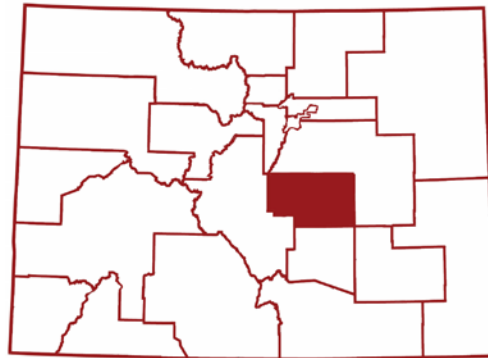


CLEAR ACT: 2018

Community Law Enforcement Action Reporting Act

4th Judicial District



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

Age Group	Race / Ethnicity	%	N
Adult		87%	561,401
	Black/African American	7%	37,164
	Hispanic	14%	80,786
	Other	4%	25,245
	White	74%	418,207
Juvenile		13%	82,114
	Black/African American	8%	6,962
	Hispanic	23%	18,904
	Other	4%	3,584
	White	64%	52,664
Total		100%	643,515

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

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The corresponding web-based interactive data dashboard is located here:
<https://www.colorado.gov/dcj-ors/ORS-SB185>

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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 4th Judicial District for events that occurred in 2018. The findings presented here collapse the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes. The details by offense type, along with the statewide report and the individual judicial district reports, may be found at: <https://www.colorado.gov/dcj-ors/ORS-SB185>

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

Executive Summary

Background. In 2015, the General Assembly passed Senate Bill 185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice (DCJ) annually analyze and report data provided by law enforcement agencies,¹ the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender.

The Division prepares a statewide report each year and, as resources allow, individual reports for each judicial district. This report provides information about arrests and court case processing in the 4th 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 4th Judicial District was 643,515. The adult population was comprised as follows: White, 74%; Black/African American, 7%; Hispanic, 14%; and Other, 4%. The juvenile population was comprised as follows: White, 64%, Black/African American, 8%, Hispanic 23%, and Other 4%.

An important note about race/ethnicity. The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch's ICON data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly undercounted in the Hispanic category. For example, in 2018 Hispanics represented 20% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both the arrest and court data. Note that while no model is 100% accurate, it was determined that using this model

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

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

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

Law enforcement. In 2018 in the 4th Judicial District, law enforcement made/issued over 20,000 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 8% of all arrests/summonses in the 4th Judicial District while Violent crimes accounted for 18% of arrests/summonses, Property offenses accounted for 19% of arrests/summonses, and the remainder of arrests/summonses (55%) fell into the Other crime category. Black/African Americans represented 7% population in 2018 but accounted for 16% of arrests/summonses. Hispanics represented 14% of the population in the 4th Judicial District and 19% 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 17,000 case filings in district and juvenile court combined found that, while Black/African Americans represented 7% of the population in the 4th Judicial District, and 16% of the arrests/summonses in 2018, they accounted for 18% of county court and district court filings; and municipal court data were not available for analysis. In juvenile court, Black/African Americans represented 22% of cases, compared to 8% Black/African American juveniles in the population. Hispanic adults made up 14% of the adult population but had 22% of district court filings in 2018. Hispanic juveniles made up 23% of the population and 27% of juvenile court filings. In terms of gender, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property crimes (34% and 29%, respectively). Only 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

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, 13% of cases in district court were dismissed, as were 19% 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 4th Judicial District in 2018, probation was the most frequently occurring initial sentence, happening two-thirds (52%) of the time. The second most frequently occurring sentence in district court was a prison sentence: 22% of Drug cases, 41% of Other cases, 20% of Property cases, and 24% of Violent cases received a sentence to the Department of Corrections. Over one-quarter of initial sentences for Black/African Americans (30%) and Hispanics (27%) were to the Department of Corrections, compared to 23% for Whites.

Initial sentences to probation were the most frequently occurring sentence in juvenile court (52%). Property cases were much less likely than other offenses to receive a deferred judgment (14% compared to 21% for the other categories) in juvenile court. Initial sentences to the Division of Youth Services occurred in 14% of cases; 9% of Drug cases were sentences to the Division of Youth Services. Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were much more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were much 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 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 (50%), followed by Whites with drug cases (35%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 13% of cases sentenced to probation/deferred judgment in 2018 were revoked. Rates of revocation were fairly uniform across Race/Ethnicity in juvenile court with the exception of those in the Other race/ethnicity category who were revoked 19% compared to average of 13% - but there were few cases (n=16) and so this finding must be interpreted with caution. Comparing across crime types, females with Other crimes were most likely to be revoked (23%) and males with Drug cases were most likely to be revoked (18%) but, again, note that there were few cases in this category (n=17).

Additional analyses. Because of the disparities in initial sentences for Black/African American and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the

impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), neither Black/African Americans nor Hispanics were statistically more likely than Whites to receive a DOC sentence. Additionally, among adults and juveniles, neither Black/African Americans nor Hispanics were less likely 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. Please note the small number of sentences being analyzed interpretations of the data should be made with care.

Overall summary. In 2018 in the 4th Judicial District, Black/African Americans represented 7% of the population but accounted for 16% of arrests/summonses and 18% of court filings. Hispanic adults represented 14% of the population, 19% of arrests/summonses and 22% of court filings. In juvenile court, Black/African Americans represented 22% of cases, compared to 8% of Black/African American juveniles in the population. Hispanic youth were 23% of the population and 27% of cases filed.

In adult district court, 30% of initial sentences for Black/African Americans and 27% of initial sentences for Hispanics were to the Department of Corrections compared to 23% for Whites. When the offense was Violent, Black/African Americans were sentenced to prison in 31% of cases compared to 20% of Whites.

Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were much 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 (50%) followed by Whites with drug cases (35%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 13% of cases sentenced to probation/deferred judgment in 2018 were revoked. Rates of revocation were fairly uniform across Race/Ethnicity in juvenile court with the exception of those in the Other race/ethnicity category who were revoked 19% compared to average of 13%, however, there were few cases (n=16) and so this finding must be interpreted with caution. Comparing across crime types, females with Other crimes were most likely to be revoked (23%) and males with Drug cases were most likely to be revoked (18%) but, again, note that there were few cases in this category (n=17).

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 juveniles were more less likely 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 arrest and court case processing in the 4th 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 4th 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	%	N
Adult		87%	561,401
	Black/African American	7%	37,164
	Hispanic	14%	80,786
	Other	4%	25,245
	White	74%	418,207
Juvenile		13%	82,114
	Black/African American	8%	6,962
	Hispanic	23%	18,904
	Other	4%	3,584
	White	64%	52,664
Total		100%	643,515

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 4th 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 20,000 NIBRS incidents in the 4th Judicial District were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	28%	5,570
On-view/probable cause	26%	5,194
Summons	46%	9,348
Total	100%	20,112

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	43%	7,466
County	49%	8,450
Juvenile	8%	1,380
Total	100%	17,296

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

Note that the information presented here reflects the analysis of more than 17,000 **cases not individuals**. Individuals may have multiple, concurrent cases,⁷ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

⁵ Group B crimes include bad checks, curfew/loitering/vagrancy, disorderly conduct, driving under the influence, drunkenness, family offenses (nonviolent), liquor law violations, voyeurism, runaway, trespass of real property, all other offenses.

⁶ Denver County Court is not part of ICON.

⁷ This study found that, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories⁸ which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.⁹ The analysis of the 24 offense categories is available on the interactive data dashboard. See Appendix B for the list of offenses that were combined into the four broad categories.

This analysis focused on the most serious charge as defined by felony or misdemeanor level. Traffic cases are not in this analysis unless they appeared in a district/county filing. Cases sentenced to probation or a deferred judgment that were revoked are reported, but those sentenced near the end of 2018 may not have had time to revoke.

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

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

⁹ Note that all offenses include attempts, solicitations, and conspiracies.

Section 2: Law Enforcement Data

Arrest/summons

The findings presented in this report summarize multiple offense types into four broad categories of crime types: Drugs, Other, Property and Violent (Table 2-1) (see Appendix A for a list of crimes in each category). The interactive dashboard, at <https://www.colorado.gov/dcj-ors/ORS-SB185>, provides information on 17 arrest offense types. The analyses of four broad categories allows for the identification of patterns that are difficult to discern when detailed information is presented. Additionally, some of the law enforcement findings are disaggregated, by adults, juveniles, and by gender. Finally, Senate Bill 15-185 mandates that arrest information be provided by arrest type and summons. The data represent all arrests/summons captured in the Colorado Bureau of Investigation’s National Incident Based Reporting System (NIBRS) for calendar year 2018.

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

Offense Type	Percent	Total
Drugs	8%	1,560
Other	55%	11,120
Property	19%	3,752
Violent	18%	3,680
Total	100%	20,112

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

Table 2-2 reflects over 20,000 arrests/summons captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 6% of the 4th Judicial District population in 2018, but accounted for 16% of arrests/summons. Hispanics represented 15% of the 4th Judicial District population and accounted for 19% of arrests. The Other race/ethnicity category represented 4% of the 4th Judicial District population, and were underrepresented in arrests (2%), as were Whites, who represented 73% of the 4th Judicial District population and 63% of arrests/summons.

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

Race / Ethnicity	Percent	Total
Black/African American	16%	3,237
Hispanic*	19%	3,893
Other	2%	330
White	63%	12,652
Total	100%	20,112

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 4% of on view/probable cause arrests, and that 44% of those arrests were for violent crimes, a proportion similar to adults (41%). Juveniles accounted for 5% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for 17% of summonsed cases (Table 2-5). In the juvenile population, Drug, Violent, and Property offenses were equally likely to result in a summons (20%) (Table 2-5).

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

Age Category	Offense Type	Percent	Total
Adult		96%	4,985
	Drugs	16%	792
	Other	25%	1,227
	Property	18%	916
	Violent	41%	2,050
Juvenile		4%	209
	Drugs	9%	19
	Other	23%	48
	Property	24%	51
	Violent	44%	91
Total		100%	5,194

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

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

Age Category	Offense Type	Percent	Total
Adult		95%	5,285
	Drugs	2%	98
	Other	77%	4,070
	Property	7%	394
	Violent	14%	723
Juvenile		5%	285
	Drugs	1%	2
	Other	63%	180
	Property	17%	49
	Violent	19%	54
Total		100%	5,570

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

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

Age Category	Offense Type	Percent	Total
Adult		83%	7,800
	Drugs	4%	334
	Other	64%	4,989
	Property	26%	2,028
	Violent	6%	449
Juvenile		17%	1,548
	Drugs	20%	315
	Other	39%	606
	Property	20%	314
	Violent	20%	313
Total		100%	9,348

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 16% of probable cause arrests were for Drug related offenses, 25% were for Other offenses, 19% for Property offenses,

and 41% for Violent offenses. While Black/African Americans made up 6% of the 4th Judicial District population, Table 2-6 shows that they were arrested at a much higher rate for probable cause arrests in 2018: 12% of Drug arrests were Black/African Americans, 16% of Property arrests were Black/African Americans, and 22% of Violent arrests were Black/African Americans.

Arrests where an individual is taken into custody on an outstanding warrant are depicted in Table 2-7. Over 75% of these arrests involved an offense that fell into the Other category. While only 14% of these types of arrests involved a Violent offense, Black/African Americans made up 24% of Violent crime arrests and Hispanics made up 21%, which was greater than the proportion of Black/African Americans and Hispanics in the 4th Judicial District population (6% and 15%, respectively).

Table 2-8 shows that summons were less likely to be issued for Drug and Violent offenses (7% and 8% respectively) compared to Other (60%) and Property (25%). Table 2-8 also shows that, of those summons issued for Violent crimes, 20% went to Black/African Americans and Hispanics. Whites were least likely to be summonsed for a Violent crime – 54% of summonses despite being 73% of the population.

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

Offense Type	Race / Ethnicity	Percent	Total
Drugs		16%	811
	Black/African American	12%	95
	Hispanic*	20%	165
	Other	2%	14
	White	66%	537
Other		25%	1,275
	Black/African American	17%	223
	Hispanic*	19%	246
	Other	2%	25
	White	61%	781
Property		19%	967
	Black/African American	16%	157
	Hispanic*	18%	174
	Other	1%	8
	White	65%	628
Violent		41%	2,141
	Black/African American	22%	473
	Hispanic*	21%	453
	Other	2%	50
	White	54%	1,165
Total		100%	5,194

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

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

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

Offense Type	Race / Ethnicity	Percent	Total
Drugs		2%	100
	Black/African American	7%	7
	Hispanic*	29%	29
	Other	1%	1
	White	63%	63
Other		76%	4,250
	Black/African American	15%	638
	Hispanic*	18%	786
	Other	1%	62
	White	65%	2,764
Property		8%	443
	Black/African American	21%	91
	Hispanic*	17%	77
	Other	1%	5
	White	61%	270
Violent		14%	777
	Black/African American	24%	183
	Hispanic*	21%	160
	Other	2%	13
	White	54%	421
Total		100%	5,570

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

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

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

Offense Type	Race / Ethnicity	Percent	Total
Drugs		7%	649
	Black/African American	13%	84
	Hispanic*	26%	169
	Other	2%	16
	White	59%	380
Other		60%	5,595
	Black/African American	15%	833
	Hispanic*	18%	1,031
	Other	2%	86
	White	65%	3,645
Property		25%	2,342
	Black/African American	13%	302
	Hispanic*	19%	447
	Other	2%	39
	White	66%	1,554
Violent		8%	762
	Black/African American	20%	151
	Hispanic*	20%	156
	Other	1%	11
	White	58%	444
Total		100%	9,348

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

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

The following three tables show arrest/summons by broad offense category and gender. Although women made up half the Colorado population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 15-29% of arrests and 29-47% 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

Offense Type	Gender	Percent	Total
Drugs		16%	811
	Female	32%	259
	Male	68%	552
Other		25%	1,275
	Female	27%	338
	Male	73%	937
Property		19%	967
	Female	28%	267
	Male	72%	700
Violent		41%	2,141
	Female	29%	628
	Male	71%	1,513
Total		100%	5,194

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

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

Offense Type	Gender	Percent	Total
Drugs		2%	100
	Female	23%	23
	Male	77%	77
Other		76%	4,250
	Female	29%	1,243
	Male	71%	3,007
Property		8%	443
	Female	27%	120
	Male	73%	323
Violent		14%	777
	Female	15%	119
	Male	85%	658
Total		100%	5,570

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

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

Offense Type	Gender	Percent	Total
Drugs		7%	649
	Female	32%	205
	Male	68%	444
Other		60%	5,595
	Female	29%	1,621
	Male	71%	3,974
Property		25%	2,342
	Female	47%	1,112
	Male	53%	1,230
Violent		8%	762
	Female	31%	240
	Male	69%	522
Total		100%	9,348

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

Summary: Law enforcement data. In 2018, law enforcement made/issued over 20,000 arrests/summons in the 4th Judicial District. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summons for Drug offenses accounted for 8% of all arrests/summons while Violent crimes accounted for 18% of arrests/summons, Property offenses accounted for 19% of arrests/summons, and the remainder of arrests/summons (55%) fell into the Other crime category. Black/African Americans represented 6% of the population in 2018 but accounted for 16% of arrests/summons. Hispanics represented 15% of the population and 19% of arrests/summons. 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. The 2018 data are presented here by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in adult district court.

Note that this analysis reflects **cases not individuals**. Individuals may have multiple, concurrent cases,¹¹ and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

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

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

This analysis focused on the most serious charge as defined by felony or misdemeanor level. Traffic cases are not in this analysis unless they appeared in a district/county court filing.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 17,296 case filings in county, adult district, and juvenile courts combined for calendar year 2018. While Black/African Americans represented 6% of the 4th Judicial District population and 16% of the arrests/summons in 2018, they accounted for 18% of court filings. Hispanics represented 15% of the population, 19% of arrests/summons, and 22% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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

¹¹ This study found that in 2018, statewide, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

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

Race / Ethnicity	Percent	Total
Black/African American	18%	3,143
Hispanic*	22%	3,769
Other	2%	427
White	58%	9,957
Total	100%	17,296

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

Combining information across the three court types, Table 3-2 shows the race/ethnicity distribution for the four crime categories. Table 3-2 shows that Drug offenses were the most serious filing charge in 12% of cases, and Violent charges comprised the largest category at 38% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

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

Offense Type	Race / Ethnicity	Percent	Total
Drugs		12%	2,157
	Black/African American	13%	273
	Hispanic*	26%	561
	Other	2%	45
	White	59%	1,278
Other		20%	3,389
	Black/African American	17%	581
	Hispanic*	22%	744
	Other	3%	95
	White	58%	1,969
Property		30%	5,227
	Black/African American	18%	956
	Hispanic*	20%	1,057
	Other	2%	119
	White	59%	3,095
Violent		38%	6,523
	Black/African American	20%	1,333
	Hispanic*	22%	1,407
	Other	3%	168
	White	55%	3,615
Total		100%	17,296

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

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

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

Table 3-3. Most serious filing charge by gender

Gender	Offense Type	Percent	Total
Female		28%	4,838
	Drugs	12%	598
	Other	18%	852
	Property	34%	1,623
	Violent	36%	1,765
Male		72%	12,458
	Drugs	13%	1,559
	Other	20%	2,537
	Property	29%	3,604
	Violent	38%	4,758
Total		100%	17,296

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court had the most cases in 2018, with 49% of the total. Black/African Americans represented 17% of county court cases filed compared to 18% in adult district court and 22% in juvenile court. Hispanics represented 20% of county court filings, 23% of district court filings, and 27% of juvenile court filings in 2018.

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

Court	Race / Ethnicity	Percent	Total
Adult District		43%	7,466
	Black/African American	18%	1,371
	Hispanic*	23%	1,693
	Other	2%	167
	White	57%	4,235
County		49%	8,450
	Black/African American	17%	1,467
	Hispanic*	20%	1,706
	Other	3%	216
	White	60%	5,061
Juvenile		8%	1,380
	Black/African American	22%	305
	Hispanic*	27%	370
	Other	3%	44
	White	48%	661
Total		100%	17,296

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

Table 3-5 shows the type of offense within court type. Nearly half (47%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (24%) and Other cases (23%) comprised the largest categories of cases in adult district court; and Property crimes made up over one-third (41%) of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (32%) compared to adult district court (25%) and juvenile court (22%).

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

Court	Offense Type	Percent	Total
Adult District		43%	7,466
	Drugs	21%	1,603
	Other	17%	1,252
	Property	36%	2,674
	Violent	26%	1,937
County		49%	8,450
	Drugs	6%	509
	Other	23%	1,955
	Property	24%	1,989
	Violent	47%	3,997
Juvenile		8%	1,380
	Drugs	3%	45
	Other	13%	182
	Property	41%	564
	Violent	43%	589
Total		100%	17,296

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

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

Court	Gender	Percent	Total
Adult District		43%	7,466
	Female	25%	1,858
	Male	75%	5,608
County		49%	8,450
	Female	32%	2,682
	Male	68%	5,768
Juvenile		8%	1,380
	Female	22%	298
	Male	78%	1,082
Total		100%	17,296

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

Trials

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

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

Court	Trial Complete	Percent	Total
Adult District		43%	7,466
	No	99%	7,367
	Yes	1%	99
County		49%	8,450
	No	99%	8,386
	Yes	1%	64
Juvenile		8%	1,380
	No	99%	1,373
	Yes	1%	7
Total		100%	17,296

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

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

Offense Type	Trial Complete	Percent	Total
Drugs		12%	2,157
	No	99%	2,142
	Yes	1%	15
Other		20%	3,389
	No	99%	3,353
	Yes	1%	36
Property		30%	5,227
	No	100%	5,211
	Yes	<1%	16
Violent		38%	6,523
	No	98%	6,420
	Yes	2%	103
Total		100%	17,296

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

Summary: Filings. This study of more than 17,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 6% of the 4th Judicial District population and 16% of the arrests/summons in 2018, they accounted for 18% of district court filings. In juvenile court, Black/African Americans represented 22% of cases, compared to 8% Black/African American juveniles in the population. Hispanic adults made up 15% of the adult population but had 23% of district court filings in 2018. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 28% of filings were females and 72% were males. Females were slightly more likely than men to be involved in Property and slightly less likely to be involved in the remaining offense types. Only 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2018. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, overall, in more than one-third (37%) of cases, all charges were dismissed in county court in 2018 (Table 3-9). Convicted as charged means the defendant was convicted of at least the most serious filing charge.

Table 3-9 reflects county court case outcomes, showing that 24% of cases were convicted as charged, and one-quarter (11%) were convicted of another crime. In adult district court (Table 3-10), 25% were convicted of another crime and over one-fourth (34%) were convicted as charged. In juvenile court (Table 3-11), 17% were convicted of another offense and 18% were convicted as charged.

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

Race / Ethnicity	Offense Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African American		21%	10%	42%	28%	100%	1,467
	Drugs	8%	7%	52%	33%	100%	60
	Other	30%	12%	22%	36%	100%	324
	Property	25%	6%	42%	27%	100%	339
	Violent	16%	11%	50%	24%	100%	744
Hispanic*		26%	14%	33%	27%	100%	1,706
	Drugs	20%	12%	37%	32%	100%	139
	Other	30%	15%	18%	37%	100%	406
	Property	33%	8%	33%	26%	100%	360
	Violent	22%	16%	40%	22%	100%	801
Other		20%	14%	38%	29%	100%	216
	Drugs	10%	50%	20%	20%	100%	10
	Other	29%	14%	20%	38%	100%	56
	Property	33%	9%	42%	16%	100%	43
	Violent	11%	12%	47%	30%	100%	107
White		25%	11%	37%	26%	100%	5,061
	Drugs	19%	14%	33%	33%	100%	300
	Other	29%	14%	26%	32%	100%	1,169
	Property	29%	7%	35%	29%	100%	1,247
	Violent	22%	11%	45%	22%	100%	2,345
Total		24%	11%	37%	27%	100%	8,450

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

Table 3-10 reflects case outcomes for district court in 2018. Thirteen percent (13%) of cases filed in district court were dismissed as not guilty. Cases involving the Other offense type that fall into the Other race/ethnicity category were the most likely to have charges dismissed. Offenses falling in the Other crime category were more likely to get dismissed compared to the other offense types.

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

Race / Ethnicity	Offense Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African American		31%	22%	16%	31%	100%	1,371
	Drugs	40%	17%	16%	27%	100%	206
	Other	30%	24%	19%	27%	100%	210
	Property	32%	21%	19%	27%	100%	496
	Violent	27%	23%	12%	38%	100%	459
Hispanic*		31%	24%	11%	33%	100%	1,693
	Drugs	31%	27%	10%	32%	100%	411
	Other	30%	24%	17%	29%	100%	293
	Property	34%	22%	10%	34%	100%	527
	Violent	28%	25%	10%	37%	100%	462
Other		26%	25%	13%	37%	100%	167
	Drugs	35%	9%	15%	41%	100%	34
	Other	15%	39%	27%	18%	100%	33
	Property	28%	21%	7%	45%	100%	58
	Violent	24%	31%	7%	38%	100%	42
White		36%	25%	12%	27%	100%	4,235
	Drugs	46%	19%	9%	25%	100%	952
	Other	30%	26%	16%	28%	100%	716
	Property	38%	24%	13%	25%	100%	1,593
	Violent	27%	29%	12%	31%	100%	974
Total		34%	24%	13%	29%	100%	7,466

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

Table 3-11 presents case outcomes for juvenile court. All charges were dismissed for 19% of cases filed, while 18% of cases were convicted as charged and 17% were convicted of a different crime. Black/African Americans and Hispanics were more likely to have a case falling into the not yet resolved/case closed category (53% compared to 46% overall).

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

Race / Ethnicity	Offense Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African American		20%	11%	16%	53%	100%	305
	Drugs	29%	0%	14%	57%	100%	7
	Other	11%	6%	19%	64%	100%	47
	Property	23%	8%	17%	52%	100%	121
	Violent	20%	15%	14%	51%	100%	130
Hispanic*		16%	17%	15%	52%	100%	370
	Drugs	9%	55%	0%	36%	100%	11
	Other	20%	13%	20%	47%	100%	45
	Property	15%	8%	19%	58%	100%	170
	Violent	17%	25%	10%	48%	100%	144
Other		20%	23%	20%	36%	100%	44
	Drugs	0%	0%	100%	0%	100%	1
	Other	17%	0%	33%	50%	100%	6
	Property	22%	28%	22%	28%	100%	18
	Violent	21%	26%	11%	42%	100%	19
White		18%	20%	23%	39%	100%	661
	Drugs	23%	23%	15%	38%	100%	26
	Other	18%	24%	26%	32%	100%	84
	Property	22%	17%	27%	34%	100%	255
	Violent	15%	22%	18%	45%	100%	296
Total		18%	17%	19%	46%	100%	1,380

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, 37% of cases in county court were dismissed, as were 13% of cases in district court and 19% of cases in juvenile court. One-quarter (24%) of county court cases were convicted as charged compared to 34% in district court and 18% in juvenile court. In county court, 11% of cases were convicted of a different charge, as were a quarter (24%) of district court cases, and 17% of juvenile court cases. Black/African American youth in juvenile court were somewhat more likely to be convicted as charged (20% compared to 18% overall), and were more likely to have a case falling into the not yet resolved/case closed category (53% compared to 46% overall).

Initial Sentences

The tables below show cases sentenced between Jan 1, 2018 and Dec 31, 2018, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** section above. Also, because these data represent cases, not individuals, the number of individuals sentenced to the Department of Corrections (DOC) or the Division of Youth Services (DYS) will not match the number reported as admissions by these agencies.

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

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

Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, as previously mentioned, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

Also, please note that the crime categories include attempts, solicitations, and conspiracy offenses.

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

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in 2018. In County court, 382 cases (10% of total cases) resulted in a fine, of which 103 (27%) were Drug cases – this was the most common initial sentence for cases where a Drug offense was the most serious convicted charge.

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

Sentence	Offense Type	Percent	Total
Community Service		1%	51
	Drugs	90%	46
	Other	8%	4
	Violent	2%	1
Deferred		38%	1,384
	Drugs	1%	11
	Other	27%	378
	Property	28%	383
	Violent	44%	612
Fines/fees		10%	382
	Drugs	27%	103
	Other	36%	137
	Property	30%	114
	Violent	7%	28
Jail		17%	638
	Drugs	3%	18
	Other	35%	222
	Property	36%	229
	Violent	26%	169
Probation/Intensive Supervision		20%	717
	Drugs	<1%	1
	Other	27%	192
	Property	9%	62
	Violent	64%	462
Unsupervised Probation		13%	485
	Drugs	2%	12
	Other	41%	200
	Property	27%	133
	Violent	29%	140
Total		100%	3,657

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

Table 3-13 reflects initial county court sentences by gender. Women were considerably more likely than men to receive a deferred judgment in county court (47% compared to 34%, respectively). Men were more likely than women to receive a jail sentence (19% for men compared to 13% for women), and men were more likely to be granted an initial sentence to probation (22% compared to 13% for women).

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

Sentence	Female	Male	Total
(N)	1,055	2,602	3,657
Community Service	1%	2%	1%
Deferred	47%	34%	38%
Fines/fees	13%	10%	10%
Jail	13%	19%	17%
Probation/Intensive Supervision	13%	22%	20%
Unsupervised Probation	13%	13%	13%
Total	100%	100%	100%
Sentence	Female	Male	Total

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other or White race/ethnicity category were the most likely to receive a deferred judgment (41% and 39% respectively, compared to 32% to 38% for other race/ethnicities); Black/African Americans were the least likely to receive a deferred judgement, at 32%.

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

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	562	799	90	2,206	3,657
Community Service	2%	2%	2%	1%	1%
Deferred	32%	38%	41%	39%	38%
Fines/fees	10%	12%	7%	10%	10%
Jail	20%	16%	20%	17%	17%
Probation/Intensive Supervision	24%	20%	13%	19%	20%
Unsupervised Probation	12%	13%	17%	13%	13%
Total	100%	100%	100%	100%	100%

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

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. Those in the Hispanic or Black/African American race/ethnicity category were much more likely to receive a deferred judgment (7% and 8% respectively) compared to the other groups (0% to 5%). Note, however, than many of the categories have few cases; when this occurs, the information must be interpreted with caution.

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

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	26	44	5	116	191
Community Service	31%	25%	40%	22%	24%
Deferred	8%	7%	0%	5%	6%
Fines/fees	46%	57%	60%	54%	54%
Jail	12%	2%	0%	12%	9%
Probation / Intensive Supervision	0%	0%	0%	1%	1%
Unsupervised Probation	4%	9%	0%	6%	6%

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

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans were the most likely to receive a jail sentence (25%) and were the least likely to receive a Deferred judgement (27%). Table 3-17 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types, Black/African were unlikely to receive a deferred judgment.

Table 3-16. Initial sentence for Other as most serious conviction in County Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	173	252	34	674	1,133
Community Service	1%	<1%	0%	<1%	<1%
Deferred	27%	35%	32%	35%	33%
Fines/fees	16%	13%	6%	11%	12%
Jail	25%	19%	15%	19%	20%
Probation / Intensive Supervision	17%	15%	18%	18%	17%
Unsupervised Probation	14%	18%	29%	18%	18%
Total	100%	100%	100%	100%	100%

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

Table 3-17. Initial sentence for Property as most serious conviction in County Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	152	196	25	548	921
Deferred	37%	42%	56%	42%	42%
Fines/fees	9%	15%	4%	13%	12%
Jail	29%	20%	24%	25%	25%
Probation / Intensive Supervision	9%	10%	4%	5%	7%
Unsupervised Probation	17%	13%	12%	14%	14%
Total	100%	100%	100%	100%	100%

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

Table 3-18. Initial sentence for Violent as most serious conviction in County Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	211	307	26	868	1,412
Community Service	0%	0%	0%	<1%	<1%
Deferred	36%	41%	46%	46%	43%
Fines/fees	2%	2%	0%	2%	2%
Jail	10%	13%	27%	12%	12%
Probation / Intensive Supervision	44%	34%	19%	30%	33%
Unsupervised Probation	8%	10%	8%	10%	10%
Total	100%	100%	100%	100%	100%

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

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2018 for the 4th Judicial District. Probation was the most frequently occurring initial sentence, happening more than two-thirds (70%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 22% of Drug cases, 41% of Other cases, 20% of Property cases, and 24% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 15% of all cases and were most likely to be imposed in Violent cases (22%), and least likely to be imposed in Drug cases (1%).

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	1,207	979	1,838	1,452	5,476
Community Corrections	4%	4%	5%	2%	4%
Community Service	<1%	0%	0%	0%	<1%
Deferred	1%	9%	21%	22%	15%
Dept of Corrections	22%	41%	20%	24%	25%
Division of Youth Services	0%	0%	0%	<1%	<1%
Fines/fees	1%	1%	<1%	<1%	1%
Jail	1%	6%	3%	3%	3%
Probation / Intensive Supervision	70%	40%	51%	47%	52%
Youthful Offender System	0%	0%	<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 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (19% versus 3%, respectively), and more likely to be granted probation (58% compared to 50% for men). Women were less likely to receive a jail sentence (2%) compared to men (4%), and considerably less likely to receive a prison sentence compared to men (16% compared to 28%).

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

Sentence	Female	Male	Total
(N)	1,347	4,129	5,476
Community Corrections	3%	4%	4%
Community Service	0%	<1%	<1%
Deferred	19%	13%	15%
Dept of Corrections	16%	28%	25%
Division of Youth Services	0%	<1%	<1%
Fines/fees	1%	<1%	1%
Jail	2%	4%	3%
Probation / Intensive Supervision	58%	50%	52%
Youthful Offender System	0%	<1%	<1%
Total	100%	100%	100%

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-third (30%) of initial sentences for Black/African Americans were to the Department of Corrections, and 27% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups.

Table 3-21. Initial sentence in Adult District Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	988	1,235	107	3,146	5,476
Community Corrections	4%	4%	3%	4%	4%
Community Service	0%	0%	0%	<1%	<1%
Deferred	14%	13%	14%	15%	15%
Dept of Corrections	30%	27%	20%	23%	25%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	<1%	<1%	1%	1%	1%
Jail	4%	4%	5%	3%	3%
Probation / Intensive Supervision	47%	50%	58%	54%	52%
Youthful Offender System	<1%	<1%	0%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Black/African Americans and Hispanics were the most likely to be sentenced to the department of corrections. For Other, Property and Violent offenses (Tables 3-23, 3-24 and 3-25), there were too few cases to draw significant conclusions.

Table 3-22. Initial sentence for Drugs as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	153	290	19	745	1,207
Community Corrections	7%	5%	5%	3%	4%
Community Service	0%	0%	0%	<1%	<1%
Deferred	0%	1%	0%	1%	1%
Dept of Corrections	29%	28%	16%	19%	22%
Fines/fees	0%	2%	0%	1%	1%
Jail	1%	1%	5%	1%	1%
Probation / Intensive Supervision	63%	63%	74%	74%	70%
Total	100%	100%	100%	100%	100%

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

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

Table 3-23. Initial sentence for Other as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	183	242	22	532	979
Community Corrections	4%	5%	5%	4%	4%
Deferred	5%	11%	14%	9%	9%
Dept of Corrections	40%	43%	50%	39%	41%
Fines/fees	2%	0%	5%	<1%	1%
Jail	9%	5%	5%	6%	6%
Probation / Intensive Supervision	40%	36%	23%	42%	40%
Total	100%	100%	100%	100%	100%

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

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

Table 3-24. Initial sentence for Property as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	307	365	43	1,123	1,838
Community Corrections	4%	6%	2%	5%	5%
Deferred	21%	19%	14%	22%	21%
Dept of Corrections	24%	18%	9%	19%	20%
Fines/fees	0%	0%	0%	1%	<1%
Jail	4%	4%	5%	2%	3%
Probation / Intensive Supervision	47%	53%	70%	51%	51%
Youthful Offender System	0%	<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.

Table 3-25. Initial sentence for Violent as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	345	338	23	746	1,452
Community Corrections	3%	1%	0%	2%	2%
Deferred	18%	20%	26%	24%	22%
Dept of Corrections	31%	27%	13%	20%	24%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	0%	0%	0%	<1%	<1%
Jail	2%	4%	4%	4%	3%
Probation / Intensive Supervision	45%	46%	57%	48%	47%
Youthful Offender System	1%	1%	0%	1%	1%
Total	100%	100%	100%	100%	100%

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

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2018, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: over half of initial sentences were to Probation (65%), while 18% of cases were granted a deferred judgment. Initial sentences to the Division of Youth Services were more likely for Violent and Property cases.

Table 3-26. Initial sentence in Juvenile Court, by most serious conviction charge

Sentence	Drugs	Other	Property	Violent	Total
(N)	34	141	248	281	704
Deferred	21%	21%	14%	21%	18%
Division of Youth Services	9%	9%	18%	15%	14%
Fines/fees	3%	19%	13%	7%	12%
Jail	3%	2%	4%	2%	3%
Juvenile Detention	0%	0%	1%	1%	1%
Probation / Intensive Supervision	65%	48%	50%	54%	52%
Youthful Offender System	0%	0%	0%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

Table 3-27 shows the initial sentence in juvenile court by gender. Females were less likely to receive a sentence to the Division of Youth Services (2% compared to 18%) and more likely to receive Fines/Fees (21% compared to 9%).

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

Sentence	Female	Male	Total
(N)	140	564	704
Deferred	19%	18%	18%
Division of Youth Services	2%	18%	14%
Fines/fees	21%	9%	12%
Jail	1%	3%	3%
Juvenile Detention	0%	1%	1%
Probation / Intensive Supervision	57%	51%	52%
Youthful Offender System	0%	<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 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans and Hispanics were more likely to receive an initial sentence to the Division of Youth Services (20% and 19% respectively, compared to 9%-10% for Other and White).

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

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	160	187	22	335	704
Deferred	18%	13%	14%	22%	18%
Division of Youth Services	20%	19%	9%	10%	14%
Fines/fees	13%	11%	18%	11%	12%
Jail	4%	2%	0%	2%	3%
Juvenile Detention	3%	1%	0%	<1%	1%
Probation / Intensive Supervision	42%	55%	59%	55%	52%
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.

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. Note that the number of cases can be quite small for some sentences (to the point that there may be no cases for some race/ethnicities); in these instances, the findings should be interpreted with caution. Table 3-29 shows the initial sentence when a Drug offense was the most serious convicted crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes. Compared to the other race/ethnicity

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

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

Sentence	Black/African American	Hispanic*	White	Total
(N)	4	12	18	34
Deferred	25%	17%	22%	21%
Division of Youth Services	25%	8%	6%	9%
Fines/fees	0%	0%	6%	3%
Jail	0%	0%	6%	3%
Probation / Intensive Supervision	50%	75%	61%	65%
Total	100%	100%	100%	100%

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

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

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	33	39	6	63	141
Deferred	24%	10%	17%	27%	21%
Division of Youth Services	6%	18%	0%	6%	9%
Fines/fees	21%	13%	50%	19%	19%
Jail	3%	3%	0%	2%	2%
Probation / Intensive Supervision	45%	56%	33%	46%	48%
Total	100%	100%	100%	100%	100%

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

Table 3-31. Initial sentence for Property as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	59	68	11	110	248
Deferred	19%	6%	18%	16%	14%
Division of Youth Services	25%	19%	18%	14%	18%
Fines/fees	15%	13%	9%	12%	13%
Jail	7%	3%	0%	3%	4%
Juvenile Detention	2%	1%	0%	1%	1%
Probation / Intensive Supervision	32%	57%	55%	55%	50%
Total	100%	100%	100%	100%	100%

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

Table 3-32. Initial sentence for Violent as most serious conviction in Juvenile Court by race/ethnicity

Sentence	Black/African American	Hispanic*	Other	White	Total
(N)	64	68	5	144	281
Deferred	13%	21%	0%	25%	21%
Division of Youth Services	22%	21%	0%	9%	15%
Fines/fees	8%	9%	0%	7%	7%
Jail	3%	1%	0%	1%	2%
Juvenile Detention	6%	0%	0%	0%	1%
Probation/Intensive Supervision	48%	47%	100%	58%	54%
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.

Summary: Initial sentences. This analysis reflects the most serious initial sentences; these can be later modified, such as when jail is added as part of a probation revocation. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

Women were significantly more likely than men to receive a deferred judgment in county court (47% compared to 34%, respectively). Men were more likely than women to receive a jail sentence (19% for men compared to 13% for women), and men were more likely to be granted an initial sentence to probation (22% compared to 13% for women) in county court. Black/African Americans were considerably less likely than the other race/ethnicity groups to receive a deferred judgment (32% compared to 38% to 41%).

In district court, Probation was the most frequently occurring initial sentence, happening almost three-quarters (70%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 22% of Drug cases, 41% of Other cases, 20% of Property cases, and 24% of Violent cases received a sentence to the Department of Corrections. Over one-quarter of initial sentences for Black/African Americans (30%) and Hispanics (27%) were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups. Deferred judgments were initially granted in 15% of district court cases overall, and were most likely to be imposed in Violent cases (22%) and least likely to be imposed in Drug cases (1%). Overall in district court, Black/African Americans and Hispanics were less likely to receive an initial sentence to probation.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court. Unlike with county and district court, drug cases were equally likely as Other and Violent cases to receive a deferred judgment (21%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent and Property cases. Across race/ethnicity categories, Whites were the most likely to receive a deferred judgment, and Black/African Americans and Hispanics were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were equally likely to receive a deferred judgment but were much less likely to receive a sentence to the Division of Youth Services (2% versus 18%).

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, 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, at the state level 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.

The next series of tables shows the 4th Judicial District's revocations in county court, then district court, and finally juvenile court.

County court

Table 3-33 shows revocation information for county court. Overall, 14% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (17% compared to 14% overall). Black/African Americans were the most likely to be revoked for Drugs or Violent offenses (because of the small number of cases in the Drugs category, this information should be interpreted with caution). Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories (with the exception of Black/African Americans and Whites with Drugs cases).

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 49, page 135.

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

Race / Ethnicity	Offense Type	No	Yes	Total	Total N
Black/African American		83%	17%	100%	384
	Drugs	67%	33%	100%	3
	Other	93%	7%	100%	101
	Property	88%	12%	100%	95
	Violent	74%	26%	100%	185
Hispanic*		89%	11%	100%	567
	Drugs	100%	0%	100%	7
	Other	91%	9%	100%	171
	Property	87%	13%	100%	127
	Violent	87%	13%	100%	262
Other		92%	8%	100%	64
	Other	96%	4%	100%	27
	Property	94%	6%	100%	18
	Violent	84%	16%	100%	19
White		86%	14%	100%	1,571
	Drugs	79%	21%	100%	14
	Other	93%	7%	100%	471
	Property	85%	15%	100%	338
	Violent	81%	19%	100%	748
Total		86%	14%	100%	2,586

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

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (119% compared to 15%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Compared to other offense types, Males with Drug cases were most likely to be revoked (21%) whereas Females with Drug crimes were less likely to be revoked (0%).

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

Gender	Offense Type	No	Yes	Total	Total N
Female		89%	11%	100%	778
	Drugs	100%	0%	100%	5
	Other	94%	6%	100%	216
	Property	90%	10%	100%	227
	Violent	86%	14%	100%	330
Male		85%	15%	100%	1,808
	Drugs	79%	21%	100%	19
	Other	93%	7%	100%	554
	Property	84%	16%	100%	351
	Violent	80%	20%	100%	884
Total		86%	14%	100%	2,586

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

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (25%, Table 3-35) compared to county court (14%, Table 3-33) in 2018. Black/African Americans were most likely to be revoked (28% compared to 25% overall). Those with Drug offenses were more likely to be revoked, except for those in the Other race/ethnicity. Table 3-36 shows that males and females in adult district court were equally likely than men to get revoked (25%). Men and women with Drug cases were considerably more likely, compared to those with other crime types, to get revoked.

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

Race / Ethnicity	Offense Type	No	Yes	Total	Total
Black/African American		72%	28%	100%	604
	Drugs	50%	50%	100%	96
	Other	73%	27%	100%	83
	Property	73%	27%	100%	208
	Violent	80%	20%	100%	217
Hispanic*		78%	22%	100%	786
	Drugs	69%	31%	100%	185
	Other	82%	18%	100%	113
	Property	76%	24%	100%	262
	Violent	84%	16%	100%	226
Other		78%	22%	100%	77
	Drugs	71%	29%	100%	14
	Other	88%	13%	100%	8
	Property	69%	31%	100%	36
	Violent	95%	5%	100%	19
White		75%	25%	100%	2,190
	Drugs	65%	35%	100%	559
	Other	85%	15%	100%	269
	Property	71%	29%	100%	819
	Violent	87%	13%	100%	543
Total		75%	25%	100%	3,657

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

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

Gender	Offense Type	No	Yes	Total	Total N
Female		75%	25%	100%	1,046
	Drugs	61%	39%	100%	282
	Other	85%	15%	100%	110
	Property	77%	23%	100%	439
	Violent	87%	13%	100%	215
Male		75%	25%	100%	2,611
	Drugs	66%	34%	100%	572
	Other	82%	18%	100%	363
	Property	70%	30%	100%	886
	Violent	84%	16%	100%	790
Total		75%	25%	100%	3,657

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

Juvenile Court

In juvenile court, 22% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 16% compared to 12% for males. Comparing across crime types, females with Other crimes were most likely to be revoked (23%) and males with Drug cases were most likely to be revoked (18%).

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

Race / Ethnicity	Offense Type	No	Yes	Total	Total
Black/African American		87%	13%	100%	95
	Drugs	100%	0%	100%	3
	Other	96%	4%	100%	23
	Property	80%	20%	100%	30
	Violent	87%	13%	100%	39
Hispanic*		86%	14%	100%	126
	Drugs	82%	18%	100%	11
	Other	88%	12%	100%	26
	Property	74%	26%	100%	43
	Violent	96%	4%	100%	46
Other		81%	19%	100%	16
	Other	100%	0%	100%	3
	Property	75%	25%	100%	8
	Violent	80%	20%	100%	5
White		88%	12%	100%	258
	Drugs	80%	20%	100%	15
	Other	87%	13%	100%	46
	Property	90%	10%	100%	78
	Violent	88%	12%	100%	119
Total		87%	13%	100%	495

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

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

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

Gender	Offense Type	No	Yes	Total	Total
Female		84%	16%	100%	107
	Drugs	83%	17%	100%	12
	Other	77%	23%	100%	13
	Property	83%	17%	100%	35
	Violent	87%	13%	100%	47
Male		88%	12%	100%	388
	Drugs	82%	18%	100%	17
	Other	92%	8%	100%	85
	Property	83%	17%	100%	124
	Violent	90%	10%	100%	162
Total		87%	13%	100%	495

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

Summary: Revocations. Cases sentenced in 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, statewide, 19% of county court cases, 36% of district court cases, and 39% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In fact, at the state level 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.

Overall, 14% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories (with the exception of Black/African Americans or Whites with Drug cases). Overall, females were less likely to be revoked than males in county court (11% compared to 15%, respectively).

In district court, 25% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked (with the exception of those in the Other race/ethnicity with Property crimes). Black/African Americans were revoked at a rate of 28% compared to 25% overall. Females and Males in adult district court were equally likely (25%). Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked.

In juvenile court, 13% of cases sentenced to probation/deferred judgment in 2018 were revoked. Females were revoked at a rate of 16% compared to 12% for males. Comparing across

crime types, females with Other crimes were most likely to be revoked (23%) and males with Drugs cases were most likely to be revoked (18%).

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 findings¹⁴ to the following research questions (the results are summarized below):

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

Results

1. After controlling for the factors described below, Black/African Americans and Hispanics were more likely than Whites to receive a DOC sentence.

2. After controlling for the factors described below, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.

3. After controlling for the sentencing factors described below, Black/African Americans less likely than Whites to receive a deferred judgment in juvenile court.

4. After controlling for the sentencing factors described below, Black/African Americans and Hispanics were more likely than Whites to receive a sentence to the Division of Youth Services.

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

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

technique called logistic regression was used. Logistic regression can examine the effect (through odds ratios) of race/ethnicity on sentences received, while controlling for other factors that may impact the sentencing decision. The factors included were those that decision makers often take into consideration at sentencing, and for which data were available in Judicial's ICON data system. For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,
- Prior convictions for a specific violent crime,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 were examined. As can be seen in Table 4-1, Black/African Americans received a sentence to

¹⁵The 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 above.

¹⁷ See footnote above.

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

DOC in 36% of cases and Hispanics received a sentence to DOC in 33% of cases. In comparison, Whites received a sentence to DOC in 28% of cases. After controlling for the factors described above, neither Black/African Americans nor Hispanics of receiving a DOC sentence than Whites. Please note the small number of sentences being analyzed (4,516) – interpretations of the data should be made with care.

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

Race / Ethnicity	Dept of Corrections	Percent	Total
White		57%	2,570
	No	72%	1,854
	Yes	28%	716
Black/African American		19%	842
	No	64%	541
	Yes	36%	301
Hispanic*		23%	1,018
	No	67%	679
	Yes	33%	339
Other		2%	86
	No	76%	65
	Yes	24%	21
Total		100%	4,516

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 14% of cases and Hispanics received a deferred sentence in 13% of cases. In comparison, Whites received a deferred sentence in 15% of cases. After controlling for other factors described above, neither Black/African Americans nor Hispanics had a lower odds of receiving a deferred sentence than Whites. Please note the small number of sentences being analyzed (5,476) – interpretations of the data should be made with care.

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

Race / Ethnicity	Sentence Deferred	Percent	Total
White		57%	3,146
	No	85%	2,668
	Yes	15%	478
Black/African American		18%	988
	No	86%	851
	Yes	14%	137
Hispanic*		23%	1,235
	No	87%	1,070
	Yes	13%	165
Other		2%	107
	No	86%	92
	Yes	14%	15
Total		100%	5,476

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 18% of cases and Hispanics received a deferred sentence in 13% of cases. In comparison, Whites received a deferred sentence in 35% of cases. After controlling for the sentencing factors described above, neither Black/African Americans nor Hispanics had lower odds of receiving a deferred sentence than Whites. Generalizing interpretations of these data should be done with caution as the number of observations (N) is small.

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

Race / Ethnicity	Sentence Deferred	Percent	Total
White		48%	335
	No	78%	260
	Yes	22%	75
Black/African American		23%	160
	No	83%	132
	Yes	18%	28
Hispanic*		27%	187
	No	87%	163
	Yes	13%	24
Other		3%	22
	No	86%	19
	Yes	14%	3
Total		100%	704

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

Division of Youth Services Sentences

Ten percent of White juveniles received a DYS sentence in 2018 compared to 20% of Black/African Americans and 19% of Hispanics (Table 4-4). After controlling for the sentencing factors described above, neither Black/African Americans nor Hispanics had higher odds of receiving a DYS sentence than Whites. Generalizing interpretations of these data should be done with caution as the number of observations (N) is small.

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

Race / Ethnicity	Sentenced to DYS	Percent	Total
White		48%	335
	No	90%	302
	Yes	10%	33
Black/African American		23%	160
	No	80%	128
	Yes	20%	32
Hispanic*		27%	187
	No	81%	152
	Yes	19%	35
Other		3%	22
	No	91%	20
	Yes	9%	2
Total		100%	704

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

Summary: Additional analyses. Because of the disparities in initial sentences for Black/African American and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), neither Black/African Americans nor Hispanics were statistically more likely than Whites to receive a DOC sentence. Additionally, among adults and juveniles, neither Black/African Americans nor Hispanics were less likely 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.

Appendix A

NIBRS Group A Arrest Crimes

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

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

Appendix B

Most serious filing/conviction charge categories

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

Arson - 1st - 4th degree arson

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

Drug Poss - drug possession, paraphernalia possession

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

Escape

Extortion

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

Forgery

Fraud

Homicide - 1st and 2nd degree murder

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

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

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

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

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

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

Appendix C

Statistical Model for Classifying Hispanic Ethnicity

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

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

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

The variables provided to the model included:

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

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

The development model achieved an AUC (Area Under the Curve) of .95 and the validation AUC was also .95.¹⁹ 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.