%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	0%	3%	5%	2%	2%
Dept of Corrections	38%	36%	21%	30%	32%
Division of Youth Services	2%	0%	0%	0%	<1%
Fines / fees	2%	1%	0%	1%	1%
Jail	15%	12%	11%	9%	10%
Probation / Intensive Supervision	38%	40%	58%	49%	46%
Total	100%	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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	111	433	30	793	1,367
Community Corrections	4%	10%	13%	8%	8%
Deferred	5%	6%	17%	8%	8%
Dept of Corrections	14%	20%	0%	18%	18%
Fines / fees	1%	1%	7%	1%	1%
Jail	16%	12%	3%	10%	11%
Probation / Intensive Supervision	59%	52%	60%	56%	55%
Total	100%	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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	78	218	16	464	776
Community Corrections	0%	2%	6%	4%	3%
Community Service	0%	0%	0%	<1%	<1%
Deferred	3%	12%	13%	11%	10%
Dept of Corrections	36%	28%	25%	20%	24%
Fines / fees	0%	0%	0%	<1%	<1%
Jail	4%	7%	6%	6%	6%
Probation / Intensive Supervision	56%	50%	50%	58%	55%
Youthful Offender System	1%	1%	0%	1%	1%
Total	100%	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 2018, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: half of initial sentences were to Probation, while 27% of cases were granted a deferred judgment. Drug cases were more likely than other offenses to receive a deferred judgment (39%) 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

Sentence	Drugs	Other	Property	Violent	Total
(N)	31	96	154	205	486
Community Service	6%	3%	1%	0%	1%
Deferred	39%	23%	28%	26%	27%
Division of Youth Services	6%	21%	8%	23%	17%
Fines / fees	3%	5%	3%	1%	3%
Jail	10%	2%	1%	1%	2%
Juvenile Detention	0%	3%	1%	1%	1%
Probation / Intensive Supervision	35%	43%	60%	48%	50%
Total	100%	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.

Table 3-27 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgment than males (29% versus 26%, respectively), and equally likely to receive a sentence to the Division of Youth Services (17%).

Table 3-27. Initial sentence in Juvenile Court by gender

Sentence	Female	Male	Total
(N)	115	371	486
Community Service	1%	1%	1%
Deferred	29%	26%	27%
Division of Youth Services	17%	17%	17%
Fines/fees	3%	3%	3%
Jail	2%	2%	2%
Juvenile Detention	2%	1%	1%
Probation/Intensive Supervision	48%	50%	50%
Total	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.

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans and Hispanics were considerably less likely to receive a deferred judgment (11% and 21%, respectively compared to 27% and 35%), and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services (34% compared to 10%-20%).

Table 3-28. Initial sentence in Juvenile Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	53	185	15	233	486
Community Service	0%	1%	0%	2%	1%
Deferred	11%	21%	27%	35%	27%
Division of Youth Services	34%	20%	20%	10%	17%
Fines / fees	4%	3%	0%	3%	3%
Jail	2%	2%	0%	2%	2%
Juvenile Detention	6%	0%	0%	1%	1%
Probation / Intensive Supervision	43%	54%	53%	48%	50%
Total	100%	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 (to the point that there may be no cases for some race/ethnicities); 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 convicted crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes. Compared to the other race/ethnicity

categories, Black/African Americans were much more likely to receive an initial sentence to the Division of Youth Services for Property and Violent offenses.

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

Sentence	Hispanic*	White	Total
(N)	9	22	31
Community Service	11%	5%	6%
Deferred	33%	41%	39%
Division of Youth Services	0%	9%	6%
Fines / fees	11%	0%	3%
Jail	11%	9%	10%
Probation / Intensive Supervision	33%	36%	35%
Total	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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	13	39	4	40	96
Community Service	0%	0%	0%	8%	3%
Deferred	31%	21%	25%	23%	23%
Division of Youth Services	23%	33%	0%	10%	21%
Fines / fees	0%	8%	0%	5%	5%
Jail	0%	5%	0%	0%	2%
Juvenile Detention	15%	0%	0%	3%	3%
Probation / Intensive Supervision	31%	33%	75%	53%	43%
Total	100%	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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	13	56	4	81	154
Community Service	0%	2%	0%	0%	1%
Deferred	0%	18%	50%	38%	28%
Division of Youth Services	15%	9%	0%	6%	8%
Fines/fees	8%	2%	0%	2%	3%
Jail	0%	0%	0%	1%	1%
Juvenile Detention	8%	0%	0%	0%	1%
Probation/Intensive Supervision	69%	70%	50%	52%	60%
Total	100%	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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	27	81	7	90	205
Deferred	7%	22%	14%	36%	26%
Division of Youth Services	48%	23%	43%	13%	23%
Fines/fees	4%	0%	0%	2%	1%
Jail	4%	0%	0%	1%	1%
Juvenile Detention	0%	0%	0%	2%	1%
Probation/Intensive Supervision	37%	54%	43%	46%	48%
Total	100%	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, statewide in 2018, 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 (21% compared to 11%, respectively). Men were more likely than women to receive a jail sentence (30% for men compared to 10% for women), and men were more likely to be granted an initial sentence to probation (37% compared to 33% for women) in county court. Hispanics and Black/African Americans 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 almost three-quarters (73%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 9% of Drug cases, 32% of Other cases, 18% of Property cases, and 24% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (22%) 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 6% of district court cases overall, and were most likely to be imposed in Violent cases (10%) and least likely to be imposed in Drug or Other cases (2%). Overall in district court, Black/African Americans 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 (50%) in juvenile court. Initial sentences to the Division of Youth Services

were more likely for Violent and Other cases. Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were considerably less likely to receive a deferred judgment and Black/African Americans 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 but were equally likely to receive a sentence to the Division of Youth Services (17%).

Revocations

Cases sentenced in 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here.¹³ Those sentenced near the end of 2018 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, statewide, 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. For example, the Judicial Department reports that in 2018, 27% of adult state probation terminations were the result of a revocation.¹⁴ The revocations presented here may not result in termination from probation supervision. In fact, in 2018, across county, adult district, and juvenile district courts, 55% of cases were reinstated, 39% were not reinstated, and for the remaining 6% 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, 27% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (34% compared to 22% overall). Black/African Americans and those in the Other race/ethnicity 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). Black/African Americans were 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 (with the exception of Whites with Drugs cases).

¹³ Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.

¹⁴ See *Judicial Branch Annual Statistical Report, Fiscal Year 2018*, Table 48, page 121.

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

Race / Ethnicity	Offense Type	No	Yes	No	Yes	Total	Total N
Black/African Am		66%	34%	68	35	100%	103
	Other	66%	34%	19	10	100%	29
	Property	81%	19%	17	4	100%	21
	Violent	60%	40%	32	21	100%	53
Hispanic*		74%	26%	424	147	100%	571
	Drugs	100%	0%	2	0	100%	2
	Other	77%	23%	131	39	100%	170
	Property	75%	25%	85	28	100%	113
	Violent	72%	28%	206	80	100%	286
Other		83%	17%	30	6	100%	36
	Other	100%	0%	6	0	100%	6
	Property	83%	17%	10	2	100%	12
	Violent	78%	22%	14	4	100%	18
White		73%	27%	995	367	100%	1,362
	Drugs	59%	41%	10	7	100%	17
	Other	74%	26%	262	92	100%	354
	Property	74%	26%	212	76	100%	288
	Violent	73%	27%	511	192	100%	703
Total		73%	27%	1,517	555	100%	2,072

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 3-34 reflects county court revocations by gender. Overall, females and males in county court had a roughly equivalent likeliness to be revoked (26% compared to 27%, 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 (50%) whereas males with Drug crimes were less likely to be revoked (14%). As previously stated, the number of cases being analyzed here is quite small and interpretations should be made with care.

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

Gender	Offense Type	No	Yes	No	Yes	Total	Total N
Female		74%	26%	490	175	100%	665
	Drugs	50%	50%	6	6	100%	12
	Other	80%	20%	112	28	100%	140
	Property	73%	27%	130	49	100%	179
	Violent	72%	28%	242	92	100%	334
Male		73%	27%	1,027	380	100%	1,407
	Drugs	86%	14%	6	1	100%	7
	Other	73%	27%	306	113	100%	419
	Property	76%	24%	194	61	100%	255
	Violent	72%	28%	521	205	100%	726
Total		73%	27%	1,517	555	100%	2,072

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

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (32%, Table 3-35) compared to county court (27%, Table 3-33) in 2018. Black/African Americans were most likely to be revoked (37% compared to 32% overall). Those with Drug offenses were most likely to be revoked, especially those in the Other race/ethnicity. Table 3-36 shows that women in adult district court were more likely than men to get revoked (37% compared to 30%). 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	Offense Type	No	Yes	No	Yes	Total	Total
Black/African Am		63%	37%	113	67	100%	180
	Drugs	64%	36%	28	16	100%	44
	Other	72%	28%	13	5	100%	18
	Property	54%	46%	39	33	100%	72
	Violent	72%	28%	33	13	100%	46
Hispanic*		67%	33%	480	237	100%	717
	Drugs	60%	40%	134	89	100%	223
	Other	72%	28%	78	31	100%	109
	Property	62%	38%	155	96	100%	251
	Violent	84%	16%	113	21	100%	134
Other		75%	25%	45	15	100%	60
	Drugs	27%	73%	4	11	100%	15
	Other	83%	17%	10	2	100%	12
	Property	91%	9%	21	2	100%	23
	Violent	100%	0%	10	0	100%	10
White		68%	32%	1,183	550	100%	1,733
	Drugs	57%	43%	372	276	100%	648
	Other	81%	19%	209	48	100%	257
	Property	69%	31%	352	157	100%	509
	Violent	78%	22%	250	69	100%	319
Total		68%	32%	1,821	869	100%	2,690

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	Offense Type	No	Yes	No	Yes	Total	Total
Female		63%	37%	545	326	100%	871
	Drugs	55%	45%	196	162	100%	358
	Other	72%	28%	58	23	100%	81
	Property	65%	35%	221	121	100%	342
	Violent	78%	22%	70	20	100%	90
Male		70%	30%	1,276	543	100%	1,819
	Drugs	60%	40%	342	230	100%	572
	Other	80%	20%	252	63	100%	315
	Property	67%	33%	346	167	100%	513
	Violent	80%	20%	336	83	100%	419
Total		68%	32%	1,821	869	100%	2,690

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, 22% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Black/African Americans were more likely to get revoked (28% compared to 2% overall). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 28% compared to 20% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (36%) and males with Drug cases were most likely to be revoked (30%).

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

Race / Ethnicity	Offense Type	No	Yes	No	Yes	Total	Total
Black/African Am		72%	28%	21	8	100%	29
	Other	75%	25%	6	2	100%	8
	Property	67%	33%	6	3	100%	9
	Violent	75%	25%	9	3	100%	12
Hispanic*		76%	24%	105	33	100%	138
	Drugs	33%	67%	2	4	100%	6
	Other	71%	29%	15	6	100%	21
	Property	76%	24%	37	12	100%	49
	Violent	82%	18%	51	11	100%	62
Other		83%	17%	10	2	100%	12
	Other	100%	0%	4	0	100%	4
	Property	75%	25%	3	1	100%	4
	Violent	75%	25%	3	1	100%	4
White		79%	21%	153	40	100%	193
	Drugs	82%	18%	14	3	100%	17
	Other	87%	13%	26	4	100%	30
	Property	73%	27%	53	20	100%	73
	Violent	82%	18%	60	13	100%	73
Total		78%	22%	289	83	100%	372

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	Offense Type	No	Yes	No	Yes	Total	Total
Female		72%	28%	63	25	100%	88
	Drugs	69%	31%	9	4	100%	13
	Other	64%	36%	7	4	100%	11
	Property	76%	24%	25	8	100%	33
	Violent	71%	29%	22	9	100%	31
Male		80%	20%	226	58	100%	284
	Drugs	70%	30%	7	3	100%	10
	Other	85%	15%	44	8	100%	52
	Property	73%	27%	74	28	100%	102
	Violent	84%	16%	101	19	100%	120
Total		78%	22%	289	83	100%	372

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 2018 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, statewide, 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. 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 2018, across all court types and for those with a probation or a deferred judgment sentence, 55% of cases were reinstated, 39% were not reinstated, and for the remaining 6% of cases it was unclear the outcome of the revocation.

Overall, 27% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories (with the exception of Whites with Drug cases). Overall, females and males in county court had a roughly equivalent likeliness to be revoked (26% compared to 27%, respectively).

In district court, 32% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Black/African Americans were revoked at a rate of 37% compared to 32% overall. Women in adult district court were slightly more likely than men to get revoked (37% compared to 30%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 22% of cases sentenced to probation/deferred judgment in 2018 were revoked. Black/African Americans were most likely to be revoked (28% compared to 22% overall). Females were revoked at a rate of 28% compared to 20% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (36%) and males with Drugs cases were most likely to be revoked (30%).

Court processing summary. In 2018, Black/African Americans represented 1% of the 1st Judicial District population but accounted for 6% of adult district court filings, and 6% of district court cases sentenced. Hispanic adults represented 13% of the population and 27% of district court filings and 29% of district court cases sentenced. In juvenile court, Black/African Americans represented 13% of cases, compared to 2% of Black/African American juveniles in the population; Hispanic youth were 22% of the population and 38% of cases filed.

In county court, Black/African Americans were the least 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, 22% of initial sentences for Black/African Americans and Hispanics were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. When the offense was violent, Black/African Americans were sentenced to prison in 36% of cases compared to 20% of Whites. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were 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. Black/African Americans and Hispanics with Drug cases were revoked at a rate of 36% and 40%, respectively. In juvenile court, 22% of cases sentenced to probation/deferred judgment in 2018 were revoked.

Section 4: Additional Information

To better understand the sentencing information presented in Section 3, additional analyses were undertaken in an attempt to account for circumstances that may impact the initial sentence decision. 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 findings¹⁵ to the following research questions (the results are summarized below):

1. Compared to Whites, are Black/African Americans (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 Black/African Americans (or Hispanics) more or less likely to receive a deferred judgment for convictions in district court?
3. Compared to Whites, are Black/African American juveniles (or Hispanic juveniles) more or less likely to receive a deferred judgment for convictions in juvenile court?
4. Compared to Whites, are Black/African American 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, Black/African Americans and Hispanics were more likely than Whites to receive a DOC sentence.*
 2. *After controlling for the factors described below, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.*
 3. *After controlling for the sentencing factors described below, Black/African Americans less likely than Whites to receive a deferred judgment in juvenile court.*
 4. *After controlling for the sentencing factors described below, Black/African Americans and Hispanics were more likely than Whites to receive a sentence to the Division of Youth Services.*
-

¹⁵ Technical details of these statistical analyses are available from the Office of Research and Statistics, Division of Criminal Justice.

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 consideration at sentencing, and for which data were available in Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,
- Prior convictions for a specific violent crime, ¹⁶
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime. ¹⁷

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

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

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

Logistic regression models produce odds ratios which, in this study, are the odds for Black/African Americans (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 Black/African Americans (or Hispanics). An odds ratio greater than 1 means that Black/African Americans (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Black/African Americans (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) ¹⁹ are reported below.

¹⁶The 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.

¹⁷ See footnote above.

¹⁸ See footnote above.

¹⁹ A 95% confidence interval means that we can be 95% confident that the true odds ratio is within the specified interval.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2018 were examined. As can be seen in Table 4-1, Black/African Americans received a sentence to DOC in 37% of cases and Hispanics received a sentence to DOC in 36% of cases. In comparison, Whites received a sentence to DOC in 30% of cases. After controlling for the factors described above, Hispanics had a higher odds of receiving a DOC sentence than Whites (odds ratio: 1.33, CI: 1.07 - 1.64). There was no significant difference of odds of receiving a DOC sentence between Black/African Americans and Whites.

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

Race / Ethnicity	DOC sentence	Percent	Total
White		61%	1,516
	No	70%	1,064
	Yes	30%	452
Black/African Am		7%	177
	No	63%	112
	Yes	37%	65
Hispanic*		30%	746
	No	64%	476
	Yes	36%	270
Other		2%	50
	No	80%	40
	Yes	20%	10
Total		100%	2,489

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 2018 were examined (Table 4-2). Black/African Americans received a deferred sentence in 4% of cases and Hispanics received a deferred sentence in 5% of cases. In comparison, Whites received a deferred sentence in 6% of cases. After controlling for other factors described above, Black/African Americans still had lower odds of receiving a deferred sentence than Whites (odds ratio: .52, CI: .26 - .95). There was no significant difference in the odds of receiving a deferred sentence between Hispanics and Whites.

Table 4-2. Deferred sentence for all convictions in Adult District Court by race/ethnicity

Race / Ethnicity	Sentence Deferred	Percent	Total
White		62%	2,599
	No	94%	2,452
	Yes	6%	147
Black/African Am		7%	294
	No	96%	282
	Yes	4%	12
Hispanic*		29%	1,221
	No	95%	1,156
	Yes	5%	65
Other		2%	87
	No	90%	78
	Yes	10%	9
Total		100%	4,201

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 2018 were examined (Table 4-3). Black/African Americans received a deferred sentence in 11% of cases and Hispanics received a deferred sentence in 21% of cases. In comparison, Whites received a deferred sentence in 35% of cases. After controlling for the sentencing factors described above, Hispanics had lower odds of receiving a deferred sentence than Whites (odds ratio: .50, CI: .31 - .82). There was no significant difference in the odds of receiving a deferred sentence between Black/African American youths and White youths. Generalizing interpretations of these data should be done with caution as the number of observations (N) is small.

Table 4-3. Deferred sentence for all convictions in Juvenile Court by race/ethnicity

Race / Ethnicity	Sentence Deferred	Percent	Total
White		48%	233
	No	65%	152
	Yes	35%	81
Black/African Am		11%	53
	No	89%	47
	Yes	11%	6
Hispanic*		38%	185
	No	79%	146
	Yes	21%	39
Other		3%	15
	No	73%	11
	Yes	27%	4
Total		100%	486

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 2018 compared to 34% of Black/African Americans and 20% of Hispanics (Table 4-4). After controlling for the sentencing factors described above, Black/African Americans still had higher odds of receiving a DYS sentence than Whites (odds ratio: 3.07, CI: 1.10 - 8.40). Hispanics also had higher odds of receiving a DYS sentence as compared to Whites (odds ratio 2.41, CI: 1.16 - 5.14). Generalizing interpretations of these data should be done with caution as the number of observations (N) is small.

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

Race / Ethnicity	Sentenced to YOS	Percent	Total
White		48%	233
	No	90%	210
	Yes	10%	23
Black/African Am		11%	53
	No	66%	35
	Yes	34%	18
Hispanic*		38%	185
	No	80%	148
	Yes	20%	37
Other		3%	15
	No	80%	12
	Yes	20%	3
Total		100%	486

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/African American 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), Hispanics were statistically significantly more likely than Whites to receive a DOC sentence. Additionally, among adults, Black/African Americans 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/African American 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/African American and Hispanic defendants. Generalizing interpretations of these data should be done with caution as the number of observations (N) is small.

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. ²⁰ 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 2018 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 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.

²⁰ 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.