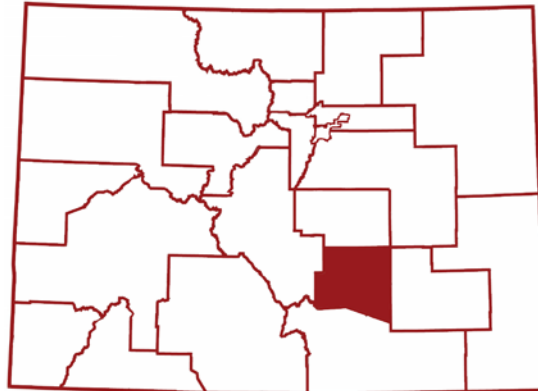# CLEAR ACT: 2018

# Community Law Enforcement Action Reporting Act

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## 10th Judicial District



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

| Age Group | Race/Ethnicity | Percent | Total |
|---|---|---|---|
| **Adult** | | **88%** | **129,703** |
| | Black/African Am | 2% | 2,726 |
| | Hispanic | 40% | 51,347 |
| | Other | 2% | 2,416 |
| | White | 56% | 73,214 |
| **Juvenile** | | **12%** | **18,247** |
| | Black/African Am | 2% | 395 |
| | Hispanic | 54% | 9,895 |
| | Other | 2% | 324 |
| | White | 42% | 7,632 |
| **Total** | | **100%** | **147,950** |

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

**December 2019**

**COLORADO**
Division of Criminal Justice
Department of Public Safety

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

# Community Law Enforcement Action Reporting Act

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

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

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# Preface

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 and court case processing information for calendar year 2018 for the 10th Judicial District.

This report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes. The details by offense type, and by judicial district, are presented in the corresponding web-based interactive dashboard available at: https://www.colorado.gov/dcj-ors/ORS-SB185

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 and court case processing information for calendar year 2018 for the 10th 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 10th Judicial District was 147,950. The adult population was comprised as follows:
- White, 56%;
- Black, 2%;
- Hispanic, 40%; and
- Other, 2%.

The juvenile population was comprised as follows:
- White, 42%;
- Black, 2%;
- Hispanic 54%; and
- Other; 2%.

**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

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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.

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 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, law enforcement made/issued over 2,800 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 14% of all arrests/summonses while Violent crimes accounted for 21% of arrests/summonses, Property offenses accounted for 22% of arrests/summonses, and the remainder of arrests/summonses (43%) fell into the Other crime category. Black/African Americans represented 2% of the population in 2018 but accounted for 4% of arrests/summonses. Hispanics represented 41% of the population and 54% of arrests/summonses. Women constituted approximately 23-41% of arrests and 15-58% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be arrested for Drug offenses and summonsed for Violent offenses.

**Court filings.** This study of more than 5,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 2% of the population and 4% of the arrests/summonses in 2018, they accounted for 4% of district court filings. In juvenile court, Black/African Americans represented 4% of cases, compared to 2% of Black/African American juveniles in the population. Hispanic adults made up 40% of the adult population but had 58% of district court filings in 2018. Hispanic juveniles made up 54% of the population and had 59% of juvenile court filings. In terms of gender, 27% of filings were females and 73% were males. Very few cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

**Court case outcomes.** Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 29% of cases in county court were dismissed, as were 16% of cases in district court and 31% of cases in juvenile court. One-fourth (25%) of county court cases were convicted as charged compared to 14% in district court and

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

29% in juvenile court. Only 12% of county court cases were convicted of a different charge, compared to almost half (46%) of district court cases, and 27% of juvenile court cases. In district court, Black/African Americans were less likely to be convicted as charged (8% compared to 14% overall), and were considerably more likely to have the case not yet resolved (40% compared to 25% overall). In juvenile court, all charges were dismissed for 31% of cases filed, while 29% of cases were convicted as charged and 27% were convicted of a different crime. Black/African Americans were somewhat more likely to be convicted as charged (33% compared to 29% overall), and were much more likely to have a case falling into the dismissed closed category (44% compared to 31% overall).

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

In 2018, county court issued a deferred sentence in 17% of cases and, in 26% of cases jail was the sentence. Nearly half (43%) of jail sentences were for Violent offenses, as were 65% of probation sentences. Most Drug cases resulted in a fee/fine. Women were considerably more likely than men to receive a deferred judgment in county court (25% compared to 15%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 23% for women), and men were more likely to be granted an initial sentence to probation (46% compared to 38% for women). Those in the Other race/ethnicity category were most likely to receive a deferred judgment (32% compared to 17% overall). Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgement, (13%, 15% and 20%, respectively).

In district court, probation was the most frequently occurring initial sentence, happening more than half (58%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 13% of Drug cases, 39% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 10% of cases and were most likely to be imposed in Property cases (15%), and least likely to be imposed in Drug cases (6%). Women were much more likely to receive a deferred judgment compared to men (16% versus 8%, respectively), and more likely to be granted probation (55% compared to 45% for men). Women were less likely to receive a jail sentence (14%) compared to men (18%), and also considerably less likely to receive a prison sentence compared to men (13% compared to 24%). One-quarter (25%) of initial sentences for Black/African Americans were to the Department of Corrections, and 22% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Black/African Americans were also less likely to receive a deferred judgment (7% compared to 10% overall).

As with county and district court, in juvenile court, initial sentences to probation were the most frequently occurring sentence: Over half (61%) of initial sentences were to probation, while 26% of cases were granted a deferred judgment. Initial sentences to jail were more likely for Violent and Property cases. When the initial sentences are disaggregated by ethnicity and crime type, the few numbers of cases mean the information must be interpreted with caution.

**Revocations.** Cases sentenced in 2018 to probation or a deferred judgment that received a revocation were included in this analyses. **Note that these are cases, not individuals** and, as previously mentioned, statewide in 2018,  19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.  Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In 2018, 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, 14% of cases receiving a probation/deferred judgment in county court in 2018 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (19% compared to 14% overall). Across race/ethnicity categories, those with Violent cases generally were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (12% compared to 15%, respectively).  Women were more likely to be revoked for Property offenses while men were more likely to be revoked for Violent offenses.

Revocations from probation/deferred judgments occurred more frequently in district court (28%) compared to county court (14%) in 2018. Hispanics were slightly more likely to be revoked (29% compared to 28% overall). Those with Drug offenses generally were most likely to be revoked. Women were more likely than men to get revoked (31% compared to 27%).

In juvenile court, 21% of cases sentenced to probation/deferred judgment in 2018 were revoked. Hispanics were more likely to get revoked (34% compared to 21% overall).  Females were revoked at a rate of 20% compared to 22% for males. Comparing across crime types, those with Property crimes were most likely to be revoked (30% of females and 33% of males).

**Overall summary.**  In 2018, Black/African Americans represented 2% of the population in the 10th Judicial District but accounted for 4% of arrests/summonses and 4% of court filings. Hispanic represented 41% of the population, 54% of arrests/summonses and 56% of filings. In terms of juveniles, Black/African Americans represented 2% of the population and 4% of juvenile court filings. Hispanic youth were 54% of the population and 59% of cases filed.

In 2018, county court issued a deferred sentence in 17% of cases and, in 26% of cases, jail was the sentence. Nearly half (43%) of jail sentences were for Violent offenses, as were 65% of probation sentences. Those in the Other race/ethnicity category were most likely to receive a deferred judgment (32% compared to 17% overall). Black/African Americans and Hispanics

were less likely than Whites to receive a deferred judgement, (13%, 15% and 20%, respectively).

In district court, probation was the most frequently occurring initial sentence, happening more than half (58%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 13% of Drug cases, 39% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 10% of cases and were most likely to be imposed in Property cases (15%), and least likely to be imposed in Drug cases (6%). One-quarter (25%) of initial sentences for Black/African Americans were to the Department of Corrections, and 22% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Black/African Americans were also less likely to receive a deferred judgment (7% compared to 10% overall).

As with county and district court, in juvenile court, initial sentences to probation were the most frequently occurring sentence: Over half (61%) of initial sentences were to probation, while 26% of cases were granted a deferred judgment. Initial sentences to jail were more likely for Violent and Property cases. When the initial sentences are disaggregated by ethnicity and crime type, the few cases means the information must be interpreted with caution.

# 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 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-SB185-2018

These two reporting mechanisms—this report and the data dashboard—should be viewed together since only the report contains information regarding the data sets used in the report and in the dashboard, and because the analysis of the four broad categories of crime allows for summary discussion of patterns of events.

**An important note about race/ethnicity.** The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch's ICON data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly undercounted in the Hispanic category. For example, in 2018 Hispanics represented 22% of the Colorado population, but only 6% of cases were classified as Hispanic in ICON. In addition, the arrest data are plagued with random misclassifications of race/ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a 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]

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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).

[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.

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 2018 for residents ages 10 and over in the 10<sup>th</sup> Judicial District was 147,950 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** | | **88%** | **129,703** |
| | Black/African Am | 2% | 2,726 |
| | Hispanic | 40% | 51,347 |
| | Other | 2% | 2,416 |
| | White | 56% | 73,214 |
| **Juvenile** | | **12%** | **18,247** |
| | Black/African Am | 2% | 395 |
| | Hispanic | 54% | 9,895 |
| | Other | 2% | 324 |
| | White | 42% | 7,632 |
| **Total** | | **100%** | **147,950** |

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 10<sup>th</sup> Judicial District the period between January 1, 2018 and December 31, 2018 was obtained from the Colorado Bureau of Investigation's National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests. NIBRS requires different details in the reporting of Group A and Group B offenses. Law enforcement must report both incidents and arrests for Group A offenses, and they must report only arrests for Group B offenses. NIBRS developers used the following criteria to determine if a crime should be designated as a Group A offense:

- The seriousness or significance of the offense;
- The frequency or volume of its occurrence;
- The seriousness or significance of the offense;
- The prevalence of the offense nationwide;
- The probability law enforcement becomes aware of the offense;
- The likelihood that law enforcement is the best source for collecting data regarding the offense;
- The burden placed on law enforcement in collecting data on the offense;
- The national statistical validity and usefulness of the collected data.

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 2,800 NIBRS incidents were analyzed for calendar year 2018 (Table 1-2).

*Table 1-2. Arrests by type, 2018*

| Arrest Type | Percent | Total |
|---|---|---|
| Custody/warrant | 35% | 983 |
| On-view/ probable cause | 58% | 1,647 |
| Summons | 7% | 210 |
| **Total** | **100%** | **2,840** |

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 | 50% | 2,531 |
| County | 45% | 2,276 |
| Juvenile | 5% | 231 |
| **Total** | **100%** | **5,038** |

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 5,000 *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, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

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

**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 analyses of four broad categories allows for the identification of patterns that are difficult to discern when detailed information is presented. Additionally, some of the law enforcement findings are disaggregated, by adults, juveniles, and by gender. Finally, Senate Bill 15-185 mandates that arrest information be provided by arrest type and summons. The data represent all arrests/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 | 14% | 391 |
| Other | 43% | 1,223 |
| Property | 22% | 637 |
| Violent | 21% | 589 |
| **Total** | **100%** | **2,840** |

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

Table 2-2 reflects over 2,800 arrests/summonses captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 2% of the population in 2018, but accounted for 4% of arrests/summonses. Hispanics represented 41% of the population and accounted for 54% of arrests. The Other race/ethnicity category represented 2% of the population, and were underrepresented in arrests (<1%), as were Whites, who represented 55% of the population and 41% of arrests/summonses.

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

| Race/ Ethnicity | Percent | Total |
|---|---|---|
| Black/African Am | 4% | 125 |
| Hispanic* | 54% | 1,530 |
| Other | <1% | 12 |
| White | 41% | 1,173 |
| **Total** | **100%** | **2,840** |

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 47% of those arrests were for violent crimes, a proportion greater than adults (23%). Juveniles accounted for 4% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get arrested than summoned; there only four (n=4) summonses issued to juveniles in 2018 (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%** | **1,615** |
| | Drugs | 14% | 229 |
| | Other | 41% | 662 |
| | Property | 22% | 350 |
| | Violent | 23% | 374 |
| **Juvenile** | | **2%** | **32** |
| | Other | 22% | 7 |
| | Property | 31% | 10 |
| | Violent | 47% | 15 |
| **Total** | | **100%** | **1,647** |

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** | | **96%** | **948** |
| | Drugs | 15% | 143 |
| | Other | 45% | 426 |
| | Property | 21% | 198 |
| | Violent | 19% | 181 |
| **Juvenile** | | **4%** | **35** |
| | Drugs | 17% | 6 |
| | Other | 54% | 19 |
| | Property | 9% | 3 |
| | Violent | 20% | 7 |
| **Total** | | **100%** | **983** |

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** | | **98%** | **206** |
| | Drugs | 6% | 13 |
| | Other | 51% | 105 |
| | Property | 37% | 76 |
| | Violent | 6% | 12 |
| **Juvenile** | | **2%** | **4** |
| | Other | 100% | 4 |
| **Total** | | **100%** | **210** |

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 14% of probable cause arrests were for Drug related offenses, 41% were for Other offenses, 22% for Property offenses, and 24% for Violent offenses. While Black/African Americans made up 2% of the population,

Table 2-6 shows that they were arrested at about twice that rate for probable cause arrests in 2018: 5% of Drug arrests were Black/African Americans, as were 5% of arrests for Other offenses, 3% of Property arrests, and 4% of Violent arrests. Hispanics represented 41% of the population but represented 58% of Drug on-view/probable cause arrests, 58% of Other arrests, 66% of Property arrests and 51% of Violent arrests.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Nearly half (45%) of these arrests involved an offense that fell into the Other category. While 19% of these types of arrests involved a Violent offense, Black/African Americans made up 7% of Violent crime arrests. Hispanics made up 57% of custody/warrant arrests for Drug offenses, despite representing 41% of the population.

Table 2-8 shows that summons were less likely to be issued for Drug and Violent offenses (6%) compared to Other (52%) and Property (36%). The few cases in certain categories means care should be taken when interpreting the findings.

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

| Crime type | Race/Ethnicity | Percent | Total |
|---|---|---|---|
| **Drugs** | | **14%** | **229** |
| | Black/African Am | 5% | 11 |
| | Hispanic* | 58% | 132 |
| | White | 38% | 86 |
| **Other** | | **41%** | **669** |
| | Black/African Am | 5% | 35 |
| | Hispanic* | 58% | 387 |
| | Other | <1% | 5 |
| | White | 36% | 242 |
| **Property** | | **22%** | **360** |
| | Black/African Am | 3% | 12 |
| | Hispanic* | 66% | 238 |
| | Other | <1% | 1 |
| | White | 30% | 109 |
| **Violent** | | **24%** | **389** |
| | Black/African Am | 4% | 17 |
| | Hispanic* | 51% | 199 |
| | Other | <1% | 3 |
| | White | 44% | 170 |
| **Total** | | **100%** | **1,647** |

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

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

| Crime type | Race/Ethnicity | Percent | Total |
|---|---|---|---|
| **Drugs** | | **15%** | **149** |
| | Black/African Am | 3% | 4 |
| | Hispanic* | 57% | 85 |
| | Other | <1% | 1 |
| | White | 40% | 59 |
| **Other** | | **45%** | **445** |
| | Black/African Am | 3% | 15 |
| | Hispanic* | 47% | 210 |
| | White | 49% | 220 |
| **Property** | | **20%** | **201** |
| | Black/African Am | 2% | 5 |
| | Hispanic* | 51% | 102 |
| | Other | <1% | 1 |
| | White | 46% | 93 |
| **Violent** | | **19%** | **188** |
| | Black/African Am | 7% | 14 |
| | Hispanic* | 45% | 85 |
| | White | 47% | 89 |
| **Total** | | **100%** | **983** |

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** | | **6%** | **13** |
| | Black/African Am | 38% | 5 |
| | Hispanic* | 31% | 4 |
| | White | 31% | 4 |
| **Other** | | **52%** | **109** |
| | Black/African Am | 6% | 6 |
| | Hispanic* | 46% | 50 |
| | Other | <1% | 1 |
| | White | 48% | 52 |
| **Property** | | **36%** | **76** |
| | Black/African Am | 1% | 1 |
| | Hispanic* | 45% | 34 |
| | White | 54% | 41 |
| **Violent** | | **6%** | **12** |
| | Hispanic* | 33% | 4 |
| | White | 67% | 8 |
| **Total** | | **100%** | **210** |

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. Overall, women constituted approximately 23-41% of arrests and 15-58% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be arrested for Drug offenses and summonsed for Violent offenses. Again, care must be taken when interpreting the findings when the number of cases is small.

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

| Crime type | Gender | Percent | Total |
|---|---|---|---|
| Drugs | | 14% | 229 |
| | Female | 33% | 75 |
| | Male | 67% | 154 |
| Other | | 41% | 669 |
| | Female | 27% | 179 |
| | Male | 73% | 490 |
| Property | | 22% | 360 |
| | Female | 41% | 146 |
| | Male | 59% | 214 |
| Violent | | 24% | 389 |
| | Female | 23% | 90 |
| | Male | 77% | 299 |
| Total | | 100% | 1,647 |

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 | | 15% | 149 |
| | Female | 36% | 53 |
| | Male | 64% | 96 |
| Other | | 45% | 445 |
| | Female | 27% | 119 |
| | Male | 73% | 326 |
| Property | | 20% | 201 |
| | Female | 29% | 58 |
| | Male | 71% | 143 |
| Violent | | 19% | 188 |
| | Female | 25% | 47 |
| | Male | 75% | 141 |
| Total | | 100% | 983 |

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 | | 6% | 13 |
| | Female | 15% | 2 |
| | Male | 85% | 11 |
| Other | | 52% | 109 |
| | Female | 39% | 42 |
| | Male | 61% | 67 |
| Property | | 36% | 76 |
| | Female | 50% | 38 |
| | Male | 50% | 38 |
| Violent | | 6% | 12 |
| | Female | 58% | 7 |
| | Male | 42% | 5 |
| Total | | 100% | 210 |

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

**Summary: Law enforcement data.** In 2018, law enforcement made/issued over 2,800 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 14% of all arrests/summonses while Violent crimes accounted for 21% of arrests/summonses, Property offenses accounted for 22% of arrests/summonses, and the remainder of arrests/summonses (43%) fell into the Other crime category. Black/African Americans represented 2% of the population in 2018 but accounted for 4% of arrests/summonses. Hispanics represented 41% of the population and 54% of arrests/summonses. Women constituted approximately 23-41% of arrests and 15-58% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be arrested for Drug offenses and summonsed for Violent offenses.

# 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 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 at 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 5,038 case filings in county, adult district, and juvenile courts combined for calendar year 2018. While Black/African Americans represented 2% of the population and 4% of the arrests/summonses in 2018, they accounted for 4% of court filings. Hispanics represented 41% of the population, 54% of arrests/summonses, and 56% 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% | 221 |
| Hispanic* | 56% | 2,803 |
| Other | 2% | 114 |
| White | 38% | 1,900 |
| **Total** | **100%** | **5,038** |

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 42% of charges filed. Hispanics accounted for 62% of Drug filings although they represented 41% of the population. Black/African Americans represented 2% of the population and 6% of Violent charges.

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

| Crime type | Race/Ethnicity | Percent | Total |
|---|---|---|---|
| **Drugs** | | **12%** | **622** |
| | Black/African Am | 4% | 25 |
| | Hispanic* | 62% | 385 |
| | Other | 1% | 7 |
| | White | 33% | 205 |
| **Other** | | **19%** | **956** |
| | Black/African Am | 4% | 37 |
| | Hispanic | 56% | 539 |
| | Other | 4% | 35 |
| | White | 36% | 345 |
| **Property** | | **26%** | **1,333** |
| | Black/African Am | 3% | 39 |
| | Hispanic | 57% | 761 |
| | Other | 2% | 26 |
| | White | 38% | 507 |
| **Violent** | | **42%** | **2,127** |
| | Black/African Am | 6% | 120 |
| | Hispanic | 53% | 1,118 |
| | Other | 2% | 46 |
| | White | 40% | 843 |
| **Total** | | **100%** | **5,038** |

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, 27% of filings were females and 73% were males. Females were more likely than men to be involved in Property crimes (31% compared to 25%, respectively) and Drug crimes (15% compared to 11%, respectively) and somewhat less to be involved in Violent offenses (35% compared to 45%, respectively).

*Table 3-3. Most serious filing charge by gender*

| Gender | Crime type | Percent | Total |
|---|---|---|---|
| **Female** | | **27%** | **1,343** |
| | Drugs | 15% | 208 |
| | Other | 19% | 249 |
| | Property | 31% | 416 |
| | Violent | 35% | 470 |
| **Male** | | **73%** | **3,695** |
| | Drugs | 11% | 414 |
| | Other | 19% | 707 |
| | Property | 25% | 917 |
| | Violent | 45% | 1,657 |
| **Total** | | **100%** | **5,038** |

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. District court had the most cases in 2018, with 50% of the total. Black/African Americans represented 5% of county court cases filed compared to 4% in adult district court and 4% in juvenile court. Hispanics represented 53% of county court filings, 58% of district court filings, and 59% of juvenile court filings in 2018.

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

| Court | Race/Ethnicity | Percent | Total |
|---|---|---|---|
| **Adult District** | | **50%** | **2,531** |
| | Black/African Am | 4% | 108 |
| | Hispanic* | 58% | 1,467 |
| | Other | 2% | 46 |
| | White | 36% | 910 |
| **County** | | **45%** | **2,276** |
| | Black/African Am | 5% | 104 |
| | Hispanic* | 53% | 1,199 |
| | Other | 3% | 59 |
| | White | 40% | 914 |
| **Juvenile** | | **5%** | **231** |
| | Black/African Am | 4% | 9 |
| | Hispanic* | 59% | 137 |
| | Other | 4% | 9 |
| | White | 33% | 76 |
| **Total** | | **100%** | **5,038** |

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 two-thirds (65%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (36%) and Drug cases (23%) comprised the largest categories of cases in adult district court; and Property crimes made up over one-third (40%) of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. The distribution across gender is quite similar for each court type.

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

| Court | Crime type | Percent | Total |
|---|---|---|---|
| **Adult District** | | **50%** | **2,531** |
| | Drugs | 23% | 576 |
| | Other | 20% | 496 |
| | Property | 36% | 918 |
| | Violent | 21% | 541 |
| **County** | | **45%** | **2,276** |
| | Drugs | 2% | 38 |
| | Other | 19% | 427 |
| | Property | 14% | 322 |
| | Violent | 65% | 1,489 |
| **Juvenile** | | **5%** | **231** |
| | Drugs | 3% | 8 |
| | Other | 14% | 33 |
| | Property | 40% | 93 |
| | Violent | 42% | 97 |
| **Total** | | **100%** | **5,038** |

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** | | **50%** | **2,531** |
| | Female | 27% | 682 |
| | Male | 73% | 1,849 |
| **County** | | **45%** | **2,276** |
| | Female | 26% | 601 |
| | Male | 74% | 1,675 |
| **Juvenile** | | **5%** | **231** |
| | Female | 26% | 60 |
| | Male | 74% | 171 |
| **Total** | | **100%** | **5,038** |

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%) in district and county court. Juvenile court cases resulted in a trial 3% of the time (n=7 cases). Table 3-8 combines information across court types and shows the number of trials completed by offense type. Cases with a Violent offense were most likely to complete a trial.

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

| Court | Completed Trial | Percent | Total |
|---|---|---|---|
| **Adult District** | | **50%** | **2,531** |
| | No | 99% | 2,516 |
| | Yes | <1% | 15 |
| **County** | | **45%** | **2,276** |
| | No | 100% | 2,265 |
| | Yes | <1% | 11 |
| **Juvenile** | | **5%** | **231** |
| | No | 97% | 224 |
| | Yes | 3% | 7 |
| **Total** | | **100%** | **5,038** |

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 | Completed Trial | Percent | Total |
|---|---|---|---|
| **Drugs** | | **12%** | **622** |
| | No | 100% | 621 |
| | Yes | <1% | 1 |
| **Other** | | **19%** | **956** |
| | No | 99% | 950 |
| | Yes | <1% | 6 |
| **Property** | | **26%** | **1,333** |
| | No | 100% | 1,327 |
| | Yes | <1% | 6 |
| **Violent** | | **42%** | **2,127** |
| | No | 99% | 2,107 |
| | Yes | <1% | 20 |
| **Total** | | **100%** | **5,038** |

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 5,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 2% of the population and 4% of the arrests/summonses in 2018, they accounted for 4% of district court filings. In juvenile court, Black/African Americans represented 4% of cases, compared to 2% of

Black/African American juveniles in the population. Hispanic adults made up 40% of the adult population but had 58% of district court filings in 2018. Hispanic juveniles made up 54% of the population and had 59% of juvenile court filings. In terms of gender, 27% of filings were females and 73% were males. Very few cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

## Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2018. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, in 29% 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 25% of cases were convicted as charged, and 12% were convicted of another crime. In adult district court (Table 3-10), 46% were convicted of another crime and 14% were convicted as charged. In juvenile court (Table 3-11), 27% were convicted of another offense and 29% 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** | | **28%** | **6%** | **30%** | **37%** | **100%** | **104** |
| | Drugs | 60% | 0% | 20% | 20% | 100% | 5 |
| | Other | 25% | 10% | 20% | 45% | 100% | 20 |
| | Property | 33% | 0% | 50% | 17% | 100% | 6 |
| | Violent | 26% | 5% | 32% | 37% | 100% | 73 |
| **Hispanic*** | | **25%** | **12%** | **30%** | **34%** | **100%** | **1,199** |
| | Drugs | 31% | 6% | 31% | 31% | 100% | 16 |
| | Other | 23% | 11% | 28% | 38% | 100% | 237 |
| | Property | 29% | 9% | 19% | 42% | 100% | 160 |
| | Violent | 24% | 12% | 33% | 31% | 100% | 786 |
| **Other** | | **32%** | **12%** | **31%** | **25%** | **100%** | **59** |
| | Drugs | 0% | 0% | 0% | 0% | 0% | 0 |
| | Other | 52% | 0% | 30% | 17% | 100% | 23 |
| | Property | 22% | 11% | 33% | 33% | 100% | 9 |
| | Violent | 19% | 22% | 30% | 30% | 100% | 27 |
| **White** | | **25%** | **12%** | **28%** | **35%** | **100%** | **914** |
| | Drugs | 18% | 29% | 41% | 12% | 100% | 17 |
| | Other | 28% | 16% | 25% | 31% | 100% | 147 |
| | Property | 29% | 7% | 21% | 43% | 100% | 147 |
| | Violent | 23% | 12% | 31% | 34% | 100% | 603 |
| **Total** | | **25%** | **12%** | **29%** | **34%** | **100%** | **2,276** |

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. Sixteen percent (16%) of cases filed in district court had all charges dismissed (fewer than 1% of those in this category were not guilty). Black/African Americans were less likely to be convicted as charged (8% compared to 14% overall), and were considerably more likely to have the case not yet resolved (40% compared to 25% overall).

*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 N |
|---|---|---|---|---|---|---|
| **Black/African Am** | | **8%** | **37%** | **15%** | **40%** | **108** |
| | Drugs | 20% | 55% | 10% | 15% | 20 |
| | Other | 0% | 13% | 19% | 69% | 16 |
| | Property | 10% | 50% | 7% | 33% | 30 |
| | Violent | 5% | 29% | 21% | 45% | 42 |
| **Hispanic\*** | | **13%** | **47%** | **18%** | **22%** | **1,467** |
| | Drugs | 11% | 61% | 11% | 17% | 365 |
| | Other | 14% | 41% | 20% | 25% | 283 |
| | Property | 13% | 45% | 22% | 20% | 541 |
| | Violent | 16% | 39% | 17% | 28% | 278 |
| **Other** | | **13%** | **46%** | **13%** | **28%** | **46** |
| | Drugs | 0% | 71% | 14% | 14% | 7 |
| | Other | 9% | 18% | 27% | 45% | 11 |
| | Property | 24% | 47% | 12% | 18% | 17 |
| | Violent | 9% | 55% | 0% | 36% | 11 |
| **White** | | **15%** | **45%** | **12%** | **28%** | **910** |
| | Drugs | 14% | 61% | 9% | 16% | 184 |
| | Other | 17% | 28% | 17% | 38% | 186 |
| | Property | 15% | 47% | 12% | 25% | 330 |
| | Violent | 13% | 44% | 10% | 33% | 210 |
| **Total** | | **14%** | **46%** | **16%** | **25%** | **2,531** |

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 31% of cases filed, while 29% of cases were convicted as charged and 27% were convicted of a different crime. Black/African Americans were somewhat more likely to be convicted as charged (33% compared to 29% overall), and were much more likely to have a case falling into the dismissed closed category (44% compared to 31% overall).

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

| Race/Ethnicity | Crime type | Convicted as charged | Convicted other crime | Dismissed /not guilty | Not yet resolved/ case closed | Total N |
|---|---|---|---|---|---|---|
| **Black/African Am** | | **33%** | **22%** | **44%** | **0%** | **9** |
| | Drugs | 0% | 0% | 0% | 0% | 0 |
| | Other | 100% | 0% | 0% | 0% | 1 |
| | Property | 33% | 0% | 67% | 0% | 3 |
| | Violent | 20% | 40% | 40% | 0% | 5 |
| **Hispanic*** | | **26%** | **27%** | **28%** | **19%** | **137** |
| | Drugs | 0% | 50% | 25% | 25% | 4 |
| | Other | 42% | 26% | 16% | 16% | 19 |
| | Property | 27% | 20% | 32% | 22% | 60 |
| | Violent | 20% | 33% | 30% | 17% | 54 |
| **Other** | | **22%** | **22%** | **56%** | **0%** | **9** |
| | Drugs | 0% | 0% | 0% | 0% | 0 |
| | Other | 0% | 0% | 100% | 0% | 1 |
| | Property | 0% | 0% | 0% | 0% | 0 |
| | Violent | 25% | 25% | 50% | 0% | 8 |
| **White** | | **36%** | **29%** | **30%** | **5%** | **76** |
| | Drugs | 25% | 25% | 25% | 25% | 4 |
| | Other | 42% | 17% | 33% | 8% | 12 |
| | Property | 33% | 37% | 27% | 3% | 30 |
| | Violent | 37% | 27% | 33% | 3% | 30 |
| **Total** | | **29%** | **27%** | **31%** | **13%** | **231** |

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, 29% of cases in county court were dismissed, as were 16% of cases in district court and 31% of cases in juvenile court. One-fourth (25%) of county court cases were convicted as charged compared to 14% in district court and 29% in juvenile court. Only 12% of county court cases were convicted of a different charge, compared to almost half (46%) of district court cases, and 27% of juvenile court cases. In district court, Black/African Americans were less likely to be convicted as charged (8% compared to 14% overall), and were considerably more likely to have the case not yet resolved (40% compared to 25% overall). In juvenile court, all charges were dismissed for 31% of cases filed,

while 29% of cases were convicted as charged and 27% were convicted of a different crime. Black/African Americans were somewhat more likely to be convicted as charged (33% compared to 29% overall), and were much more likely to have a case falling into the dismissed closed category (44% compared to 31% overall).

## Initial Sentences

The tables below show cases sentenced in the 10th Judicial District between Jan 1, 2018 and Dec 31, 2018, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** section above. Also, because these data represent cases, not individuals, the number of individuals sentenced to the Department of Corrections (DOC) or the Division of Youth Services (DYS) will not match the number reported as admissions by these agencies.

Cases generally have multiple initial sentences, usually include fines, and can also include community service and credit for time served. The data below reflect the <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. County court issued a deferred sentence in 17% of cases, and in 26% of cases jail was the sentence. Nearly half (43%) of jail sentences were for Violent offenses, as were 65% of probation sentences. Most Drug cases resulted in a fee/fine (n=11).

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

| Sentence | Crime type | Percent | Total |
|---|---|---|---|
| **Community Service** | | **<1%** | **4** |
| | Drugs | 75% | 3 |
| | Property | 25% | 1 |
| **Deferred** | | **17%** | **198** |
| | Other | 21% | 42 |
| | Property | 17% | 34 |
| | Violent | 62% | 122 |
| **Fines/fees** | | **6%** | **68** |
| | Drugs | 16% | 11 |
| | Other | 65% | 44 |
| | Property | 12% | 8 |
| | Violent | 7% | 5 |
| **Jail** | | **26%** | **295** |
| | Drugs | <1% | 2 |
| | Other | 28% | 83 |
| | Property | 28% | 83 |
| | Violent | 43% | 127 |
| **Probation/Intensive Supervision** | | **44%** | **500** |
| | Drugs | <1% | 3 |
| | Other | 20% | 102 |
| | Property | 14% | 69 |
| | Violent | 65% | 326 |
| **Unsupervised Probation** | | **6%** | **69** |
| | Other | 38% | 26 |
| | Property | 43% | 30 |
| | Violent | 19% | 13 |
| **Total** | | **100%** | **1,134** |

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 (25% compared to 15%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 23% for women), and men were more likely to be granted an initial sentence to probation (46% compared to 38% for women).

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

| Sentence | Female | Male | Total |
|---|---|---|---|
| (N) | 314 | 820 | 1,134 |
| Community Service | <1% | <1% | <1% |
| Deferred | 25% | 15% | 17% |
| Fines/fees | 6% | 6% | 6% |
| Jail | 23% | 27% | 26% |
| Probation/Intensive Supervision | 38% | 46% | 44% |
| Unsupervised Probation | 7% | 6% | 6% |
| **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 most likely to receive a deferred judgment (32% compared to 17% overall). Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgement, (13%, 15% and 20%, respectively).

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 39 | 611 | 31 | 453 | 1,134 |
| Community Service | 0% | <1% | 0% | <1% | <1% |
| Deferred | 13% | 15% | 32% | 20% | 17% |
| Fines/fees | 10% | 5% | 6% | 7% | 6% |
| Jail | 23% | 28% | 23% | 24% | 26% |
| Probation/Intensive Supervision | 49% | 46% | 23% | 43% | 44% |
| Unsupervised Probation | 5% | 6% | 16% | 6% | 6% |
| 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. The few number of Drug cases in county court (n=19) means that the information must be interpreted with caution.

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

| Sentence | Black/African Am | Hispanic. | White | Total |
|---|---|---|---|---|
| (N) | 3 | 7 | 9 | 19 |
| Community Service | 0% | 14% | 22% | 16% |
| Fines/fees | 100% | 57% | 44% | 58% |
| Jail | 0% | 14% | 11% | 11% |
| Probation/Intensive Supervision | 0% | 14% | 22% | 16% |
| 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 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans and Hispanics were more likely to receive a jail sentence (44% and 32%, respectively compared to 28% overall. However, the few Black/African American cases (n=9) means that this information must be interpreted with caution. Table 3-17 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for Violent offenses, Black/African Americans and Hispanics were less likely to receive a deferred judgment (15% and 17%, respectively, compared to 25% for Whites).

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 9 | 152 | 15 | 121 | 297 |
| Deferred | 11% | 12% | 33% | 15% | 14% |
| Fines/fees | 11% | 13% | 13% | 17% | 15% |
| Jail | 44% | 32% | 7% | 25% | 28% |
| Probation/Intensive Supervision | 33% | 34% | 13% | 37% | 34% |
| Unsupervised Probation | 0% | 9% | 33% | 6% | 9% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

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

| Sentence | Black/African Am | Hispanic. | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 7 | 124 | 4 | 90 | 225 |
| Community Service | 0% | <1% | 0% | 0% | <1% |
| Deferred | 14% | 15% | 25% | 16% | 15% |
| Fines/fees | 0% | 3% | 0% | 4% | 4% |
| Jail | 14% | 40% | 75% | 33% | 37% |
| Probation/Intensive Supervision | 57% | 31% | 0% | 30% | 31% |
| Unsupervised Probation | 14% | 11% | 0% | 17% | 13% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 20 | 328 | 12 | 233 | 593 |
| Deferred | 15% | 17% | 33% | 25% | 21% |
| Fines/fees | 0% | <1% | 0% | 1% | <1% |
| Jail | 20% | 22% | 25% | 21% | 21% |
| Probation/Intensive Supervision | 60% | 58% | 42% | 52% | 55% |
| Unsupervised Probation | 5% | 2% | 0% | 2% | 2% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

## District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2018. Probation was the most frequently occurring initial sentence, happening more than half (58%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 13% of Drug cases, 39% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 10% of cases and were most likely to be imposed in Property cases (15%), and least likely to be imposed in Drug cases (6%).

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

| Sentence | Drugs | Other | Property | Violent | Total |
|---|---|---|---|---|---|
| (N) | 508 | 358 | 655 | 420 | 1,941 |
| Community Corrections | 3% | 3% | 5% | 1% | 3% |
| Community Service | <1% | 0% | 0% | 0% | <1% |
| Deferred | 6% | 7% | 15% | 10% | 10% |
| Dept of Corrections | 13% | 39% | 17% | 20% | 21% |
| Fines/fees | <1% | 2% | <1% | 0% | <1% |
| Jail | 19% | 18% | 14% | 18% | 17% |
| Probation/Intensive Supervision | 58% | 32% | 48% | 49% | 48% |
| Youthful Offender System | 0% | 0% | 0% | <1% | <1% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

Table 3-20 shows the initial district court sentence by gender. Women were much more likely to receive a deferred judgment compared to men (16% versus 8%, respectively), and more likely to be granted probation (55% compared to 45% for men). Women were less likely to receive a jail sentence (14%) compared to men (18%), and also considerably less likely to receive a prison sentence compared to men (13% compared to 24%).

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

| Sentence | Female | Male | Total |
|---|---|---|---|
| (N) | 559 | 1,382 | 1,941 |
| Community Corrections | 2% | 4% | 3% |
| Community Service | <1% | 0% | <1% |
| Deferred | 16% | 8% | 10% |
| Dept of Corrections | 13% | 24% | 21% |
| Fines/fees | <1% | <1% | <1% |
| Jail | 14% | 18% | 17% |
| Probation/Intensive Supervision | 55% | 45% | 48% |
| Youthful Offender System | 0% | <1% | <1% |
| Total | 100% | 100% | 100% |

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. One-quarter (25%) of initial sentences for Black/African Americans were to the Department of Corrections, and 22% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Black/African Americans were also less likely to receive a deferred judgment (7% compared to 10% overall).

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 67 | 1,154 | 34 | 686 | 1,941 |
| Community Corrections | 3% | 3% | 6% | 3% | 3% |
| Community Service | 0% | 0% | 0% | <1% | <1% |
| Deferred | 7% | 10% | 18% | 11% | 10% |
| Dept of Corrections | 25% | 22% | 12% | 20% | 21% |
| Fines/fees | 1% | <1% | 0% | <1% | <1% |
| Jail | 19% | 18% | 9% | 16% | 17% |
| Probation/Intensive Supervision | 43% | 47% | 56% | 50% | 48% |
| Youthful Offender System | 0% | <1% | 0% | 0% | <1% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received when a Drug offense was the most serious charge. Black/African Americans were less likely to receive a deferred judgement (0% compared to 6% overall). For Other, Property and Violent offenses, Black/African Americans were generally more likely to receive prison sentences compared to the other race/ethnicity categories (Tables 3-23, 3-24 and 3-25).

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 13 | 318 | 9 | 168 | 508 |
| Community Corrections | 8% | 3% | 11% | 1% | 3% |
| Community Service | 0% | 0% | 0% | <1% | <1% |
| Deferred | 0% | 6% | 11% | 7% | 6% |
| Dept of Corrections | 15% | 14% | 0% | 13% | 13% |
| Fines/fees | 0% | <1% | 0% | 0% | <1% |
| Jail | 15% | 20% | 22% | 18% | 19% |
| Probation/Intensive Supervision | 62% | 57% | 56% | 60% | 58% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 8 | 211 | 3 | 136 | 358 |
| Community Corrections | 0% | 2% | 33% | 3% | 3% |
| Deferred | 0% | 3% | 33% | 12% | 7% |
| Dept of Corrections | 50% | 42% | 0% | 35% | 39% |
| Fines/fees | 0% | <1% | 0% | 3% | 2% |
| Jail | 25% | 20% | 0% | 15% | 18% |
| Probation/Intensive Supervision | 25% | 31% | 33% | 33% | 32% |
| 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) | 21 | 390 | 12 | 232 | 655 |
| Community Corrections | 5% | 4% | 0% | 7% | 5% |
| Deferred | 14% | 15% | 33% | 14% | 15% |
| Dept of Corrections | 24% | 17% | 8% | 17% | 17% |
| Fines/fees | 5% | <1% | 0% | <1% | <1% |
| Jail | 14% | 15% | 0% | 14% | 14% |
| Probation/Intensive Supervision | 38% | 49% | 58% | 48% | 48% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

*Table 3-25. 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) | 25 | 235 | 10 | 150 | 420 |
| Community Corrections | 0% | 2% | 0% | <1% | 1% |
| Deferred | 8% | 11% | 0% | 10% | 10% |
| Dept of Corrections | 24% | 22% | 30% | 17% | 20% |
| Jail | 24% | 19% | 10% | 17% | 18% |
| Probation/Intensive Supervision | 44% | 45% | 60% | 55% | 49% |
| Youthful Offender System | 0% | <1% | 0% | 0% | <1% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

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

## Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2018, by crime type. As with county and district court, initial sentences to probation were the most frequently occurring sentence: Over half (61%) of initial sentences were to probation, while 26% of cases were granted a deferred judgment. Initial sentences to jail were more likely for Violent and Property cases.

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

| Sentence | Drugs | Other | Property | Violent | Total |
|---|---|---|---|---|---|
| (N) | 4 | 29 | 58 | 59 | 150 |
| Deferred | 25% | 31% | 28% | 22% | 26% |
| Division of Youth Services | 0% | 3% | 3% | 5% | 4% |
| Fines/fees | 0% | 0% | 0% | 2% | <1% |
| Jail | 0% | 0% | 3% | 3% | 3% |
| Juvenile Detention | 0% | 3% | 2% | 10% | 5% |
| Probation/Intensive Supervision | 75% | 62% | 64% | 58% | 61% |
| 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 slightly more likely to receive a deferred judgement than males (28% versus 25%, respectively).

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

| Sentence | Female | Male | Total |
|---|---|---|---|
| (N) | 36 | 114 | 150 |
| Deferred | 28% | 25% | 26% |
| Division of Youth Services | 0% | 5% | 4% |
| Fines/fees | 0% | <1% | <1% |
| Jail | 3% | 3% | 3% |
| Juvenile Detention | 0% | 7% | 5% |
| Probation/Intensive Supervision | 69% | 59% | 61% |
| 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. Given the few numbers of cases in the Black/African American and Other race/ethnicity categories, this information must be interpreted with caution. In Juvenile court in 2018, Hispanics were less likely than Whites to receive a deferred judgment (20% and 36%, respectively).

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 8 | 82 | 7 | 53 | 150 |
| Deferred | 25% | 20% | 29% | 36% | 26% |
| Division of Youth Services | 13% | 1% | 14% | 6% | 4% |
| Fines/fees | 0% | 1% | 0% | 0% | <1% |
| Jail | 0% | 2% | 0% | 4% | 3% |
| Juvenile Detention | 0% | 5% | 14% | 6% | 5% |
| Probation/Intensive Supervision | 63% | 71% | 43% | 49% | 61% |
| **Total** | **100%** | **100%** | **100%** | **100%** | **100%** |

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

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

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. **Note that the number of cases can be quite small for some sentences; in these instances, the findings should be interpreted with caution.** Table 3-29 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 <u>Drugs</u> as most serious conviction in Juvenile Court by race/ethnicity*

| Sentence | Hispanic* | White | Total |
|---|---|---|---|
| (N) | 2 | 2 | 4 |
| Deferred | 0% | 50% | 25% |
| Probation/Intensive Supervision | 100% | 50% | 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 <u>Other</u> as most serious conviction in Juvenile Court by race/ethnicity*

| Sentence | Black/African Am | Hispanic* | White | Total |
|---|---|---|---|---|
| (N) | 1 | 21 | 7 | 29 |
| Deferred | 0% | 24% | 57% | 31% |
| Division of Youth Services | 0% | 5% | 0% | 3% |
| Juvenile Detention | 0% | 5% | 0% | 3% |
| Probation/Intensive Supervision | 100% | 67% | 43% | 62% |
| **Total** | **100%** | **100%** | **100%** | **100%** |

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

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 2 | 30 | 2 | 24 | 58 |
| Deferred | 50% | 13% | 50% | 42% | 28% |
| Division of Youth Services | 0% | 0% | 0% | 8% | 3% |
| Jail | 0% | 3% | 0% | 4% | 3% |
| Juvenile Detention | 0% | 0% | 0% | 4% | 2% |
| Probation/Intensive Supervision | 50% | 83% | 50% | 42% | 64% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

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

| Sentence | Black/African Am | Hispanic* | Other | White | Total |
|---|---|---|---|---|---|
| (N) | 5 | 29 | 5 | 20 | 59 |
| Deferred | 20% | 24% | 20% | 20% | 22% |
| Division of Youth Services | 20% | 0% | 20% | 5% | 5% |
| Fines/fees | 0% | 3% | 0% | 0% | 2% |
| Jail | 0% | 3% | 0% | 5% | 3% |
| Juvenile Detention | 0% | 10% | 20% | 10% | 10% |
| Probation/Intensive Supervision | 60% | 59% | 40% | 60% | 58% |
| Total | 100% | 100% | 100% | 100% | 100% |

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

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

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

In 2018, county court issued a deferred sentence in 17% of cases, and in 26% of cases jail was the sentence. Nearly half (43%) of jail sentences were for Violent offenses, as were 65% of probation sentences. Most Drug cases resulted in a fee/fine. Women were considerably more likely than men to receive a deferred judgment in county court (25% compared to 15%, respectively). Men were more likely than women to receive a jail sentence (27% for men compared to 23% for women), and men were more likely to be granted an initial sentence to probation (46% compared to 38% for women). Those in the Other race/ethnicity category were most likely to receive a deferred judgment (32% compared to 17% overall). Black/African

Americans and Hispanics were less likely than Whites to receive a deferred judgement, (13%, 15% and 20%, respectively).

In district court, probation was the most frequently occurring initial sentence, happening more than half (58%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 13% of Drug cases, 39% of Other cases, 17% of Property cases, and 20% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 10% of cases and were most likely to be imposed in Property cases (15%), and least likely to be imposed in Drug cases (6%). Women were much more likely to receive a deferred judgment compared to men (16% versus 8%, respectively), and more likely to be granted probation (55% compared to 45% for men). Women were less likely to receive a jail sentence (14%) compared to men (18%), and also considerably less likely to receive a prison sentence compared to men (13% compared to 24%). One-quarter (25%) of initial sentences for Black/African Americans were to the Department of Corrections, and 22% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Black/African Americans were also less likely to receive a deferred judgment (7% compared to 10% overall).

As with county and district court, in juvenile court, initial sentences to probation were the most frequently occurring sentence: Over half (61%) of initial sentences were to probation, while 26% of cases were granted a deferred judgment. Initial sentences to jail were more likely for Violent and Property cases. When the initial sentences are disaggregated by ethnicity and crime type, the few numbers of cases mean the information must be interpreted with caution.

## Revocations

Cases sentenced in 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here.[13] Those sentenced near the end of 2018 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, statewide 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 revocations in county court, then district court, and finally juvenile court.

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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.

## County court

Table 3-33 shows revocation information for county court. Overall, 14% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (19% compared to 14% overall). Across race/ethnicity categories, those with Violent cases generally were more likely to be revoked compared to the other offense categories.

*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** | | **81%** | **19%** | **100%** | **26** |
| | Other | 100% | 0% | 100% | 4 |
| | Property | 83% | 17% | 100% | 6 |
| | Violent | 75% | 25% | 100% | 16 |
| **Hispanic*** | | **87%** | **13%** | **100%** | **409** |
| | Drugs | 100% | 0% | 100% | 1 |
| | Other | 90% | 10% | 100% | 84 |
| | Property | 93% | 7% | 100% | 70 |
| | Violent | 84% | 16% | 100% | 254 |
| **Other** | | **86%** | **14%** | **100%** | **22** |
| | Other | 92% | 8% | 100% | 12 |
| | Property | 100% | 0% | 100% | 1 |
| | Violent | 78% | 22% | 100% | 9 |
| **White** | | **85%** | **15%** | **100%** | **310** |
| | Drugs | 100% | 0% | 100% | 2 |
| | Other | 91% | 9% | 100% | 70 |
| | Property | 79% | 21% | 100% | 56 |
| | Violent | 84% | 16% | 100% | 182 |
| **Total** | | **86%** | **14%** | **100%** | **767** |

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 (12% compared to 15%, respectively). Women were more likely to be revoked for Property offenses while men were more likely to be revoked for Violent offenses.

*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** | | **88%** | **12%** | **100%** | **220** |
| | Other | 94% | 6% | 100% | 51 |
| | Property | 82% | 18% | 100% | 50 |
| | Violent | 88% | 12% | 100% | 119 |
| **Male** | | **85%** | **15%** | **100%** | **547** |
| | Drugs | 100% | 0% | 100% | 3 |
| | Other | 90% | 10% | 100% | 119 |
| | Property | 89% | 11% | 100% | 83 |
| | Violent | 82% | 18% | 100% | 342 |
| **Total** | | **86%** | **14%** | **100%** | **767** |

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 (28%, Table 3-35) compared to county court (14%, Table 3-33) in 2018. Hispanics were slightly more likely to be revoked (29% compared to 28% overall). Those with Drug offenses generally were most likely to be revoked. Table 3-36 shows that women in adult district court were more likely than men to get revoked (31% compared to 27%).

*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** | | **74%** | **26%** | **100%** | **34** |
| | Drugs | 75% | 25% | 100% | 8 |
| | Other | 50% | 50% | 100% | 2 |
| | Property | 55% | 45% | 100% | 11 |
| | Violent | 92% | 8% | 100% | 13 |
| **Hispanic*** | | **71%** | **29%** | **100%** | **655** |
| | Drugs | 69% | 32% | 100% | 200 |
| | Other | 81% | 19% | 100% | 73 |
| | Property | 65% | 35% | 100% | 249 |
| | Violent | 80% | 20% | 100% | 133 |
| **Other** | | **72%** | **28%** | **100%** | **25** |
| | Drugs | 67% | 33% | 100% | 6 |
| | Other | 100% | 0% | 100% | 2 |
| | Property | 73% | 27% | 100% | 11 |
| | Violent | 67% | 33% | 100% | 6 |
| **White** | | **74%** | **26%** | **100%** | **414** |
| | Drugs | 67% | 33% | 100% | 112 |
| | Other | 84% | 16% | 100% | 61 |
| | Property | 71% | 29% | 100% | 143 |
| | Violent | 81% | 19% | 100% | 98 |
| **Total** | | **72%** | **28%** | **100%** | **1,128** |

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

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

| Gender | Crime type | No | Yes | Total | Total N |
|---|---|---|---|---|---|
| **Female** | | **69%** | **31%** | **100%** | **396** |
| | Drugs | 68% | 32% | 100% | 131 |
| | Other | 76% | 24% | 100% | 37 |
| | Property | 66% | 34% | 100% | 169 |
| | Violent | 78% | 22% | 100% | 59 |
| **Male** | | **73%** | **27%** | **100%** | **732** |
| | Drugs | 68% | 32% | 100% | 195 |
| | Other | 84% | 16% | 100% | 101 |
| | Property | 67% | 33% | 100% | 245 |
| | Violent | 81% | 19% | 100% | 191 |
| **Total** | | **72%** | **28%** | **100%** | **1,128** |

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, 21% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Hispanics were more likely to get revoked (34% compared to 21% overall).  Table 3-38 presents revocations in juvenile court by gender. Females were revoked at

a rate of 20% compared to 22% for males. Comparing across crime types, those with Property crimes were most likely to be revoked (30% of females and 33% of males).

*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 |
|---|---|---|---|---|---|
| **Black/African Am** | | **86%** | **14%** | **100%** | **7** |
| | Other | 0% | 100% | 100% | 1 |
| | Property | 100% | 0% | 100% | 2 |
| | Violent | 100% | 0% | 100% | 4 |
| **Hispanic*** | | **66%** | **34%** | **100%** | **74** |
| | Drugs | 100% | 0% | 100% | 2 |
| | Other | 79% | 21% | 100% | 19 |
| | Property | 48% | 52% | 100% | 29 |
| | Violent | 75% | 25% | 100% | 24 |
| **Other** | | **100%** | **0%** | **100%** | **5** |
| | Property | 100% | 0% | 100% | 2 |
| | Violent | 100% | 0% | 100% | 3 |
| **White** | | **96%** | **4%** | **100%** | **45** |
| | Drugs | 100% | 0% | 100% | 2 |
| | Other | 100% | 0% | 100% | 7 |
| | Property | 90% | 10% | 100% | 20 |
| | Violent | 100% | 0% | 100% | 16 |
| **Total** | | **79%** | **21%** | **100%** | **131** |

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** | | **80%** | **20%** | **100%** | **35** |
| | Drugs | 100% | 0% | 100% | 1 |
| | Other | 80% | 20% | 100% | 5 |
| | Property | 70% | 30% | 100% | 10 |
| | Violent | 84% | 16% | 100% | 19 |
| **Male** | | **78%** | **22%** | **100%** | **96** |
| | Drugs | 100% | 0% | 100% | 3 |
| | Other | 82% | 18% | 100% | 22 |
| | Property | 67% | 33% | 100% | 43 |
| | Violent | 89% | 11% | 100% | 28 |
| **Total** | | **79%** | **21%** | **100%** | **131** |

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

**Summary: Revocations.** Cases sentenced in 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here. **Note that these are cases, not individuals** and, as previously mentioned, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to

inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

In addition, not all revocations result in termination from supervision. In 2018, 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, 14% of cases receiving a probation/deferred judgment in county court in 2018 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (19% compared to 14% overall). Across race/ethnicity categories, those with Violent cases generally were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (12% compared to 15%, respectively).  Women were more likely to be revoked for Property offenses while men were more likely to be revoked for Violent offenses.

Revocations from probation/deferred judgments occurred more frequently in district court (28%) compared to county court (14%) in 2018. Hispanics were slightly more likely to be revoked (29% compared to 28% overall). Those with Drug offenses generally were most likely to be revoked. Women were more likely than men to get revoked (31% compared to 27%).

In juvenile court, 21% of cases sentenced to probation/deferred judgment in 2018 were revoked. Hispanics were more likely to get revoked (34% compared to 21% overall).  Females were revoked at a rate of 20% compared to 22% for males. Comparing across crime types, those with Property crimes were most likely to be revoked (30% of females and 33% of males).

# Appendix A

## NIBRS Group A Arrest Crimes

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

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

# Appendix B

## Most serious filing/conviction charge categories

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

**Arson** - 1st - 4th degree arson

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

**Drug Poss** - drug possession, paraphernalia possession

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

**Escape**

**Extortion**

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

**Forgery**

**Fraud**

**Homicide** - 1st and 2nd degree murder

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

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

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

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

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

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

# Appendix C

## Statistical Model for Classifying Hispanic Ethnicity

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

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

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

The variables provided to the model included:

1. Hispanic ethnicity of the person's last name using the Census Bureau's Hispanic names list

2. Gender

3. Proportion of court cases in which the person is labeled Hispanic

4. Proportion of court cases in which the person is labeled Native American

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

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