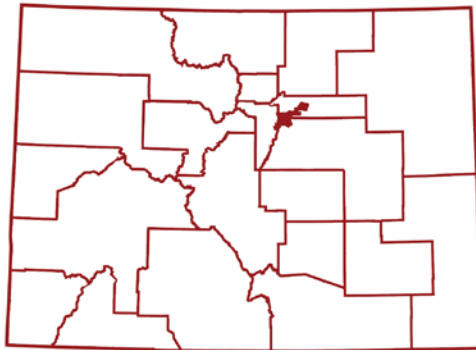# CLEAR ACT: 2018

Community Law Enforcement Action Reporting Act

2nd Judicial District

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

Age Group	Race/ethnicity	Percent	Total
Adult		**91%**	**577,977**
	Black/African Am	9%	53,640
	Hispanic	26%	149,169
	Other	5%	28,357
	White	60%	346,812
Juvenile		**9%**	**57,259**
	Black/African Am	13%	7,360
	Hispanic	52%	29,772
	Other	5%	2,766
	White	30%	17,361
Total		**100%**	**635,236**

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

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

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 2nd 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/summonses and court case processing in the 2nd 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 2nd Judicial District was 635,236. The adult population was comprised as follows: White, 60%; Black/African American, 9%; Hispanic, 26%; and Other, 5%. The juvenile population was comprised as follows: White, 30%, Black/African American, 13%, Hispanic 52%, and Other 5%.

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. In 2018 in the 2nd Judicial District, law enforcement made/issued over 31,000 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 15% of all arrests/summonses in the 2nd Judicial District while Violent crimes accounted for 18% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (53%) fell into the Other crime category. Black/African Americans represented nearly 10% population in 2018 but accounted for 26% of arrests/summonses. Hispanics represented 28% of the population in the 2nd Judicial District and 26% of arrests/summonses. 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 case filings. This study of more than 8,000 case filings in district and juvenile court combined found that, while Black/African Americans represented almost 10% of the population in the 2nd Judicial District, and 26% of the arrests/summonses in 2018, they accounted for 9% of district court filings; county court (and municipal court) data were not available for analysis. In juvenile court, Black/African Americans represented 40% of cases, compared to 13% Black/African American juveniles in the population. Hispanic adults made up 26% of the adult population but had 31% of district court filings in 2018. Hispanic juveniles made up 52% of the population and 47% of juvenile court filings. In terms of gender, 21% of filings were females and 79% were males. Females were slightly more likely than men to be involved in Property crimes (27% and 24%, respectively), and much more likely to be involved in Drug offenses (47% and 35%, respectively). Women were slightly less likely to be involved in Violent offenses compared to men (18% and 25%, 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 <u>include</u> attempts, solicitations, and conspiracies.

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, 11% of cases in district court were dismissed, as were 23% of cases in juvenile court.

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.

In district court in the 2nd 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: 10% of Drug cases, 52% of Other cases, 17% of Property cases, and 29% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (25%) and Hispanics (23%) were to the Department of Corrections, compared to 19% for Whites. Deferred judgments were initially granted in 6% of district court cases overall, and were most likely to be imposed in Property cases (10%). Overall in district court, Black/African Americans were less likely to receive an initial sentence to probation.

Initial sentences to probation were the most frequently occurring sentence in juvenile court (68%). Violent cases were more likely than other offenses to receive a deferred judgment (21%) in juvenile court. Initial sentences to the Division of Youth Services occurred in 10% of cases; 12% 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 and less 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 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 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, statewide, 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.

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).

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), neither Black/African Americans nor Hispanics were more likely than Whites to receive a DOC sentence. Hispanics adults were more likely <u>not</u> 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, neither Black/African American nor 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. Please note the small number of sentences being analyzed interpretations of the data should be made with care.

Overall summary. In 2018 in the 2nd Judicial District, Black/African Americans represented almost 10% of the population but accounted for 26% of arrests/summonses and 26% of court filings. Hispanic adults represented 28% of the population, 26% of arrests/summonses and 32% of court filings. In juvenile court, Black/African Americans represented 40% of cases, compared to 13% of Black/African American juveniles in the population. Hispanic youth were 52% of the population and 47% of cases filed.

In adult district court, 25% of initial sentences for Black/African Americans and 23% of initial sentences for Hispanics were to the Department of Corrections compared to 19% for Whites. When the offense was Violent, Black/African Americans were sentenced to prison in 34% of cases compared to 24% 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 of arrests/summones and court case processing in the 2nd Judicial District 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; and
- Revocations for probation and deferred judgments.

The CLEAR ACT mandates 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

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 2018 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 data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a

---

[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).

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 population in the 2nd Judicial District in 2018 for residents ages 10 and over was 635,236 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		**91%**	**577,977**
	Black/African Am	9%	53,640
	Hispanic	26%	149,169
	Other	5%	28,357
	White	60%	346,812
Juvenile		**9%**	**57,259**
	Black/African Am	13%	7,360
	Hispanic	52%	29,772
	Other	5%	2,766
	White	30%	17,361
Total		**100%**	**635,236**

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 for the 2nd Judicial District 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 31,000 NIBRS incidents in the 2nd Judicial District were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	11%	3,505
On-view/probable cause	53%	16,724
Summons	36%	11,577
Total	**100%**	**31,806**

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] The data are presented by court type: 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	91%	7,381
Juvenile	9%	751
Total	**100%**	**8,132**

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.

Note that the information presented here reflects the analysis of more than 8,000 ***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 and consequently this information is excluded from the information presented in this report and on the interactive web dashboard.

[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 categories[8] 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.

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

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 CLEAR Act mandates that arrest information be provided by arrest type and summons. The data represent all arrests/summonses captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2018.

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

Crime Type	Percent	Total
Drugs	15%	4,715
Other	53%	16,777
Property	14%	4,470
Violent	18%	5,844
Total	**100%**	**31,806**

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

Table 2-2 reflects over 31,000 arrests/summonses in the 2nd Judicial District that were captured in NIBRS for calendar year 2018, by race/ethnicity. Blacks/African Americans represented almost 10% of the population in the 2nd Judicial District in 2018, but accounted for 26% of arrests/summonses. Hispanics represented 28% of the 2nd Judicial District population and accounted for 26% of arrests/summonses. The Other race/ethnicity category represented 5% of the population, and were underrepresented in arrests (3%), as were Whites, who represented 57% of the district's population and 45% of arrests/summonses.

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

Race/ethnicity	Percent	Total
Black/African Am	26%	8,199
Hispanic*	26%	8,322
Other	3%	845
White	45%	14,440
Total	**100%**	**31,806**

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 3% of on view/probable cause arrests, and that 32% of those arrests were for violent crimes, a higher proportion compared to adults (24%). Juveniles accounted for 48% of custody/warrant arrests (most of these were for Other offenses) (Table 2-4). Comparing the number of juveniles in Tables 2-4 and 2-5, juveniles were slightly more likely to be summonsed than the subject of a custody/warrant arrest in the 2nd Judicial District (1,701 versus 1,668).

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

Age Group	Crime Type	Percent	Total
Adult		**97%**	**16,168**
	Drugs	23%	3,722
	Other	36%	5,828
	Property	17%	2,673
	Violent	24%	3,945
Juvenile		**3%**	**556**
	Drugs	9%	52
	Other	32%	176
	Property	27%	151
	Violent	32%	177
Total		**100%**	**16,724**

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 Group	Crime Type	Percent	Total
Adult		**52%**	**1,837**
	Drugs	7%	120
	Other	31%	571
	Property	19%	352
	Violent	43%	794
Juvenile		**48%**	**1,668**
	Drugs	<1%	3
	Other	96%	1,599
	Property	1%	17
	Violent	3%	49
Total		**100%**	**3,505**

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 Group	Crime Type	Percent	Total
Adult		**85%**	**9,876**
	Drugs	8%	746
	Other	76%	7,529
	Property	10%	1,013
	Violent	6%	588
Juvenile		**15%**	**1,701**
	Drugs	4%	72
	Other	63%	1,074
	Property	16%	264
	Violent	17%	291
Total		**100%**	**11,577**

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 23% of probable cause arrests were for Drug related offenses, 36% were for Other offenses, 17% for Property offenses, and 25% for Violent offenses. While Black/African Americans made up almost 10% of the population in the 2nd Judicial District, Table 2-6 shows that they were arrested at two to 3 times that rate for probable cause arrests in 2018: 23% of Drug arrests were Black/African Americans and 31% 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 60% of these arrests involved an offense that fell into the Other category and 24% of these types of arrests involved a Violent offense. Black/African Americans and Whites each made up 34% of Violent crime arrests and Hispanics made up 29%.

Table 2-8 shows that over 11,000 summonses were issued in the 2nd Judicial District in 2018, and most of these were for Other offenses (74%). Of those summons issued for Violent crimes, 34% went to Black/African Americans and 37% were issued to Whites.

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**23%**	**3,774**
	Black/African Am	23%	877
	Hispanic*	26%	969
	Other	2%	70
	White	49%	1,858
Other		**36%**	**6,004**
	Black/African Am	25%	1,506
	Hispanic*	27%	1,628
	Other	2%	129
	White	46%	2,741
Property		**17%**	**2,824**
	Black/African Am	23%	638
	Hispanic*	30%	839
	Other	2%	46
	White	46%	1,301
Violent		**25%**	**4,122**
	Black/African Am	31%	1,277
	Hispanic*	27%	1,129
	Other	3%	111
	White	39%	1,605
Total		**100%**	**16,724**

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**4%**	**123**
	Black/African Am	25%	31
	Hispanic*	23%	28
	White	52%	64
Other		**62%**	**2,170**
	Black/African Am	28%	602
	Hispanic*	32%	699
	Other	2%	43
	White	38%	826
Property		**11%**	**369**
	Black/African Am	23%	86
	Hispanic*	32%	118
	Other	2%	8
	White	43%	157
Violent		**24%**	**843**
	Black/African Am	34%	290
	Hispanic*	29%	248
	Other	2%	15
	White	34%	290
Total		**100%**	**3,505**

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**7%**	**818**
	Black	38%	312
	Hispanic*	20%	164
	Other	1%	12
	White	40%	330
Other		**74%**	**8,603**
	Black	22%	1,903
	Hispanic*	23%	1,954
	Other	4%	373
	White	51%	4,373
Property		**11%**	**1,277**
	Black	29%	375
	Hispanic*	24%	311
	Other	2%	21
	White	45%	570
Violent		**8%**	**879**
	Black	34%	302
	Hispanic*	27%	235
	Other	2%	17
	White	37%	325
Total		**100%**	**11,577**

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. Women considerably less likely than men to be arrested. Overall, women constituted approximately 22-46% of arrests and 24-40% of summonses (depending on the crime category) and men comprised the remainder.

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

Crime Type	Gender	Percent	Total
Drugs		**23%**	**3,774**
	Female	26%	995
	Male	74%	2,779
Other		**36%**	**6,004**
	Female	22%	1,315
	Male	78%	4,689
Property		**17%**	**2,824**
	Female	27%	759
	Male	73%	2,065
Violent		**25%**	**4,122**
	Female	20%	842
	Male	80%	3,280
Total		**100%**	**16,724**

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

Crime Type	Gender	Percent	Total
Drugs		**4%**	**123**
	Female	34%	42
	Male	66%	81
Other		**62%**	**2,170**
	Female	46%	998
	Male	54%	1,172
Property		**11%**	**369**
	Female	28%	104
	Male	72%	265
Violent		**24%**	**843**
	Female	20%	165
	Male	80%	678
Total		**100%**	**3,505**

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

Crime Type	Gender	Percent	Total
Drugs		**7%**	**818**
	Female	32%	258
	Male	68%	560
Other		**74%**	**8,603**
	Female	24%	2,069
	Male	76%	6,534
Property		**11%**	**1,277**
	Female	40%	508
	Male	60%	769
Violent		**8%**	**879**
	Female	37%	324
	Male	63%	555
Total		**100%**	**11,577**

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

Summary: Law enforcement. In 2018 in the 2nd Judicial District, law enforcement made/issued over 31,000 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 15% of all arrests/summonses in the 2nd Judicial District while Violent crimes accounted for 18% of arrests/summonses, Property offenses accounted for 14% of arrests/summonses, and the remainder of arrests/summonses (53%) fell into the Other crime category. Black/African Americans represented nearly 10% population in 2018 but accounted for 26% of arrests/summonses. Hispanics represented 28% of the population in the 2nd Judicial District and 26% of arrests/summonses. 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.

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, but are not included in this analysis for the 2nd Judicial District since these data are unavailable. The 2018 data are presented here by court type: 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 <u>include</u> 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 court filing.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 8,132 case filings in adult district and juvenile courts combined for the 2nd Judicial District during calendar year 2018. While Black/African Americans represented almost 10% of the population and 26% of the arrests/summonses in 2018, they accounted for 26% of court filings. Hispanics represented 28% of the population, 26% of arrests/summonses, and 32% 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, 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.

Table 3-1. Overall filings by race/ethnicity, 2018

Race/ethnicity	Percent	Total
Black/African Am	26%	2,140
Hispanic	32%	2,642
Other	2%	172
White	39%	3,178
Total	**100%**	**8,132**

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

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

Combining information across the two 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 38% of cases, and Violent and Property charges each comprised the 24% of charges filed. Black/African Americans were charged with 36% of Violent offenses and 22% of Drug offenses; Whites were charged with 29% of Violent offenses compared to 46% of Drug cases.

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**38%**	**3,069**
	Black	22%	684
	Hispanic	29%	905
	Other	2%	69
	White	46%	1,411
Other		**14%**	**1,177**
	Black	29%	340
	Hispanic	35%	417
	Other	2%	18
	White	34%	402
Property		**24%**	**1,973**
	Black	22%	426
	Hispanic	35%	691
	Other	2%	38
	White	41%	818
Violent		**24%**	**1,913**
	Black	36%	690
	Hispanic	33%	629
	Other	2%	47
	White	29%	547
Total		**100%**	**8,132**

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

Table 3-3 depicts that, across juvenile and district court, 21% of filings were females and 79% were males. Females were slightly more likely than men to be involved in Property crimes (27% compared to 24%, respectively) and considerably more likely to be involved in Drug crimes (47% compared to 35%, respectively) and less to be involved in Violent offenses (18% compared to 25%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Crime Type	Percent	Total
Female		**21%**	**1,741**
	Drugs	47%	815
	Other	8%	147
	Property	27%	469
	Violent	18%	310
Male		**79%**	**6,391**
	Drugs	35%	2,254
	Other	16%	1,030
	Property	24%	1,504
	Violent	25%	1,603
Total		**100%**	**8,132**

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court. The 2nd Judicial District processed 751 juvenile cases and 7,381 adult cases in 2018. Black/African American juveniles comprised 13% of the population in the 2nd Judicial District but accounted for 40% of juvenile court filings. Hispanic youth represented 52% of the population and 47% of juvenile court filings.

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

Court	Race/ethnicity	Percent	Total
Adult District		**91%**	**7,381**
	Black/African Am	25%	1,842
	Hispanic	31%	2,290
	Other	2%	159
	White	42%	3,090
Juvenile		**9%**	**751**
	Black/African Am	40%	298
	Hispanic	47%	352
	Other	2%	13
	White	12%	88
Total		**100%**	**8,132**

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

Table 3-5 shows the type of offense within court type. Nearly half (41%) of district court cases were Drug offenses; Property offenses (24%) comprised the next largest categories of cases in adult district court. Property crimes made up nearly one-third (30%) of cases filed in juvenile

court and Violent offenses comprised nearly half (42%) of juvenile court cases. Table 3-6 presents the distribution across gender for cases in district and juvenile court. Approximately four out of 5 cases belonged to a male defendant.

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

Court	Crime Type	Percent	Total
Adult District		91%	7,381
	Drugs	41%	3,002
	Other	14%	1,039
	Property	24%	1,744
	Violent	22%	1,596
Juvenile		9%	751
	Drugs	9%	67
	Other	18%	138
	Property	30%	229
	Violent	42%	317
Total		100%	8,132

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

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

Court	Gender	Percent	Total
Adult District		91%	7,381
	Female	22%	1,600
	Male	78%	5,781
Juvenile		9%	751
	Female	19%	141
	Male	81%	610
Total		100%	8,132

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

Trials

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

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

Court	Trial	Percent	Total
Adult District		**91%**	**7,381**
	No	100%	7,352
	Yes	<1%	29
Juvenile		**9%**	**751**
	No	99%	745
	Yes	1%	6
Total		**100%**	**8,132**

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

Crime Type	Trial	Percent	Total
Drugs		**38%**	**3,069**
	No	100%	3,065
	Yes	<1%	4
Other		**14%**	**1,177**
	No	99%	1,167
	Yes	1%	10
Property		**24%**	**1,973**
	No	100%	1,969
	Yes	<1%	4
Violent		**24%**	**1,913**
	No	99%	1,896
	Yes	1%	17
Total		**100%**	**8,132**

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 8,000 case filings in district and juvenile court combined found that while Black/African Americans represented almost 10% of the population in the 2nd Judicial District, and 26% of the arrests/summonses in 2018, they accounted for 9% of district court filings; county court (and municipal court) data were not available for analysis. In juvenile court, Black/African Americans represented 40% of cases, compared to 13% Black/African American juveniles in the population. Hispanic adults made up 26% of the adult population but had 31% of district court filings in 2018. Hispanic juveniles made up 52% of the population and 47% of juvenile court filings. In terms of gender, 21% of filings were females and 79% were males. Females were slightly more likely than men to be involved in Property crimes (27% and 24%, respectively), and much more likely to be involved in Drug offenses (47% and 35%, respectively). Women were slightly less likely to be involved in Violent offenses compared to men (18% and 25%, 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.

Case Outcomes

The following two tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for district and juvenile court in 2018 in the 2nd Judicial District. 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. Convicted as charged means the defendant was convicted of at least the most serious filing charge.

Table 3-9 reflects case outcomes for district court in 2018 in the 2nd Judicial District. Eleven percent (11%) of cases filed in district court had all charges dismissed (fewer than 1% of those in this category were not guilty). Nearly half of cases (48%) were convicted as charged, and nearly one-third of cases (29%) were not yet resolved when the data were extracted for analysis. There are few variations by race/ethnicity and court outcomes.

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

Race/Ethnicity	Crime Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved case closed	Total	Total N
Black/African Am		**13%**	**43%**	**11%**	**33%**	**100%**	**1,842**
	Drugs	9%	48%	12%	31%	100%	660
	Other	17%	44%	14%	25%	100%	277
	Property	19%	44%	9%	28%	100%	342
	Violent	11%	34%	11%	44%	100%	563
Hispanic		**12%**	**48%**	**11%**	**29%**	**100%**	**2,290**
	Drugs	6%	52%	13%	29%	100%	877
	Other	19%	45%	12%	24%	100%	351
	Property	16%	50%	8%	26%	100%	581
	Violent	12%	40%	9%	39%	100%	481
Other		**14%**	**54%**	**7%**	**25%**	**100%**	**159**
	Drugs	9%	62%	9%	21%	100%	68
	Other	25%	38%	6%	31%	100%	16
	Property	23%	54%	3%	20%	100%	35
	Violent	10%	48%	8%	35%	100%	40
White		**13%**	**50%**	**11%**	**26%**	**100%**	**3,090**
	Drugs	7%	56%	12%	25%	100%	1,397
	Other	14%	48%	18%	20%	100%	395
	Property	20%	45%	9%	25%	100%	786
	Violent	18%	41%	9%	32%	100%	512
Total		**13%**	**48%**	**11%**	**29%**	**100%**	**7,381**

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 presents case outcomes for juvenile court in the 2nd Judicial District. All charges were dismissed for 23% of cases filed, while 30% of cases were convicted as charged and 25% were convicted of a different crime. There appear to be few differences across race/ethnicity except for some cases falling into the Other race/ethnicity category but there are few cases (n=13).

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

Race/Ethnicity	Crime Type	Convicted as charged	Convicted other crime	Dismissed not guilty	Not yet resolved/ case closed	Total	Total N
Black/African Am		**29%**	**26%**	**24%**	**22%**	**100%**	**298**
	Drugs	4%	58%	25%	13%	100%	24
	Other	46%	19%	13%	22%	100%	63
	Property	32%	21%	33%	13%	100%	84
	Violent	22%	25%	24%	29%	100%	127
Hispanic		**30%**	**24%**	**21%**	**24%**	**100%**	**352**
	Drugs	29%	29%	36%	7%	100%	28
	Other	45%	17%	14%	24%	100%	66
	Property	27%	29%	22%	22%	100%	110
	Violent	26%	23%	22%	30%	100%	148
Other		**31%**	**23%**	**15%**	**31%**	**100%**	**13**
	Drugs	0%	100%	0%	0%	100%	1
	Other	50%	0%	0%	50%	100%	2
	Property	33%	0%	0%	67%	100%	3
	Violent	29%	29%	29%	14%	100%	7
White		**33%**	**23%**	**23%**	**22%**	**100%**	**88**
	Drugs	21%	36%	36%	7%	100%	14
	Other	57%	0%	0%	43%	100%	7
	Property	28%	25%	22%	25%	100%	32
	Violent	37%	20%	23%	20%	100%	35
Total		**30%**	**25%**	**23%**	**23%**	**100%**	**751**

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, 11% of cases in district court were dismissed, as were 23% of cases in juvenile court.

Initial Sentences

The tables below show cases sentenced between Jan 1, 2018 and Dec 31, 2018 in district and juvenile court in the 2nd Judicial District. 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 <u>most serious initial sentence</u>. For example, the sentence of fines means that no more serious sentence was found. The same is true for credit for time served and community service.

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

Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. 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.

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.

District court

Table 3-11 shows the initial sentence by offense type for district court cases in 2018. Probation was the most frequently occurring initial sentence, happening over half (58%) of the time in the 2nd Judicial District. For Drug cases, probation is the sentence for 75% of cases. The second most frequently occurring sentence in district court was a prison sentence: 10% of Drug cases, 52% of Other cases, 17% of Property cases, and 29% of Violent cases received a sentence to the Department of Corrections.

Table 3-11. Initial sentence in Adult District Court, by most serious conviction charge

Sentence	Drugs	Other	Property	Violent	Total
(N)	2,350	823	1,406	1,233	5,812
Community Corrections	4%	4%	10%	3%	5%
Community Service	0%	0%	<1%	0%	<1%
Deferred	3%	3%	10%	7%	6%
Dept of Corrections	10%	52%	17%	29%	22%
Fines/fees	<1%	0%	<1%	<1%	<1%
Jail	8%	9%	9%	9%	9%
Probation/Intensive Supervision	75%	31%	53%	51%	58%
Youthful Offender System	<1%	<1%	<1%	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 3-12 shows the initial district court sentence by gender. Women were much more likely to receive probation compared to men (71% versus 55%, respectively), less likely to receive a jail sentence (6%) compared to men (10%), and also considerably less likely to receive a prison sentence compared to men (9% compared to 25%).

Table 3-12. Initial sentence in Adult District Court by gender

Sentence	Female	Male	Total
(N)	1,290	4,522	5,812
Community Corrections	5%	5%	5%
Community Service	<1%	<1%	<1%
Deferred	8%	5%	6%
Dept of Corrections	9%	25%	22%
Fines/fees	<1%	<1%	<1%
Jail	6%	10%	9%
Probation/Intensive Supervision	71%	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 3-13 shows the initial sentence in adult district court by race/ethnicity combining all crime types. One-quarter (25%) of initial sentences for Black/African Americans were to the Department of Corrections, and 23% of initial sentences for Hispanic cases were to prison, a higher proportion compared to Whites (19%).

Table 3-13. Initial sentence in Adult District Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	1,346	1,801	143	2,522	5,812
Community Corrections	5%	5%	3%	5%	5%
Community Service	0%	0%	0%	<1%	<1%
Deferred	5%	5%	10%	6%	6%
Dept of Corrections	25%	23%	15%	19%	22%
Fines/fees	<1%	<1%	1%	<1%	<1%
Jail	11%	8%	10%	8%	9%
Probation/Intensive Supervision	54%	58%	62%	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 3-14 shows the sentences cases received for Drug offenses. Black/African Americans and Hispanics were more likely to receive a sentence to the Department of Corrections, and Black/African Americans were more likely to receive a jail sentence. For Other offenses, Black/African Americans were less likely than Whites to receive a prison sentence (49% and 55%, respectively), but were more likely to receive a jail sentence (12% compared to 8%) (Table 3-15). For Property offenses, there was little variation across race/ethnicity categories, however, there were only 36 cases in the Other race/ethnicity category so care must be used when interpreting the information (Table 3-16). Finally, 34% of Black/African Americans were sentenced to prison for Violent offenses compared to 24% of Whites (Table 3-17).

Table 3-14. Initial sentence for <u>Drugs</u> as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	464	654	55	1,177	2,350
Community Corrections	5%	4%	0%	3%	4%
Deferred	2%	3%	11%	3%	3%
Dept of Corrections	13%	11%	2%	8%	10%
Fines/fees	0%	0%	2%	<1%	<1%
Jail	12%	7%	9%	8%	8%
Probation/Intensive Supervision	68%	75%	76%	77%	75%
Youthful Offender System	0%	<1%	0%	0%	<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.

Table 3-15. Initial sentence for <u>Other</u> as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	216	278	17	312	823
Community Corrections	3%	3%	0%	4%	4%
Deferred	4%	4%	12%	2%	3%
Dept of Corrections	49%	53%	35%	55%	52%
Jail	12%	10%	0%	8%	9%
Probation/Intensive Supervision	31%	31%	53%	31%	31%
Youthful Offender System	<1%	0%	0%	0%	<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.

Table 3-16. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	295	464	36	611	1,406
Community Corrections	7%	11%	6%	12%	10%
Community Service	0%	0%	0%	<1%	<1%
Deferred	9%	8%	11%	11%	10%
Dept of Corrections	17%	17%	11%	18%	17%
Fines/fees	<1%	<1%	0%	<1%	<1%
Jail	10%	9%	11%	8%	9%
Probation/Intensive Supervision	56%	56%	61%	50%	53%
Youthful Offender System	0%	1%	0%	0%	<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.

Table 3-17. Initial sentence for Violent as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/ African Am	Hispanic.	Other	White	Total
(N)	371	405	35	422	1,233
Community Corrections	3%	3%	6%	2%	3%
Deferred	4%	6%	6%	11%	7%
Dept of Corrections	34%	29%	31%	24%	29%
Fines/fees	<1%	0%	0%	<1%	<1%
Jail	11%	7%	14%	9%	9%
Probation/Intensive Supervision	47%	53%	43%	53%	51%
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 3-18 below reflects the initial sentence for juvenile court cases in 2018, by crime type. As in district court, initial sentences to Probation were the most frequently occurring sentence: Two-thirds (68%) of initial sentences were to Probation, while 16% of cases were granted a deferred judgment. Violent cases were more likely than other offenses to receive a deferred judgment (21%) in juvenile court.

Table 3-18. Initial sentence in Juvenile Court, by most serious conviction charge

Sentence	Drugs	Other	Property	Violent	Total
(N)	50	109	150	192	501
Deferred	12%	15%	13%	21%	16%
Division of Youth Services	12%	8%	10%	11%	10%
Fines/fees	0%	0%	1%	1%	<1%
Jail	8%	6%	3%	2%	4%
Juvenile Detention	4%	1%	1%	1%	1%
Probation/Intensive Supervision	64%	71%	72%	65%	68%
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 3-19 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (22% versus 15%, respectively), and less likely to receive a sentence to the Division of Youth Services (5% compared to 11%).

Table 3-19. Initial sentence in Juvenile Court by gender

Sentence	Female	Male	Total
(N)	82	419	501
Deferred	22%	15%	16%
Division of Youth Services	5%	11%	10%
Fines/fees	0%	<1%	<1%
Jail	4%	4%	4%
Juvenile Detention	1%	1%	1%
Probation/Intensive Supervision	68%	68%	68%
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 3-20 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Blacks/African Americans were considerably less likely than Whites to receive a deferred judgment (11% and 20%, respectively), and Black/African Americans were more likely than Whites to receive an initial sentence to the Division of Youth Services (14% compared to 6%).

Table 3-20. Initial sentence in Juvenile Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	201	234	12	54	501
Deferred	11%	19%	25%	20%	16%
Division of Youth Services	14%	8%	8%	6%	10%
Fines/fees	0%	<1%	0%	2%	<1%
Jail	4%	3%	0%	6%	4%
Juvenile Detention	1%	1%	0%	4%	1%
Probation/Intensive Supervision	69%	69%	67%	63%	68%
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; in these instances, the findings should be interpreted with caution.* Table 3-21 shows the initial sentence when a Drug offense was the most serious conviction crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes. For Drug offenses, Black/African Americans were much less likely than Whites to receive a deferred judgment (none compared to 22%). When the offense fell into the Other category (Table 3-22), 8% of Black/African Americans received a deferred judgement compared to 40% of Whites (however, there are only 5 cases so this information must be interpreted with caution). For Property offenses (Table 3-23), Black/African Americans were more likely to receive a deferred judgement compared to Whites (15% and 11%, respectively). For Violent offenses (Table 3-24), Black/African Americans received a deferred judgment in 14% of cases compared to 24% for Whites.

Additionally, across crime types, compared to Whites, Black/African Americans were much more likely to receive an initial sentence to the Division of Youth Services for Drug, Other and Violent offenses.

Table 3-21. Initial sentence for <u>Drugs</u> as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	White	Total
(N)	21	20	9	50
Deferred	0%	20%	22%	12%
Division of Youth Services	29%	0%	0%	12%
Jail	5%	0%	33%	8%
Juvenile Detention	5%	5%	0%	4%
Probation/Intensive Supervision	62%	75%	44%	64%
Total	100%	100%	100%	100%

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

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

Table 3-22. Initial sentence for <u>Other</u> as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	50	53	1	5	109
Deferred	8%	19%	0%	40%	15%
Division of Youth Services	10%	8%	0%	0%	8%
Jail	8%	4%	0%	0%	6%
Juvenile Detention	0%	2%	0%	0%	1%
Probation/Intensive Supervision	74%	68%	100%	60%	71%
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 <u>Property</u> as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/ African Am	Hispanic.	Other	White	Total
(N)	60	65	6	19	150
Deferred	15%	12%	17%	11%	13%
Division of Youth Services	13%	8%	0%	11%	10%
Fines/fees	0%	0%	0%	5%	1%
Jail	3%	5%	0%	0%	3%
Juvenile Detention	2%	0%	0%	0%	1%
Probation/Intensive Supervision	67%	75%	83%	74%	72%
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 <u>Violent</u> as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/ African Am	Hispanic	Other	White	Total
(N)	70	96	5	21	192
Deferred	14%	24%	40%	24%	21%
Division of Youth Services	14%	9%	20%	5%	11%
Fines/fees	0%	1%	0%	0%	1%
Jail	3%	2%	0%	0%	2%
Juvenile Detention	0%	0%	0%	10%	1%
Probation/Intensive Supervision	69%	64%	40%	62%	65%
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.

In district court, 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: 10% of Drug cases, 52% of Other cases, 17% of Property cases, and 29% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (25%) and Hispanics (23%) were to the Department of Corrections, compared to 19% for Whites. Deferred judgments were initially granted in 6% of district court cases overall, and were most likely to be imposed in Property cases (10%). Overall in district court, Black/African Americans were less likely to receive an initial sentence to probation.

Initial sentences to probation were the most frequently occurring sentence in juvenile court (68%). Violent cases were more likely than other offenses to receive a deferred judgment (21%) in juvenile court. Initial sentences to the Division of Youth Services occurred in 10% of cases; 12% 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 and less 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 are included in the analyses presented here.[12] 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 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. 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, 24% of adult state probation terminations were the result of a revocation.[13] The revocations presented here may not result in termination from probation supervision. In fact, statewide in 2018, across county, adult district, and juvenile district courts, 48% of cases were reinstated, 45% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

---

[12] Judicial data pertaining to *petitions* to revoke are less reliable than data identifying actual revocations.
[13] See *Judicial Branch Annual Statistical Report, Fiscal Year 2018*, Table 48, page 121.

The next series of tables shows revocations in district court and then juvenile court.

Adult district court

Revocations from probation/deferred judgments occurred at a rate of 25% in district court (Table 3-25) in the 2nd Judicial District in 2018. Hispanics were less likely than Whites to be revoked (22% compared to 27%l). Black/African Americans with Drug offenses were most likely to be revoked (33%). Table 3-36 shows that women in adult district court were very slightly more likely than men to get revoked (24% compared to 25%). Men and women with Drug cases were considerably more likely, compared to those with other crime types, to get revoked.

Table 3-25. Revocations from Probation/Deferred in Adult District Court, by race/ethnicity and most serious conviction charge

Race/Ethnicity	Crime Type	No	Yes	Total	N
Black/ African Am		**74%**	**26%**	**100%**	**786**
	Drugs	67%	33%	100%	325
	Other	84%	16%	100%	76
	Property	75%	25%	100%	194
	Violent	82%	18%	100%	191
Hispanic*		**78%**	**22%**	**100%**	**1,135**
	Drugs	75%	25%	100%	508
	Other	86%	14%	100%	95
	Property	74%	26%	100%	293
	Violent	85%	15%	100%	239
Other		**82%**	**18%**	**100%**	**102**
	Drugs	94%	6%	100%	48
	Other	91%	9%	100%	11
	Property	73%	27%	100%	26
	Violent	59%	41%	100%	17
White		**73%**	**27%**	**100%**	**1,696**
	Drugs	70%	30%	100%	950
	Other	78%	22%	100%	103
	Property	76%	24%	100%	373
	Violent	80%	20%	100%	270
Total		**75%**	**25%**	**100%**	**3,719**

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 3-26. Revocations from Probation/Deferred in Adult District Court, by gender and most serious conviction charge

Gender	Crime Type	No	Yes	Total	N
Female		**76%**	**24%**	**100%**	**1,029**
	Drugs	72%	28%	100%	571
	Other	82%	18%	100%	49
	Property	79%	21%	100%	276
	Violent	86%	14%	100%	133
Male		**75%**	**25%**	**100%**	**2,690**
	Drugs	71%	29%	100%	1,260
	Other	83%	17%	100%	236
	Property	73%	27%	100%	610
	Violent	80%	20%	100%	584
Total		**75%**	**25%**	**100%**	**3,719**

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, 23% of cases sentenced to probation/deferred judgment in 2018 in the 2nd Judicial District were revoked (Table 3-27). Hispanics were more likely to get revoked (27% and 7%, respectively). Note that 45% of those in the Other race/ethnicity category were revoked, however, only 11 cases are in this category and therefore care must be taken when interpreting these findings. Table 3-28 presents revocations in juvenile court by gender. Females were revoked at a rate of 20% compared to 23% for males. Comparing across crime types, men with Drug crimes were most likely to be revoked (40%).

Table 3-27. Revocations from Probation/Deferred in Juvenile Court, by race/ethnicity and most serious conviction charge

Race/Ethnicity	Crime Type	No	Yes	Total	N
Black/ African Am		**80%**	**20%**	**100%**	**161**
	Drugs	69%	31%	100%	13
	Other	76%	24%	100%	41
	Property	82%	18%	100%	49
	Violent	83%	17%	100%	58
Hispanic*		**73%**	**27%**	**100%**	**206**
	Drugs	63%	37%	100%	19
	Other	76%	24%	100%	46
	Property	63%	37%	100%	57
	Violent	80%	20%	100%	84
Other		**55%**	**45%**	**100%**	**11**
	Other	100%	0%	100%	1
	Property	50%	50%	100%	6
	Violent	50%	50%	100%	4
White		**93%**	**7%**	**100%**	**45**
	Drugs	83%	17%	100%	6
	Other	100%	0%	100%	5
	Property	88%	13%	100%	16
	Violent	100%	0%	100%	18
Total		**77%**	**23%**	**100%**	**423**

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 3-28. Revocations from Probation/Deferred in Juvenile Court, by gender and most serious conviction charge

Gender	Crime Type	No	Yes	Total	N
Female		**80%**	**20%**	**100%**	**74**
	Drugs	85%	15%	100%	13
	Other	100%	0%	100%	6
	Property	74%	26%	100%	23
	Violent	78%	22%	100%	32
Male		**77%**	**23%**	**100%**	**349**
	Drugs	60%	40%	100%	25
	Other	76%	24%	100%	87
	Property	72%	28%	100%	105
	Violent	83%	17%	100%	132
Total		**77%**	**23%**	**100%**	**423**

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 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. 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, statewide, 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.

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).

Court processing summary. In 2018, Black/African Americans represented 9% of the adult population in the 2nd Judicial District but accounted for 25% of adult district court filings. Hispanic adults represented 26% of the population and 31% of district court filings. In juvenile

court, Black/African Americans represented 40% of cases, compared to 13% of Black/African American juveniles in the population; Hispanic youth were 52% of the population and 47% of cases filed.

In adult district court, 25% of initial sentences for Black/African Americans and 23% of initial sentences for Hispanics were to the Department of Corrections compared to 19% for Whites. When the offense was violent, Black/African Americans were sentenced to prison in 34% of cases compared to 24% of Whites. In juvenile court, 11% of Black/African Americans received a deferred judgment compared to 20% of Whites. Finally, 14% of Black/African Americans were sentenced to the Division of Youth Services compared to 6% of Whites.

In terms of revocations, 25% 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 generally the most likely to be revoked. Black/African Americans with Drug cases were revoked at a rate of 33%. In juvenile court, 23% of cases sentenced to probation/deferred judgment in 2018 were revoked; 37% of Hispanics with Drug offenses were revoked but the number of cases was small (n=19).

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 findings[14] 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 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 and Hispanics were 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.

Method

To determine if differences in initial sentences between Whites and non-Whites were due to the presence of concurrent cases, prior cases, and the seriousness of the current offense, a statistical technique called logistic regression was used. Logistic regression can examine the effect (through odds ratios) of race/ethnicity on sentences received, while controlling for other factors that may impact the sentencing decision. The factors included were those that decision makers often take into in consideration at sentencing, and for which data were available in

---

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

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

- Prior cases,

- Prior convictions for a specific violent crime,[15]

- Other concurrent cases,

- Felony conviction level,

- Instant offense type (drug, property, other, violent), and

- Whether the instant offense was a specific violent crime.[16]

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.[17]

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)[18] are reported below.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2018 in the 2nd Judicial District were examined. As can be seen in Table 4-1, Black/African Americans

---

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

[16] See footnote 15.

[17] See footnote 15.

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

received a sentence to DOC in 41% of cases and Hispanics received a sentence to DOC in 38% of cases. In comparison, Whites received a sentence to DOC in 35% of cases. After controlling for the factors described above, neither Black/African Americans nor Hispanics had a higher odds of receiving a DOC sentence than Whites.

Table 4-1. DOC Sentences for <u>felony</u> convictions by race/ethnicity

Race/Ethnicity	DOC	Percent	Total
White		**40%**	**1,362**
	No	65%	888
	Yes	35%	474
Black/African Am		**25%**	**843**
	No	59%	501
	Yes	41%	342
Hispanic*		**32%**	**1,079**
	No	62%	664
	Yes	38%	415
Other		**3%**	**92**
	No	76%	70
	Yes	24%	22
Total		**100%**	**3,376**

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 5% 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, Hispanics had lower odds of receiving a deferred sentence than Whites (odds ratio: .74, 95% CI .56 - .97). However, due to the small number of cases that received a deferred judgement, caution should be taken when interpreting the findings.

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

Race/Ethnicity	Deferred	Percent	Total
White		**43%**	**2,522**
	No	94%	2,362
	Yes	6%	160
Black/African Am		**23%**	**1,346**
	No	95%	1,283
	Yes	5%	63
Hispanic*		**31%**	**1,801**
	No	95%	1,712
	Yes	5%	89
Other		**2%**	**143**
	No	90%	129
	Yes	10%	14
Total		**100%**	**5,812**

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 19% of cases. In comparison, Whites received a deferred sentence in 25% of cases. After controlling for the sentencing factors described above, neither Black/African Americans nor Hispanics had a lower odds of receiving a deferred sentence than Whites. However, as with adults, due to the small number of cases that received a deferred judgement, caution should be taken when interpreting the findings.

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

Race/Ethnicity	Deferred	Percent	Total
White		**11%**	**54**
	No	80%	43
	Yes	20%	11
Black/African Am		**40%**	**201**
	No	89%	178
	Yes	11%	23
Hispanic*		**47%**	**234**
	No	81%	189
	Yes	19%	45
Other		**2%**	**12**
	No	75%	9
	Yes	25%	3
Total		**100%**	**501**

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

Six percent of White juveniles received a DYS sentence in 2018 compared to 14% of Black/African Americans and 8% of Hispanics (Table 4-4). After controlling for the sentencing factors described above, neither Black/African Americans nor Hispanics had a higher odds of receiving a DYS sentence than Whites. However, due to the small number of cases sentenced to DYS, caution should be taken when interpreting the findings.

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

Race/Ethnicity	DYS	Percent	Total
White		**11%**	**54**
	No	94%	51
	Yes	6%	3
Black/African Am		**40%**	**201**
	No	86%	172
	Yes	14%	29
Hispanic*		**47%**	**234**
	No	92%	216
	Yes	8%	18
Other		**2%**	**12**
	No	92%	11
	Yes	8%	1
Total		**100%**	**501**

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 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), neither Black/African Americans nor Hispanics were more likely than Whites to receive a DOC sentence. Hispanics adults were more likely <u>not</u> 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, neither Black/African American nor Hispanic youth were more likely to receive a sentence to the Division of Youth Services. Due to the small number of cases, caution should be taken when interpreting these findings.

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
		Drunkeness
		Hit and Run
		Human Trafficking - Labor
		Liquor Law Violations
		Non-violent Family Offenses
		Runaway
		Trespassing
		Wagering
	Other Sex Crime	
		Fondling
		Human Trafficking - Commercial Sex Acts
		Peeping Tom
		Pornography
		Promoting Prostitution
		Prostitution
		Purchasing Prostitution
	Weapons	
		Weapons Laws Violation
Property		
	Arson	
		Arson
	Burglary	
		Burglary
	Fraud	
		Counterfeit
		Credit Card/ATM Fraud
		Embezzlement
		Extortion
		False Pretenses
		Impersonation

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

Appendix B

Most serious filing/conviction charge categories

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

Arson - 1st - 4th degree arson

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

Drug Poss - drug possession, paraphernalia possession

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

Escape

Extortion

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

Forgery

Fraud

Homicide - 1st and 2nd degree murder

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

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

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

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

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

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

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.[19] 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

---

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

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

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