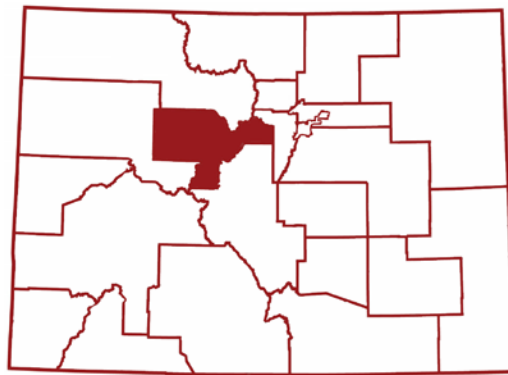# CLEAR ACT: 2018

Community Law Enforcement Action Reporting Act

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5th Judicial District

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

Age Group	Race/ethnicity	Percent	Total
Adult		**90%**	**83,678**
	Black/African Am	1%	985
	Hispanic	19%	16,239
	Other	2%	1,353
	White	78%	65,101
Juvenile		**10%**	**9,172**
	Black/African Am	1%	91
	Hispanic	38%	3,485
	Other	1%	135
	White	60%	5,460
Total		**100%**	**92,850**

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

December 2019

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

Table of Contents

Preface

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

This study presents arrest/summons and court processing information for calendar year 2018 for the 5th Judicial District.

This report provides information about arrests and court case processing in the 5th 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

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.

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.

This study presents arrest/summons and court processing information for calendar year 2018 for the 5th Judicial District.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. Because it is difficult to identify patterns in analyses that involve many categories,[2] this report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type are presented in the corresponding web-based interactive dashboard available at: https://www.colorado.gov/dcj-ors/ORS-SB185

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 5th Judicial District was 92,850.

- The adult population was comprised as follows: White, 78%; Black, 1%; Hispanic, 19%; and Other, 2%.
- The juvenile population was comprised as follows: White, 60%, Black, 1%, Hispanic 38%, and Other, 1%.

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 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

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[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.

model had an overall predictive accuracy of 94%. This model was used with both the arrest and court data[3]. Note that while no model is 100% accurate, it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Law enforcement data. In 2018 in the 5th Judicial District, law enforcement made/issued over 3,500 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 6% of all arrests/summonses; Violent crimes accounted for 12% of arrests/summonses; Property offenses accounted for 12% of arrests/summonses, and the remainder of arrests/summonses (71%) fell into the Other crime category.

Black/African Americans represented 1% of the district's population in 2018 but accounted for 3% of arrests/summonses. Hispanics represented 21% of the population and 27% of arrests/summonses. Violent crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of more than 2,600 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 1% of the population and 3% of the arrests/summonses in 2018, they accounted for 5% of district court filings. In juvenile court, Black/African Americans represented 0% of cases, compared to 1% Black/African American juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2018. Hispanic youth represented 38% of the population and 59% of juvenile court filings. In terms of gender, 22% of filings were females and 78% were males. Only about 1% of cases completed a trial in 2018; violent cases were more likely to go to trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

Court case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 27% of cases in county court were dismissed, as were 14% of cases in district court and 25% of cases in juvenile court. One-fourth (26%) of county court cases were convicted as charged compared to 15% in district court and 26% in juvenile court.

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

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

Women were significantly more likely than men to receive a deferred judgment in county court (36% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (18% for men compared to 7% for women.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (68%) of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment (14%) followed by a jail sentence (12%). Nearly one-quarter (22%) of initial sentences for Black/African Americans were to the jail, compared with 12% overall. Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.

As with district court, initial sentences to Probation were the most frequently occurring sentence: two-thirds (65%) of initial sentences were to Probation, while 25% of cases were granted a deferred judgment. Care should be taken when interpreting findings with few cases.

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 2019, 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. Statewide in 2018, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 8% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (11% and 10%, respectively, compared to 8% overall), however the few number of cases in these categories means that this information should be interpreted with caution. Across race/ethnicity categories, those with Violent cases were generally more likely to be revoked compared to the other offense categories.

Revocations from probation/deferred judgments occurred more frequently in district court (13%) compared to county court (8%) in 2018. It is difficult to compare across race/ethnicity

given the few cases in the Black/African American category (n=14) and the Other category (n=11).

In juvenile court, 12% of cases sentenced to probation/deferred judgment in 2018 were revoked; Hispanic youth were revoked at a rate of 15%. The few numbers of cases in juvenile court (n=43) makes it difficult to interpret the data with confidence. When reviewing revocations in juvenile court by gender, 33% of females were revoked compared to six percent of males. However, there were only nine females in juvenile court in 2018, so caution must be used when interpreting the findings.

Overall summary. In 2018, Black/African Americans represented 1% of the population in the 5th Judicial District but accounted for 3% of arrests/summonses, 4% of overall filings and 5% of adult district court filings. Hispanic represented 21% of the population, 27% of arrests/summonses, 31% of overall filings and 30% of district court filings. In juvenile court, Black/African Americans represented 1% of the population and 0% of cases; Hispanic youth were 38% of the population and 59% of cases filed in juvenile court.

In county court, women were significantly more likely than men to receive a deferred judgment (36% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (18% for men compared to 7% for women.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (68%) of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment (14%) followed by a jail sentence (12%). Nearly one-quarter (22%) of initial sentences for Black/African Americans were to the jail, compared with 12% overall. Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.

As with district court, initial sentences to Probation were the most frequently occurring sentence: two-thirds (65%) of initial sentences were to Probation, while 25% of cases were granted a deferred judgment. Care should be taken when interpreting findings with few cases.

In terms of revocations, 8% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (11% and 10%, respectively, compared to 8% overall), however, the few number of cases in these categories means that this information should be interpreted with caution. Across race/ethnicity categories in county court, those with Violent cases were generally more likely to be revoked compared to the other offense categories.

Revocations from probation/deferred judgments occurred more frequently in district court (13%) compared to county court (8%) in 2018. It is difficult to compare across race/ethnicity given the few cases in the Black/African American category (n=14) and the Other category (n=11).

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court (n=43) makes it difficult to interpret the data with confidence. When reviewing revocations in juvenile court by gender, 33% of females were revoked compared to 6%of males. However, there were only nine females in juvenile court in 2018, so caution must be used when interpreting the findings.

Section 1: Introduction

Background and overview

In 2015, the General Assembly passed Senate Bill 15-185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice annually analyze and report data provided by law enforcement agencies,[4] 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 5th 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.

Senate Bill 15-185 mandated DCJ to annually analyze and report these data disaggregated by offense type. Because it is difficult to identify patterns in analyses that involve many categories (the arrest information includes 17 offense categories, summarized from more than 40, and the court data includes 24 offense categories, summarized from hundreds of criminal statutes), this report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type and judicial district are presented in the corresponding web-based interactive dashboard available at: https://www.colorado.gov/dcj-ors/ORS-SB185

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

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

data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both arrest and court data.[5] 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 5th Judicial District in 2018 for residents ages 10 and over was 92,850 and was comprised as follows:

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

Age Group	Race/ethnicity	Percent	Total
Adult		**90%**	**83,678**
	Black/African Am	1%	985
	Hispanic	19%	16,239
	Other	2%	1,353
	White	78%	65,101
Juvenile		**10%**	**9,172**
	Black/African Am	1%	91
	Hispanic	38%	3,485
	Other	1%	135
	White	60%	5,460
Total		**100%**	**92,850**

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 5th 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.

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[5] 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."[6] 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 3,500 NIBRS incidents were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	28%	993
On-view/probable cause	40%	1,426
Summons	32%	1,161
Total	**100%**	**3,580**

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.[7] County court contains both adult and juvenile misdemeanor cases. The data are presented by court type: County, Adult District, and Juvenile. Juveniles who were charged as adults are in Adult District Court. The number of cases analyzed by type of court can be seen in Table 1-3.

Table 1-3. Court of case filing, 2018

Court	Percent	Total
Adult District	37%	979
County	59%	1,553
Juvenile	3%	85
Total	**100%**	**2,617**

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 115,000 ***cases not individuals***. Individuals may have multiple, concurrent cases,[8] 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.

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[6] 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.

[7] Denver County Court is not part of ICON.

[8] 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.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories[9] which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.[10] The analysis of the 24 offense categories is available on the interactive data dashboard. See Appendix B for the list of offenses that were combined into the four broad categories.

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

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

Organization of this report: This report is organized into three 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.

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[9] The 24 offense categories are summarized from hundreds of criminal statutes.
[10] Note that all offenses include attempts, solicitations, and conspiracies.

Section 2: Law Enforcement Data

Arrest/summons

The findings presented in this report summarize multiple offense types into four broad categories of crime types: Drugs, Other, Property and Violent (Table 2-1) (see Appendix A for a list of crimes in each category). The interactive dashboard, at https://www.colorado.gov/dcj-ors/ORS-SB185, provides information on 17 arrest offense types. The CLEAR Act mandates that arrest information be provided by arrest type and summons. The data represent all arrests/summonses captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2018.

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

Crime Type	Percent	Total
Drugs	6%	210
Other	71%	2,528
Property	12%	415
Violent	12%	427
Total	**100%**	**3,580**

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

Table 2-2 reflects over 3,500 arrests/summonses in the 5th Judicial District that were captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 1% of the population in the 5th Judicial District in 2018, but accounted for 3% of arrests/summonses. Hispanic adults and juveniles represented 21% of the population and accounted for 27% of arrests/summonses. The Other race/ethnicity category represented 1% of the population, and were represented in 1% of arrests. Whites represented 76% of the adult and juvenile population in the 5th Judicial District and had 69% of arrests/summonses.

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

Race/ethnicity	Percent	Total
Black/African Am	3%	107
Hispanic*	27%	961
Other	1%	52
White	69%	2,460
Total	**100%**	**3,580**

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 2% of on view/probable cause arrests, and that 30% of those arrests were for violent crimes, a proportion higher than adults (22%) (however, the few number of juvenile cases means that this information should be interpreted with caution). Juveniles accounted for 3% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for 9% of summonsed cases (Table 2-5). Not surprisingly, violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

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

Age Group	Crime Type	Percent	Total
Adult		**98%**	**1,399**
	Drugs	8%	112
	Other	64%	889
	Property	6%	89
	Violent	22%	309
Juvenile		**2%**	**27**
	Other	48%	13
	Property	22%	6
	Violent	30%	8
Total		**100%**	**1,426**

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

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

Age Group	Crime Type	Percent	Total
Adult		**97%**	**968**
	Drugs	2%	18
	Other	90%	875
	Property	2%	23
	Violent	5%	52
Juvenile		**3%**	**25**
	Other	80%	20
	Violent	20%	5
Total		**100%**	**993**

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

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

Age Group	Crime Type	Percent	Total
Adult		**91%**	**1,053**
	Drugs	6%	58
	Other	63%	665
	Property	27%	281
	Violent	5%	49
Juvenile		**9%**	**108**
	Drugs	20%	22
	Other	61%	66
	Property	15%	16
	Violent	4%	4
Total		**100%**	**1,161**

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 8% of probable cause arrests were for Drug related offenses, 63% were for Other offenses, 7% for Property offenses,

and 22% for Violent offenses. While Black/African Americans made up 1% of the population in the 5th Judicial District, Table 2-6 shows that they were arrested at three to 9 times that rate for probable cause arrests in 2018: 4% of Drug arrests were Black/African Americans, 3% of arrests for Other offenses were Black/African Americans, 9% of Property arrests were Black/African Americans, and 3% of Violent arrests were Black/African Americans.

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**8%**	**112**
	Black/African Am	4%	5
	Hispanic*	38%	43
	White	57%	64
Other		**63%**	**902**
	Black/African Am	3%	23
	Hispanic*	27%	244
	Other	1%	13
	White	69%	622
Property		**7%**	**95**
	Black/African Am	9%	9
	Hispanic*	31%	29
	White	60%	57
Violent		**22%**	**317**
	Black/African Am	3%	11
	Hispanic*	29%	93
	Other	1%	4
	White	66%	209
Total		**100%**	**1,426**

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 other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Ninety percent (90%) of these arrests involved an offense that fell into the Other category. While only 6% of these types of arrests involved a Violent offense, Black/African Americans made up 2% of Violent crime arrests and Hispanics made up 35%, which was greater than the proportion of Black/African Americans and Hispanics in the population (1% and 21%, respectively).

Table 2-8 shows that summons were less likely to be issued for Violent offenses (5%) compared to Other (63%) and Property (26%) and that, of those summons issued for Violent crimes, 4% went to Black/African Americans and 28% went to Hispanics.

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**2%**	**18**
	Hispanic*	33%	6
	White	67%	12
Other		**90%**	**895**
	Black/African Am	4%	33
	Hispanic*	29%	261
	Other	1%	8
	White	66%	593
Property		**2%**	**23**
	Black/African Am	22%	5
	Hispanic*	22%	5
	White	57%	13
Violent		**6%**	**57**
	Black/African Am	2%	1
	Hispanic*	35%	20
	White	63%	36
Total		**100%**	**993**

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 06/10/2019.
*Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model; see Appendix C.

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

Crime Type	Race/Ethnicity	Percent	Total
Drugs		**7%**	**80**
	Hispanic*	31%	25
	Other	1%	1
	White	68%	54
Other		**63%**	**731**
	Black/African Am	2%	16
	Hispanic*	23%	169
	Other	2%	13
	White	73%	533
Property		**26%**	**297**
	Black/African Am	1%	2
	Hispanic*	17%	51
	Other	4%	12
	White	78%	232
Violent		**5%**	**53**
	Black/African Am	4%	2
	Hispanic*	28%	15
	Other	2%	1
	White	66%	35
Total		**100%**	**1,161**

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 population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 9-39% of arrests and 19-30% of summonses (depending on the crime category) and men comprised the remainder.

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

Crime Type	Gender	Percent	Total
Drugs		**8%**	**112**
	Female	18%	20
	Male	82%	92
Other		**63%**	**902**
	Female	22%	200
	Male	78%	702
Property		**7%**	**95**
	Female	21%	20
	Male	79%	75
Violent		**22%**	**317**
	Female	26%	84
	Male	74%	233
Total		**100%**	**1,426**

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

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

Crime Type	Gender	Percent	Total
Drugs		**2%**	**18**
	Female	39%	7
	Male	61%	11
Other		**90%**	**895**
	Female	22%	198
	Male	78%	697
Property		**2%**	**23**
	Female	22%	5
	Male	78%	18
Violent		**6%**	**57**
	Female	9%	5
	Male	91%	52
Total		**100%**	**993**

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

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

Crime Type	Gender	Percent	Total
Drugs		**7%**	**80**
	Female	20%	16
	Male	80%	64
Other		**63%**	**731**
	Female	19%	140
	Male	81%	591
Property		**26%**	**297**
	Female	30%	89
	Male	70%	208
Violent		**5%**	**53**
	Female	26%	14
	Male	74%	39
Total		**100%**	**1,161**

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

Summary: Law enforcement data. In 2018 in the 5th Judicial District, law enforcement made/issued over 3,500 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 6% of all arrests/summonses while Violent crimes accounted for 12% of arrests/summonses, Property offenses accounted for 12% of arrests/summonses, and the remainder of arrests/summonses (71%) fell into the Other crime category. Black/African Americans represented 1% of the district's population in 2018 but accounted for 3% of arrests/summonses. Hispanics represented 21% of the population and 27% of arrests/summonses. Violent crimes were less likely than the other crime categories to result in a summons.

Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide, with the exception of Denver County Court.[11] County court contains both adult and juvenile misdemeanor cases. The 2018 data for the 5th Judicial District 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,[12] and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

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

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

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

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 2,617 case filings in county, adult district, and juvenile courts combined for calendar year 2018 in the 5th Judicial District. While Black/African Americans represented 1% of the population and 3% of the arrests/summonses in 2018, they accounted for 4% of court filings. Hispanics represented 21% of the population, 27% of arrests/summonses, and 31% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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[11] Denver County Court is not part of the statewide Judicial data management system.

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

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

Race/ethnicity	Percent	Total
Black/African Am	4%	96
Hispanic*	31%	812
Other	3%	83
White	62%	1,626
Total	**100%**	**2,617**

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 37% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

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

Crime Type	Race/ethnicity	Percent	Total
Drugs		**12%**	**321**
	Black/African Am	3%	9
	Hispanic*	34%	109
	Other	3%	9
	White	60%	194
Other		**31%**	**817**
	Black/African Am	4%	36
	Hispanic*	33%	266
	Other	3%	22
	White	60%	493
Property		**20%**	**517**
	Black/African Am	3%	15
	Hispanic*	28%	143
	Other	5%	27
	White	64%	332
Violent		**37%**	**962**
	Black/African Am	4%	36
	Hispanic*	31%	294
	Other	3%	25
	White	63%	607
Total		**100%**	**2,617**

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, 22% of filings were females and 78% were males. Females were slightly more likely than men to be involved in Property crimes (21% compared to 19%, respectively) and slightly more likely to be involved in Violent offenses (39% compared to 36%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Crime Type	Percent	Total
Female		**22%**	**583**
	Drugs	12%	72
	Other	27%	159
	Property	21%	122
	Violent	39%	230
Male		**78%**	**2,034**
	Drugs	12%	249
	Other	32%	658
	Property	19%	395
	Violent	36%	732
Total		**100%**	**2,617**

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 59% of the total. Black/African Americans represented 5% of district court cases filed compared to 3% in county court and none in juvenile court. Hispanics represented 30% of county court filings, 30% of district court filings, and 59% of juvenile court filings in 2018. Note that Hispanic youth represented 38% of the population in the 5th Judicial District in 2018.

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

Court	Race/ethnicity	Percent	Total
Adult District		**37%**	**979**
	Black/African Am	5%	51
	Hispanic*	30%	290
	Other	3%	28
	White	62%	610
County		**59%**	**1,553**
	Black/African Am	3%	45
	Hispanic*	30%	472
	Other	3%	46
	White	64%	990
Juvenile		**3%**	**85**
	Hispanic*	59%	50
	Other	11%	9
	White	31%	26
Total		**100%**	**2,617**

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 (44%) of county court cases were Violent offenses (primarily misdemeanor assault); Drug cases comprised 19% of adult

district court cases. Property crimes made up over one-third (38%) of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (24%) compared to adult district court (18%), and females comprised 31% of cases in juvenile court.

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

Court	Crime Type	Percent	Total
Adult District		**37%**	**979**
	Drugs	19%	190
	Other	30%	295
	Property	25%	244
	Violent	26%	250
County		**59%**	**1,553**
	Drugs	8%	123
	Other	33%	509
	Property	16%	241
	Violent	44%	680
Juvenile		**3%**	**85**
	Drugs	9%	8
	Other	15%	13
	Property	38%	32
	Violent	38%	32
Total		**100%**	**2,617**

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		**37%**	**979**
	Female	18%	179
	Male	82%	800
County		**59%**	**1,553**
	Female	24%	378
	Male	76%	1,175
Juvenile		**3%**	**85**
	Female	31%	26
	Male	69%	59
Total		**100%**	**2,617**

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	Percent	Total
Adult District		**37%**	**979**
	No	99%	973
	Yes	<1%	6
County		**59%**	**1,553**
	No	99%	1,544
	Yes	<1%	9
Juvenile		**3%**	**85**
	No	98%	83
	Yes	2%	2
Total		**100%**	**2,617**

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

Crime Type	Trial	Percent	Total
Drugs		**12%**	**321**
	No	99%	319
	Yes	1%	2
Other		**31%**	**817**
	No	100%	813
	Yes	<1%	4
Property		**20%**	**517**
	No	100%	516
	Yes	<1%	1
Violent		**37%**	**962**
	No	99%	952
	Yes	1%	10
Total		**100%**	**2,617**

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 2,600 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 1% of the population and 3% of the arrests/summonses in 2018, they accounted for 5% of district court filings. In juvenile court, Black/African Americans represented 0% of cases, compared to 1% Black/African American juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2018. Hispanic youth represented 38% of the population and 59% of juvenile court filings. In terms of gender, 22% of filings were females and 78% were males. Only about 1% of cases completed a trial in 2018; violent cases were more likely to go to trial. 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 the 5th Judicial District 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, in over one-fourth (27%) 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 26% of cases were convicted as charged, and one-quarter (26%) were convicted of another crime. In adult district court (Table 3-10), 37% were convicted of another crime and 15% were convicted as charged. In juvenile court (Table 3-11), 34% were convicted of another offense and 26% were convicted as charged.

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

Race/ethnicity	Crime Type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved /case closed	Total	Total N
Black/African Am		**20%**	**9%**	**40%**	**31%**	**100%**	**45**
	Drugs	50%	0%	0%	50%	100%	2
	Other	15%	8%	31%	46%	100%	13
	Property	40%	20%	40%	0%	100%	5
	Violent	16%	8%	48%	28%	100%	25
Hispanic*		**27%**	**26%**	**21%**	**25%**	**100%**	**472**
	Drugs	49%	21%	19%	11%	100%	47
	Other	26%	35%	19%	20%	100%	175
	Property	31%	18%	25%	25%	100%	51
	Violent	22%	22%	23%	34%	100%	199
Other		**17%**	**26%**	**37%**	**20%**	**100%**	**46**
	Drugs	75%	0%	0%	25%	100%	4
	Other	33%	8%	33%	25%	100%	12
	Property	11%	44%	33%	11%	100%	9
	Violent	0%	33%	48%	19%	100%	21
White		**26%**	**27%**	**28%**	**18%**	**100%**	**990**
	Drugs	26%	26%	31%	17%	100%	70
	Other	32%	31%	21%	16%	100%	309
	Property	28%	29%	23%	20%	100%	176
	Violent	22%	24%	34%	19%	100%	435
Total		**26%**	**26%**	**27%**	**21%**	**100%**	**1,553**

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

Table 3-10 reflects case outcomes for district court in 2018. Fourteen percent (14%) of cases filed in district court had all charges dismissed (fewer than 1% of those in this category were

not guilty). Cases falling into the Black/African American race/ethnicity category were more likely to have charges dismissed, especially Other offenses.

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

Race/ ethnicity	Crime Type	Convicted as charged	Convicted other crime	Dismissed /not guilty	Not yet resolved /case closed	Total	Total N
Black/African Am		**6%**	**41%**	**20%**	**33%**	**100%**	**51**
	Drugs	0%	43%	0%	57%	100%	7
	Other	0%	43%	30%	26%	100%	23
	Property	10%	40%	10%	40%	100%	10
	Violent	18%	36%	18%	27%	100%	11
Hispanic*		**12%**	**34%**	**15%**	**39%**	**100%**	**290**
	Drugs	19%	43%	12%	26%	100%	58
	Other	11%	28%	17%	45%	100%	83
	Property	10%	33%	18%	38%	100%	78
	Violent	10%	37%	11%	42%	100%	71
Other		**18%**	**32%**	**11%**	**39%**	**100%**	**28**
	Drugs	20%	20%	0%	60%	100%	5
	Other	13%	25%	13%	50%	100%	8
	Property	25%	42%	8%	25%	100%	12
	Violent	0%	33%	33%	33%	100%	3
White		**17%**	**38%**	**14%**	**32%**	**100%**	**610**
	Drugs	20%	42%	10%	28%	100%	120
	Other	17%	33%	17%	33%	100%	181
	Property	16%	39%	11%	34%	100%	144
	Violent	15%	39%	16%	30%	100%	165
Total		**15%**	**37%**	**14%**	**34%**	**100%**	**979**

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 25% of cases filed, while 26% of cases were convicted as charged and 34% were convicted of a different crime.

Table 3-11. Juvenile Court outcomes by race/ethnicity and most serious filing charge (n=85)

Race/ethnicity	Crime Type	Convicted as charged	Convicted other crime	Dismissed not/guilty	Not yet resolved/ case closed	Total
Hispanic*		**28%**	**28%**	**22%**	**22%**	**100%**
	Drugs	25%	25%	25%	25%	100%
	Other	13%	38%	38%	13%	100%
	Property	50%	7%	7%	36%	100%
	Violent	21%	38%	25%	17%	100%
Other		**0%**	**44%**	**56%**	**0%**	**100%**
	Other	50%	50%	50%	50%	50%
	Property	50%	50%	50%	50%	50%
	Violent	0%	100%	0%	100%	0%
White		**31%**	**42%**	**19%**	**8%**	**100%**
	Drugs	25%	50%	25%	0%	100%
	Other	67%	0%	0%	33%	100%
	Property	8%	58%	25%	8%	100%
	Violent	57%	29%	14%	0%	100%
Total		**26%**	**34%**	**25%**	**15%**	**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: 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, 27% of cases in county court were dismissed, as were 14% of cases in district court and 25% of cases in juvenile court. One-fourth (26%) of county court cases were convicted as charged compared to 15% in district court and 26% in juvenile court.

Initial Sentences

The tables below show cases sentenced in the 5th Judicial District between January 1, 2018 and December 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 <u>most serious initial sentence</u>. For example, the sentence of fines means that no more serious sentence was found. The same is true for credit for time served and community service.

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

Additionally, individuals may have multiple cases for which they are sentenced simultaneously. The sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. In fact, 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. Deferred judgments were issued in 24% of cases and jail was the sentence for 15% of cases.

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

Sentence	Crime Type	Percent	Total
Community Service		**2%**	**16**
	Drugs	63%	10
	Other	31%	5
	Property	6%	1
Deferred		**24%**	**211**
	Drugs	9%	20
	Other	30%	63
	Property	23%	48
	Violent	38%	80
Fines/fees		**23%**	**202**
	Drugs	12%	25
	Other	53%	108
	Property	23%	46
	Violent	11%	23
Jail		**15%**	**129**
	Drugs	3%	4
	Other	31%	40
	Property	17%	22
	Violent	49%	63
Probation/Intensive Supervision		**24%**	**211**
	Drugs	5%	10
	Other	44%	92
	Property	6%	12
	Violent	46%	97
Unsupervised Probation		**11%**	**96**
	Drugs	2%	2
	Other	64%	61
	Property	24%	23
	Violent	10%	10
Total		**100%**	**865**

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 (36% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (18% for men compared to 7% for women).

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

Sentence	Female	Male	Total
(N)	214	651	865
Community Service	<1%	2%	2%
Deferred	36%	21%	24%
Fines/fees	19%	25%	23%
Jail	7%	18%	15%
Probation/Intensive Supervision	26%	24%	24%
Unsupervised Probation	13%	11%	11%
Total	**100%**	**100%**	**100%**

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (40% compared to 24% overall); Hispanics were especially unlikely to receive a deferred judgement, at 15%. Black/African Americans were more likely to receive jail time (33% compared to 15% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	15	266	20	564	865
Community Service	0%	1%	5%	2%	2%
Deferred	27%	15%	40%	28%	24%
Fines/fees	7%	26%	35%	22%	23%
Jail	33%	15%	0%	15%	15%
Probation/Intensive Supervision	20%	36%	5%	20%	24%
Unsupervised Probation	13%	8%	15%	13%	11%
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.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	1	33	3	34	71
Community Service	0%	3%	33%	24%	14%
Deferred	100%	18%	33%	35%	28%
Fines/fees	0%	48%	33%	24%	35%
Jail	0%	9%	0%	3%	6%
Probation/Intensive Supervision	0%	21%	0%	9%	14%
Unsupervised Probation	0%	0%	0%	6%	3%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Table 3-16 shows that 9% of Hispanics, compared to 20% of Whites, received a deferred judgement for Other cases. 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. Findings should be interpreted with care when there are few cases.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	5	118	6	240	369
Community Service	0%	1%	0%	2%	1%
Deferred	20%	9%	33%	20%	17%
Fines/fees	20%	33%	17%	28%	29%
Jail	40%	11%	0%	10%	11%
Probation/Intensive Supervision	0%	34%	17%	21%	25%
Unsupervised Probation	20%	12%	33%	18%	17%
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 <u>Property</u> as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	2	33	9	108	152
Community Service	0%	0%	0%	1%	1%
Deferred	50%	18%	33%	35%	32%
Fines/fees	0%	30%	56%	29%	30%
Jail	0%	18%	0%	15%	14%
Probation/Intensive Supervision	0%	21%	0%	5%	8%
Unsupervised Probation	50%	12%	11%	16%	15%
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 <u>Violent</u> as most serious conviction in County Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	7	82	2	182	273
Deferred	14%	21%	100%	33%	29%
Fines/fees	0%	4%	0%	11%	8%
Jail	43%	21%	0%	24%	23%
Probation/Intensive Supervision	43%	52%	0%	28%	36%
Unsupervised Probation	0%	2%	0%	4%	4%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

District court

Table 3-19 shows the initial sentence by offense type for district court cases in the 5th Judicial District in 2018. Probation was the most frequently occurring initial sentence, happening 74% of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment (14%), followed by a jail sentence (12%).

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	148	168	169	190	675
Community Corrections	5%	4%	8%	3%	5%
Community Service	0%	1%	1%	0%	<1%
Deferred	7%	15%	17%	16%	14%
Dept of Corrections	7%	9%	14%	13%	11%
Fines/fees	1%	3%	1%	1%	2%
Jail	5%	17%	15%	11%	12%
Probation/Intensive Supervision	74%	51%	45%	56%	56%
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 less likely to receive a jail sentence (8%) compared to men (13%), and also considerably less likely to receive a prison sentence compared to men (7% compared to 21%).

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

Sentence	Female	Male	Total
(N)	139	536	675
Community Corrections	6%	5%	5%
Community Service	0%	1%	<1%
Deferred	14%	14%	14%
Dept of Corrections	7%	12%	11%
Fines/fees	3%	1%	2%
Jail	8%	13%	12%
Probation/Intensive Supervision	61%	55%	56%
Total	100%	100%	100%

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-quarter (22%) of initial sentences for Black/African Americans were to the jail, compared with 12% overall. Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	27	191	16	441	675
Community Corrections	7%	5%	6%	5%	5%
Community Service	0%	1%	0%	<1%	<1%
Deferred	7%	8%	6%	17%	14%
Dept of Corrections	19%	13%	19%	9%	11%
Fines/fees	0%	3%	0%	1%	2%
Jail	22%	13%	6%	11%	12%
Probation/Intensive Supervision	44%	59%	63%	56%	56%
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. Care should be taken when interpreting the findings when the number of cases is small.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	2	39	3	104	148
Community Corrections	0%	3%	0%	7%	5%
Deferred	0%	8%	0%	8%	7%
Dept of Corrections	0%	5%	0%	8%	7%
Fines/fees	0%	5%	0%	0%	1%
Jail	0%	5%	0%	5%	5%
Probation/Intensive Supervision	100%	74%	100%	73%	74%
Total	100%	100%	100%	100%	100%

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	7	40	6	115	168
Community Corrections	0%	8%	17%	3%	4%
Community Service	0%	3%	0%	1%	1%
Deferred	0%	8%	0%	19%	15%
Dept of Corrections	0%	13%	33%	7%	9%
Fines/fees	0%	5%	0%	3%	3%
Jail	57%	10%	0%	17%	17%
Probation/Intensive Supervision	43%	55%	50%	50%	51%
Total	100%	100%	100%	100%	100%

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	15	48	4	102	169
Community Corrections	13%	6%	0%	9%	8%
Community Service	0%	0%	0%	1%	1%
Deferred	7%	10%	0%	22%	17%
Dept of Corrections	27%	15%	25%	11%	14%
Fines/fees	0%	2%	0%	1%	1%
Jail	13%	19%	0%	14%	15%
Probation/Intensive Supervision	40%	48%	75%	43%	45%
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 <u>Violent</u> as most serious conviction in Adult District Court by race/ethnicity

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	3	64	3	120	190
Community Corrections	0%	3%	0%	3%	3%
Deferred	33%	6%	33%	20%	16%
Dept of Corrections	33%	16%	0%	12%	13%
Fines/fees	0%	2%	0%	1%	1%
Jail	0%	14%	33%	8%	11%
Probation/Intensive Supervision	33%	59%	33%	56%	56%
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, for the 5th Judicial District. As with district court, initial sentences to Probation were the most frequently occurring sentence: two-thirds (65%) of initial sentences were to Probation, while 25% of cases were granted a deferred judgment. Care should be taken when interpreting findings with few cases.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	4	6	16	22	48
Deferred	0%	33%	19%	32%	25%
Division of Youth Services	0%	0%	6%	0%	2%
Fines/fees	25%	0%	6%	0%	4%
Jail	0%	0%	6%	0%	2%
Probation/Intensive Supervision	75%	50%	63%	68%	65%
Youthful Offender System	0%	17%	0%	0%	2%
Total	100%	100%	100%	100%	100%

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

Table 3-27 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (30% versus 24%, respectively), and less likely to receive a sentence to the Division of Youth Services (0% compared to 3%). Caution should be used when interpreting findings with few cases.

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

Sentence	Female	Male	Total
(N)	10	38	48
Deferred	30%	24%	25%
Division of Youth Services	0%	3%	2%
Fines/fees	0%	5%	4%
Jail	10%	0%	2%
Probation/Intensive Supervision	60%	66%	65%
Youthful Offender System	0%	3%	2%
Total	100%	100%	100%

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

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. The few cases in most categories means that this information should be interpreted with caution.

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

Sentence	Hispanic*	Other	White	Total
(N)	28	3	17	48
Deferred	29%	0%	24%	25%
Division of Youth Services	0%	0%	6%	2%
Fines/fees	4%	0%	6%	4%
Jail	0%	33%	0%	2%
Probation/Intensive Supervision	64%	67%	65%	65%
Youthful Offender System	4%	0%	0%	2%
Total	100%	100%	100%	100%

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

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. Note that the number of cases can be quite small for some sentences; in these instances, the findings should be interpreted with caution. Table 3-29 shows the initial sentence when a Drug offense was the most serious conviction crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes.

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

Sentence	Hispanic*	White	Total
(N)	2	2	4
Fines/fees	50%	0%	25%
Probation/Intensive Supervision	50%	100%	75%
Total	100%	100%	100%

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

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

Sentence	Hispanic*	White	Total
(N)	4	2	6
Deferred	25%	50%	33%
Probation/Intensive Supervision	50%	50%	50%
Youthful Offender System	25%	0%	17%
Total	100%	100%	100%

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

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

Sentence	Hispanic*	Other	White	Total
(N)	6	3	7	16
Deferred	17%	0%	29%	19%
Division of Youth Services	0%	0%	14%	6%
Fines/fees	0%	0%	14%	6%
Jail	0%	33%	0%	6%
Probation/Intensive Supervision	83%	67%	43%	63%
Total	100%	100%	100%	100%

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

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

Sentence	Hispanic*	White	Total
(N)	16	6	22
Deferred	38%	17%	32%
Probation/Intensive Supervision	63%	83%	68%
Total	100%	100%	100%

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

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

In county court, women were significantly more likely than men to receive a deferred judgment (36% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (18% for men compared to 7% for women.

In district court, Probation was the most frequently occurring initial sentence, happening two-thirds (68%) of the time for Drug cases. The second most frequently occurring sentence in district court was a deferred judgment (14%) followed by a jail sentence (12%). Nearly one-quarter (22%) of initial sentences for Black/African Americans were to the jail, compared with 12% overall. Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment.

As with district court, initial sentences to Probation were the most frequently occurring sentence: two-thirds (65%) of initial sentences were to Probation, while 25% of cases were granted a deferred judgment. Care should be taken when interpreting findings with few cases.

Revocations

Cases sentenced in 2018 to probation or a deferred judgment that received a revocation in the 5th Judicial District are included in the analyses presented here.[13] Those sentenced near the end of 2018 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2018, 24% of adult state probation terminations were the result of a revocation.[14] The revocations presented here may not result in termination from probation supervision. In fact, in 2018, across county, adult district, and juvenile district courts, 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 5th 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 in 2018 for the 5th Judicial District. Overall, 8% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (11% and 10%, respectively, compared to 8% overall), however the few number of cases in these categories means that this information should be interpreted with caution. Across race/ethnicity categories, those with Violent cases were generally more likely to be revoked compared to the other offense categories.

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

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

Race/ Ethnicity	Crime Type	No	Yes	Total	Total N
Black/African Am		**89%**	**11%**	**100%**	**9**
	Drugs	100%	0%	100%	1
	Other	100%	0%	100%	2
	Property	100%	0%	100%	2
	Violent	75%	25%	100%	4
Hispanic*		**90%**	**10%**	**100%**	**157**
	Drugs	100%	0%	100%	13
	Other	92%	8%	100%	65
	Property	94%	6%	100%	17
	Violent	85%	15%	100%	62
Other		**100%**	**0%**	**100%**	**12**
	Drugs	100%	0%	100%	1
	Other	100%	0%	100%	5
	Property	100%	0%	100%	4
	Violent	100%	0%	100%	2
White		**93%**	**7%**	**100%**	**340**
	Drugs	94%	6%	100%	17
	Other	92%	8%	100%	144
	Property	95%	5%	100%	60
	Violent	94%	6%	100%	119
Total		**92%**	**8%**	**100%**	**518**

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 (5% compared to 9%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Women with Drug cases were slightly more likely to be revoked as were men with Violent cases.

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

Gender	Crime Type	No	Yes	Total	Total N
Female		**95%**	**5%**	**100%**	**158**
	Drugs	92%	8%	100%	13
	Other	93%	7%	100%	59
	Property	100%	0%	100%	23
	Violent	95%	5%	100%	63
Male		**91%**	**9%**	**100%**	**360**
	Drugs	100%	0%	100%	19
	Other	92%	8%	100%	157
	Property	93%	7%	100%	60
	Violent	89%	11%	100%	124
Total		**92%**	**8%**	**100%**	**518**

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 (13%, Table 3-35) compared to county court (8%, Table 3-33) in 2018. It is difficult to compare across race/ethnicity given the few cases in the Black/African American category (n=14) and the Other category (n=11).

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

Race/ Ethnicity	Crime Type	No	Yes	Total	Total N
Black/African Am		**93%**	**7%**	**100%**	**14**
	Drugs	100%	0%	100%	2
	Other	67%	33%	100%	3
	Property	100%	0%	100%	7
	Violent	100%	0%	100%	2
Hispanic*		**86%**	**14%**	**100%**	**127**
	Drugs	88%	13%	100%	32
	Other	92%	8%	100%	25
	Property	89%	11%	100%	28
	Violent	79%	21%	100%	42
Other		**100%**	**0%**	**100%**	**11**
	Drugs	100%	0%	100%	3
	Other	100%	0%	100%	3
	Property	100%	0%	100%	3
	Violent	100%	0%	100%	2
White		**87%**	**13%**	**100%**	**321**
	Drugs	82%	18%	100%	84
	Other	89%	11%	100%	80
	Property	91%	9%	100%	66
	Violent	86%	14%	100%	91
Total		**87%**	**13%**	**100%**	**473**

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 shows the women were revoked at a rate of 11% and men were revoked at a rate of 14% in District Court in 2018. Cases with Drug and Violent offenses were most likely to be revoked.

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

Gender	Crime Type	No	Yes	Total	Total N
Female		**89%**	**11%**	**100%**	**105**
	Drugs	88%	12%	100%	33
	Other	91%	9%	100%	22
	Property	93%	7%	100%	27
	Violent	83%	17%	100%	23
Male		**86%**	**14%**	**100%**	**368**
	Drugs	83%	17%	100%	88
	Other	89%	11%	100%	89
	Property	91%	9%	100%	77
	Violent	84%	16%	100%	114
Total		**87%**	**13%**	**100%**	**473**

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, 12% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37); Hispanic youth were revoked at a rate of 15%. The few numbers of cases in juvenile court (n=43) makes it difficult to interpret the data in Table 3-37. When reviewing revocations in juvenile court by gender (Table 3-38), 33% of females were revoked compared to 6% of males. However, there were only nine females in juvenile court in 2018, so caution must be used when interpreting the findings.

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

Race/ Ethnicity	Crime Type	No	Yes	Total	Total N
Hispanic*		**85%**	**15%**	**100%**	**26**
	Drugs	100%	0%	100%	1
	Other	67%	33%	100%	3
	Property	83%	17%	100%	6
	Violent	88%	13%	100%	16
Other		**100%**	**0%**	**100%**	**2**
	Property	100%	0%	100%	2
White		**93%**	**7%**	**100%**	**15**
	Drugs	100%	0%	100%	2
	Other	100%	0%	100%	2
	Property	80%	20%	100%	5
	Violent	100%	0%	100%	6
Total		**88%**	**12%**	**100%**	**43**

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	Crime Type	No	Yes	Total	Total N
Female		67%	33%	100%	9
	Other	0%	100%	100%	1
	Property	100%	0%	100%	2
	Violent	67%	33%	100%	6
Male		94%	6%	100%	34
	Drugs	100%	0%	100%	3
	Other	100%	0%	100%	4
	Property	82%	18%	100%	11
	Violent	100%	0%	100%	16
Total		88%	12%	100%	43

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

Summary: Revocations. Cases sentenced in 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, statewide in 2019, 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. Statewide in 2018, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

Overall, 8% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (11% and 10%, respectively, compared to 8% overall), however the few number of cases in these categories means that this information should be interpreted with caution. Across race/ethnicity categories, those with Violent cases were generally more likely to be revoked compared to the other offense categories.

Revocations from probation/deferred judgments occurred more frequently in district court (13%) compared to county court (8%) in 2018. It is difficult to compare across race/ethnicity given the few cases in the Black/African American category (n=14) and the Other category (n=11).

In juvenile court, 12% of cases sentenced to probation/deferred judgment in 2018 were revoked; Hispanic youth were revoked at a rate of 15%. The few numbers of cases in juvenile court (n=43) makes it difficult to interpret the data with confidence. When reviewing revocations in juvenile court by gender, 33% of females were revoked compared to 6% of males. However, there were only nine females in juvenile court in 2018, so caution must be used when interpreting the findings.

Court processing summary.   In 2018, Black/African Americans represented 1% of the adult population in the 5th Judicial District, but accounted for 5% of adult district court filings. Hispanic adults represented 19% of the population and 30% of district court filings. In juvenile court, Black/African Americans represented 0% of cases, compared to 1% of Black/African American juveniles in the population; Hispanic youth were 38% of the population and 59% of cases filed. Females represented 22% of case filings compared to 78% for men.

In county court, Black/African Americans were more likely to receive a jail sentence (33% compared to 15% overall). Hispanics were less likely to receive a deferred judgment: 15% compared to 24% overall. In adult district court, 19% of initial sentences for Black/African Americans and 13% of initial sentences for Hispanics were to the Department of Corrections, compared to 11% overall. In 2018, the 5th Judicial District had 48 cases in juvenile court, and when this number is disaggregated by race/ethnicity or crime type, the number of cases is so low that it is difficult to draw reliable conclusions.

In terms of revocations, 8% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans and Hispanics were slightly more likely to be revoked compared to the overall revocation rate (11% and 10%, respectively, compared to 8% overall), however, the few number of cases in these categories means that this information should be interpreted with caution. Across race/ethnicity categories, those with Violent cases were generally more likely to be revoked compared to the other offense categories.

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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.[15] 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

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[15] 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.