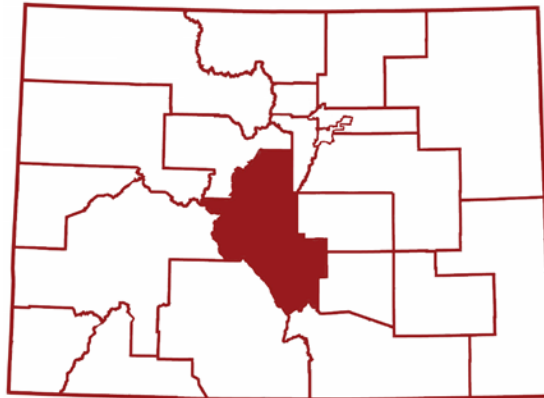


# CLEAR ACT: 2018

## Community Law Enforcement Action Reporting Act

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### 11<sup>th</sup> Judicial District



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

Age Group	Race/Ethnicity	Percent	Total
<b>Adult</b>		<b>91%</b>	<b>76,370</b>
	Black/African American	3%	2,397
	Hispanic	10%	7,941
	Other	2%	1,755
	White	84%	64,277
<b>Juvenile</b>		<b>9%</b>	<b>7,297</b>
	Black/African American	2%	113
	Hispanic	13%	923
	Other	2%	170
	White	83%	6,091
<b>Total</b>		<b>100%</b>	<b>83,667</b>

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>



## Table of Contents

Preface .....	4
Executive Summary .....	5
Section 1: Introduction .....	10
Background and overview .....	10
Data sources .....	11
Section 2: Law Enforcement Data .....	14
Arrest/summons .....	14
Section 3: Court Case Processing.....	20
Case Filings .....	20
Overall .....	20
Court type .....	22
Trials .....	24
Case Outcomes .....	25
Initial Sentences.....	28
County court .....	28
District court .....	32
Juvenile court.....	35
Revocations .....	39
County court .....	39
Adult district court.....	40
Juvenile Court .....	42
Appendix A.....	44
NIBRS Group A Arrest Crimes .....	44
Appendix B.....	46
Most serious filing/conviction charge categories.....	46
Appendix C.....	47
<b>Statistical Model for Classifying Hispanic Ethnicity .....</b>	<b>47</b>

## 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 the 11<sup>th</sup> Judicial District for calendar year 2018.

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](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,<sup>1</sup> 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 the 11<sup>th</sup> Judicial District for calendar year 2018.

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,<sup>2</sup> 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 in the 11<sup>th</sup> Judicial District of those ages 10 and above was 83,667. The adult population was comprised as follows:

- White, 84%;
- Black, 3%;
- Hispanic, 10%; and
- Other, 2%.

The juvenile population was comprised as follows:

- White, 83%;
- Black, 2%;
- Hispanic, 13%; 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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<sup>1</sup> 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).

<sup>2</sup> 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<sup>3</sup>. 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 3,400 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 8% of all arrests/summonses while Violent crimes accounted for 16% of arrests/summonses, Property offenses accounted for 9% of arrests/summonses, and the remainder of arrests/summonses (66%) fell into the Other crime category. Black/African Americans represented 2% of the population in 2018 and accounted for 3% of arrests/summonses. Hispanics represented 11% of the population and 14% of arrests/summonses. Females were more likely to be arrested for Drug offenses than the other offense categories. Drug and Violent crimes were less likely than the other crime categories to result in a summons.

**Court filings.** This study of more than 2,600 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 3% of the population and 3% 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% Black/African American juveniles in the population. Hispanic adults made up 10% of the adult population but had 16% of district court filings in 2018. In terms of gender, 24% of filings were females and 76% were males. Females were more likely to have cases in juvenile court (30%) compared to adult district court (21%) and county court (26%). Less than 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

**Court case outcomes.** Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 38% of cases in county court were dismissed, as were 15% of cases in district court and 47% of cases in juvenile court. One-fifth (20%) of county court cases were convicted as charged compared to 18% in district court and

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

29% in juvenile court. Almost one-quarter (22%) of county court cases were convicted of a different charge, as were almost half (45%) of district court cases, and 18% of juvenile court cases. In county court, Black/African Americans were unlikely to be convicted as charged (8% compared to 20% overall) and were much more likely to have a case in the not yet resolved category (38% compared to 20% overall). In district court, unlike county court, Black/African Americans were more likely to be convicted as charged (24% compared to 18% overall). While overall 23% of district court cases were not yet resolved, 38% of Black/African American cases fell into this category. In juvenile court, Black/African Americans were more likely to be convicted as charged (40% compared to 29% overall), however the few Black/African American cases (n=5) means this information should be interpreted with caution.

**Initial court sentences.** The analyses undertaken reflect 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, in 2018, 19% of county court cases, 36% of district court cases, and 39% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the initial sentence.

In county court, 22% of cases received a deferred judgment, 21% received fines/fees, and 25% received a jail sentence. The majority of Drug cases received community service (n=7) or fines/fees (n=20). The majority of sentences (27%) were to probation supervision and, of these, 45% were violent offenses. Women were considerably more likely than men to receive a deferred judgment in county court (34% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (28% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (28% compared to 25% for women). Those in the Other race/ethnicity category were more likely to receive a deferred judgment (70% compared to 22% overall) but the few cases in the Other race/ethnicity category (n=10) means this information should be interpreted with caution. Half (50%) of the Black/African American cases received a jail sentence compared to 25% overall, however, the few cases (n=14) means this information must be interpreted with caution. Nevertheless, none of the Black/African Americans received a deferred judgment compared to 22% overall.

In district court, probation was the most frequently occurring initial sentence, happening half (54%) of the time and in 61% of Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 9% of Drug cases, 28% of Other cases, 13% of Property cases, and 33% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 11% of cases and were most likely to be imposed in Drug cases (14%), and least likely to be imposed in Other cases (7%). Women were much more likely to receive a deferred judgment compared to men (19% versus 9%, respectively), and more likely to be granted probation (65% compared to 51% for men). Women were less likely to receive a jail sentence (7%) compared to men (11%), and also considerably less likely to receive a prison sentence compared to men (6% compared to 25%). Nearly half of initial sentences for Black/African Americans (46%) and Hispanics (49%) were to the Department of Corrections, compared to 21% overall. In fact, across crime types, Hispanics were much more likely than

Whites to receive a sentence to the Department of Corrections. Hispanics were also less likely to receive a deferred judgment (5% compared to 11% overall).

In juvenile court, across crime types, the most frequently occurring sentence was a deferred judgment (54%). Drug cases and Other offenses were most likely to receive a deferred judgment (75% and 63%, respectively), but note that there were a total of only 12 of these cases. The second most frequently occurring sentence was probation supervision (30%). Females were very slightly more likely to receive a deferred judgment than males (55% versus 53%, respectively), and less likely to receive a sentence to the Division of Youth Services (0% compared to 5%, respectively). Across race/ethnicity categories, Black/African Americans were considerably less likely to receive a deferred judgment (40% compared to 54% overall) more likely to receive an initial sentence to the Division of Youth Services (20% compared to 4% overall). However, the few Black/African American cases (n=5) means this 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. **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.

In county court, 18% of cases receiving a probation/deferred judgment in 2018 were revoked. Hispanics were slightly more likely to be revoked compared to the overall revocation rate (22% compared to 18% overall). Note that the small number of cases in many of the categories means that this information should be interpreted with caution. Females in county court were less likely to get revoked than males (15% compared to 19%, respectively). The pattern of revocations across offense type varies considerably, and findings with few cases should be interpreted with caution. For example, 67% of men with Drug offenses were revoked, however, the total number of cases is only 3 (n=3).

Revocations from probation/deferred judgments occurred more frequently in district court (25%) compared to county court (18%) in 2018. Hispanics and Whites with Property offenses were most likely to be revoked (36% and 34%, respectively, compared to 25% overall). Women were less likely to be revoked compared to men (16% and 29%, respectively), and men with Drug charges were most likely to be revoked (38% compared to 25% overall).

In juvenile court, 4% of cases sentenced to probation/deferred judgment in 2018 were revoked. Whites were most likely to get revoked (6% compared to 4% overall) and Whites with Violent offenses were revoked at a rate of 14% compared to 4% overall. In juvenile court, none of the



females were revoked (n=8) and only 5% of males (n=1) were revoked. The few cases make interpretation difficult.

**Overall summary.** In 2018, Black/African Americans represented 2% of the population in 2018 and accounted for 3% of arrests/summons and 4% of district court filings. Hispanics represented 11% of the population and 14% of arrests/summons and 16% of district court filings. In juvenile court, Black/African Americans represented 4% of cases, compared to 2% Black/African American juveniles in the population, and Hispanics represented 19% of case filings compared to 13% of Hispanic youth in the population.

In county court, 22% of cases received a deferred judgment, 21% received fines/fees, and 25% received a jail sentence. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (70% compared to 22% overall) but the few cases in the Other race/ethnicity category (n=10) means this information should be interpreted with caution. Half (50%) of the Black/African American cases received a jail sentence compared to 25% overall, however, the few cases (n=14) means this information must be interpreted with caution. Nevertheless, none of the Black/African Americans received a deferred judgment compared to 22% overall.

In district court, nearly half of initial sentences for Black/African Americans (46%) and Hispanics (49%) were to the Department of Corrections, compared to 21% overall. In fact, across crime types, Hispanics were much more likely than Whites to receive a sentence to the Department of Corrections. Hispanics were also less likely to receive a deferred judgment (5% compared to 11% overall).

In juvenile court, across crime types, the most frequently occurring sentence was a deferred judgment (54%). Across race/ethnicity categories, Black/African Americans were considerably less likely to receive a deferred judgment (40% compared to 54% overall) more likely to receive an initial sentence to the Division of Youth Services (20% compared to 4% overall). However, the few Black/African American cases (n=5) means this information must be interpreted with caution.

In terms of revocations, in county court, 18% of cases receiving a probation/deferred judgment in 2018 were revoked. Hispanics were slightly more likely to be revoked compared to the overall revocation rate (22% compared to 18% overall). In district court, Hispanics and Whites with Property offenses were most likely to be revoked (36% and 34%, respectively, compared to 25% overall). Women were less likely to be revoked compared to men (16% and 29%, respectively), and men with Drug charges were most likely to be revoked (38% compared to 25% overall). In juvenile court, 4% of cases sentenced to probation/deferred judgment in 2018 were revoked. Whites were most likely to get revoked (6% compared to 4% overall) and Whites with Violent offenses were revoked at a rate of 14% compared to 4% overall. In juvenile court, none of the females were revoked (n=8) and only 5% of males (n=1) were revoked. The few cases make interpretation difficult.

## 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,<sup>4</sup> 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>

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

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<sup>4</sup> 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).

an overall predictive accuracy of 94%. This model was used with both arrest and court data.<sup>5</sup> 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 for the 11<sup>th</sup> Judicial District in 2018 for residents ages 10 and over was 83,667 and was comprised as follows:

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

Age Group	Race/Ethnicity	Percent	Total
<b>Adult</b>		<b>91%</b>	<b>76,370</b>
	Black/African American	3%	2,397
	Hispanic	10%	7,941
	Other	2%	1,755
	White	84%	64,277
<b>Juvenile</b>		<b>9%</b>	<b>7,297</b>
	Black/African American	2%	113
	Hispanic	13%	923
	Other	2%	170
	White	83%	6,091
<b>Total</b>		<b>100%</b>	<b>83,667</b>

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

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

<sup>5</sup> The S.B. 15-185 report published in 2017 (of 2016 data) used NIBRS arrest data to identify race/ethnicity in the court data.

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into “Other.”<sup>6</sup> Per the CLEAR Act, the data presented here includes information concerning arrests classified as *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). More than 3,400 NIBRS incidents were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	58%	1,962
On-view/probable cause	27%	903
Summons	16%	537
<b>Total</b>	<b>100%</b>	<b>3,402</b>

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.<sup>7</sup> 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	36%	954
County	59%	1,548
Juvenile	5%	121
<b>Total</b>	<b>100%</b>	<b>2,623</b>

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 2,600 **cases not individuals**. Individuals may have multiple, concurrent cases,<sup>8</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> Denver County Court is not part of ICON.

<sup>8</sup> This study found that, in 2018 statewide, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes.

The crime information analyzed for this study reflects the most serious filing or conviction charge for 24 offense categories<sup>9</sup> which, for the analysis presented in this document, have been collapsed into four categories: Drug, Other, Property and Violent.<sup>10</sup> 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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<sup>9</sup> The 24 offense categories are summarized from hundreds of criminal statutes.

<sup>10</sup> Note that all offenses include attempts, solicitations, and conspiracies.

## Section 2: Law Enforcement Data

### Arrest/summons

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

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

Crime type	Percent	Total
Drugs	8%	278
Other	66%	2,256
Property	9%	308
Violent	16%	560
<b>Total</b>	<b>100%</b>	<b>3,402</b>

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

Table 2-2 reflects over 3,400 arrests/summons captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 3% of the population in 2018 and accounted for 3% of arrests/summons. Hispanics represented 11% of the population and accounted for 14% of arrests. The Other race/ethnicity category represented 2% of population, and were underrepresented in arrests (<1%), as were Whites, who represented 84% of the population and 83% of arrests/summons.

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

Race/Ethnicity	Percent	Total
Black/African American	3%	93
Hispanic*	14%	484
Other	<1%	14
White	83%	2,811
<b>Total</b>	<b>100%</b>	<b>3,402</b>

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 7% of on view/probable cause arrests, and that 40% of those arrests were for Violent crimes. Juveniles accounted for 5% of custody/warrant arrests (Table 2-4) and 15% of summonses (Table 2-5). Not surprisingly, juveniles with Violent offenses and adults with Drug offenses were least likely to result in a summons (10% and 5%, respectively) (Table 2-5).

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

Age Group	Crime type	Percent	Total
<b>Adult</b>		<b>93%</b>	<b>836</b>
	Drugs	8%	68
	Other	55%	463
	Property	5%	38
	Violent	32%	267
<b>Juvenile</b>		<b>7%</b>	<b>67</b>
	Drugs	6%	4
	Other	48%	32
	Property	6%	4
	Violent	40%	27
<b>Total</b>		<b>100%</b>	<b>903</b>

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
<b>Adult</b>		<b>95%</b>	<b>1,869</b>
	Drugs	9%	160
	Other	74%	1,391
	Property	7%	134
	Violent	10%	184
<b>Juvenile</b>		<b>5%</b>	<b>93</b>
	Drugs	4%	4
	Other	74%	69
	Property	8%	7
	Violent	14%	13
<b>Total</b>		<b>100%</b>	<b>1,962</b>

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
<b>Adult</b>		<b>85%</b>	<b>456</b>
	Drugs	5%	25
	Other	58%	263
	Property	23%	107
	Violent	13%	61
<b>Juvenile</b>		<b>15%</b>	<b>81</b>
	Drugs	21%	17
	Other	47%	38
	Property	22%	18
	Violent	10%	8
<b>Total</b>		<b>100%</b>	<b>537</b>

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

Combining juveniles and adults, the following three tables show type of arrest/summons by offense type, disaggregated by race/ethnicity. First, Table 2-6 shows that 8% of probable cause arrests were for Drug related offenses, 55% were for Other offenses, 5% for Property offenses, and 33% for Violent offenses. While Black/African Americans made up 3% of the population, Table 2-6 shows that they were arrested at three to four times that rate when the offense was Violent (11%). Hispanics represented 11% of the population but 22% of probable cause arrests for Violent offenses were Hispanics.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Over 70% of these arrests involved an offense that fell into the Other category. Black/African Americans were most likely to receive this type of arrest when the offense fell into the Other crime category (n=25), as were Hispanics (n=188).

Table 2-8 shows that summons were less likely to be issued for Violent and Drug offenses (13% and 8%, respectively) compared to Other (56%) and Property (23%) crimes.

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

<b>Crime type</b>	<b>Race/Ethnicity</b>	<b>Percent</b>	<b>Total</b>
<b>Drugs</b>		<b>8%</b>	<b>72</b>
	Black/African American	4%	3
	Hispanic*	14%	10
	Other	1%	1
	White	81%	58
<b>Other</b>		<b>55%</b>	<b>495</b>
	Black/African American	4%	18
	Hispanic*	18%	88
	Other	<1%	2
	White	78%	387
<b>Property</b>		<b>5%</b>	<b>42</b>
	Hispanic*	7%	3
	White	93%	39
<b>Violent</b>		<b>33%</b>	<b>294</b>
	Black/African American	11%	33
	Hispanic*	22%	66
	Other	<1%	1
	White	66%	194
<b>Total</b>		<b>100%</b>	<b>903</b>

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
<b>Drugs</b>		<b>8%</b>	<b>164</b>
	Black/African American	<1%	1
	Hispanic*	10%	17
	White	89%	146
<b>Other</b>		<b>74%</b>	<b>1,460</b>
	Black/African American	2%	25
	Hispanic*	13%	188
	Other	<1%	8
	White	85%	1,239
<b>Property</b>		<b>7%</b>	<b>141</b>
	Black/African American	<1%	1
	Hispanic*	14%	20
	White	85%	120
<b>Violent</b>		<b>10%</b>	<b>197</b>
	Black/African American	2%	3
	Hispanic*	9%	18
	White	89%	176
<b>Total</b>		<b>100%</b>	<b>1,962</b>

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
<b>Drugs</b>		<b>8%</b>	<b>42</b>
	Black/African American	5%	2
	Hispanic*	12%	5
	White	83%	35
<b>Other</b>		<b>56%</b>	<b>301</b>
	Black/African American	<1%	2
	Hispanic*	12%	36
	Other	<1%	2
	White	87%	261
<b>Property</b>		<b>23%</b>	<b>125</b>
	Black/African American	2%	2
	Hispanic*	18%	22
	White	81%	101
<b>Violent</b>		<b>13%</b>	<b>69</b>
	Black/African American	4%	3
	Hispanic*	16%	11
	White	80%	55
<b>Total</b>		<b>100%</b>	<b>537</b>

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 17-35% of arrests and 28-39% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be arrested for Drug crimes and summonsed for Violent offenses.

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

Crime type	Gender	Percent	Total
<b>Drugs</b>		<b>8%</b>	<b>72</b>
	Female	35%	25
	Male	65%	47
<b>Other</b>		<b>55%</b>	<b>495</b>
	Female	23%	113
	Male	77%	382
<b>Property</b>		<b>5%</b>	<b>42</b>
	Female	17%	7
	Male	83%	35
<b>Violent</b>		<b>33%</b>	<b>294</b>
	Female	26%	75
	Male	74%	219
<b>Total</b>		<b>100%</b>	<b>903</b>

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
<b>Drugs</b>		<b>8%</b>	<b>164</b>
	Female	35%	58
	Male	65%	106
<b>Other</b>		<b>74%</b>	<b>1,460</b>
	Female	29%	419
	Male	71%	1,041
<b>Property</b>		<b>7%</b>	<b>141</b>
	Female	25%	35
	Male	75%	106
<b>Violent</b>		<b>10%</b>	<b>197</b>
	Female	23%	45
	Male	77%	152
<b>Total</b>		<b>100%</b>	<b>1,962</b>

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
<b>Drugs</b>		<b>8%</b>	<b>42</b>
	Female	24%	10
	Male	76%	32
<b>Other</b>		<b>56%</b>	<b>301</b>
	Female	28%	84
	Male	72%	217
<b>Property</b>		<b>23%</b>	<b>125</b>
	Female	34%	43
	Male	66%	82
<b>Violent</b>		<b>13%</b>	<b>69</b>
	Female	39%	27
	Male	61%	42
<b>Total</b>		<b>100%</b>	<b>537</b>

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 3,400 arrests/summons. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summons for Drug offenses accounted for 8% of all arrests/summons while Violent crimes accounted for 16% of arrests/summons, Property offenses accounted for 9% of arrests/summons, and the remainder of arrests/summons (66%) fell into the Other crime category. Black/African Americans represented 2% of the population in 2018 and accounted for 3% of arrests/summons. Hispanics represented 11% of the population and 14% of arrests/summons. Females were more likely to be arrested for Drug offenses than the other offense categories. Drug and Violent crimes were less likely than the other crime categories to result in a summons.

## Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide, with the exception of Denver County Court.<sup>11</sup> 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,<sup>12</sup> 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 include attempts, solicitations, and conspiracies.*

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

### Case Filings

#### Overall

Table 3-1 depicts race/ethnicity distribution for 2,623 case filings in county, adult district, and juvenile courts combined for calendar year 2018 in the 11<sup>th</sup> Judicial District. Black/African Americans represented 3% of the population and 3% of the arrests/summonses in 2018, and they accounted for 3% of court filings. Hispanics represented 11% of the population, 14% of arrests/summonses, and 15% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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<sup>11</sup> Denver County Court is not part of the statewide Judicial data management system.

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

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

<b>Race/Ethnicity</b>	<b>Percent</b>	<b>Total</b>
Black/African American	3%	66
Hispanic*	15%	385
Other	3%	78
White	80%	2,094
<b>Total</b>	<b>100%</b>	<b>2,623</b>

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 35% of charges filed. The race/ethnicity distribution is generally consistent across crime types with the exception of the Other offense type where Hispanics represented 18% of these cases while representing 11% of the population.

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

<b>Crime type</b>	<b>Race/Ethnicity</b>	<b>Percent</b>	<b>Total</b>
<b>Drugs</b>		<b>12%</b>	<b>320</b>
	Black/African American	3%	9
	Hispanic*	15%	48
	Other	2%	5
	White	81%	258
<b>Other</b>		<b>31%</b>	<b>821</b>
	Black/African American	4%	30
	Hispanic*	18%	144
	Other	3%	24
	White	76%	623
<b>Property</b>		<b>21%</b>	<b>556</b>
	Black/African American	2%	9
	Hispanic*	14%	80
	Other	2%	10
	White	82%	457
<b>Violent</b>		<b>35%</b>	<b>926</b>
	Black/African American	2%	18
	Hispanic*	12%	113
	Other	4%	39
	White	82%	756
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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, 24% of filings were females and 76% were males. Females were more likely than men to be involved in Property crimes (23% compared to 21%, respectively) and Drug crimes (18% compared to 10%, respectively) and less to be involved in Violent offenses (31% compared to 37%, respectively).

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

Gender	Crime type	Percent	Total
<b>Female</b>		<b>24%</b>	<b>638</b>
	Drugs	18%	112
	Other	29%	185
	Property	23%	146
	Violent	31%	195
<b>Male</b>		<b>76%</b>	<b>1,985</b>
	Drugs	10%	208
	Other	32%	636
	Property	21%	410
	Violent	37%	731
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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

## Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court had the most cases in 2018, with 59% of the total. Black/African Americans represented 2% of county court cases filed compared to 4% in adult district court and 4% in juvenile court. Hispanics represented 14% of county court filings, 16% of district court filings, and 19% of juvenile court filings in 2018.

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

Court	Race/Ethnicity	Percent	Total
<b>Adult District</b>		<b>36%</b>	<b>954</b>
	Black/African American	4%	37
	Hispanic*	16%	151
	Other	2%	23
	White	78%	743
<b>County</b>		<b>59%</b>	<b>1,548</b>
	Black/African American	2%	24
	Hispanic*	14%	211
	Other	3%	46
	White	82%	1,267
<b>Juvenile</b>		<b>5%</b>	<b>121</b>
	Black/African American	4%	5
	Hispanic*	19%	23
	Other	7%	9
	White	69%	84
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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. Over one-third (39%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (17%), Drug cases (5%) and Other (38%) comprised the remainder of cases in county court. In district court, the offense types are nearly equally distributed, and in juvenile court, half (48%) of the cases were Violent offenses. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in juvenile court (30%) compared to adult district court (21%) and county court (26%).

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

Court	Crime type	Percent	Total
<b>Adult District</b>		<b>36%</b>	<b>954</b>
	Drugs	25%	234
	Other	22%	211
	Property	26%	251
	Violent	27%	258
<b>County</b>		<b>59%</b>	<b>1,548</b>
	Drugs	5%	73
	Other	38%	595
	Property	17%	270
	Violent	39%	610
<b>Juvenile</b>		<b>5%</b>	<b>121</b>
	Drugs	11%	13
	Other	12%	15
	Property	29%	35
	Violent	48%	58
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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
<b>Adult District</b>		<b>36%</b>	<b>954</b>
	Female	21%	200
	Male	79%	754
<b>County</b>		<b>59%</b>	<b>1,548</b>
	Female	26%	402
	Male	74%	1,146
<b>Juvenile</b>		<b>5%</b>	<b>121</b>
	Female	30%	36
	Male	70%	85
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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

## Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial (<1%). Table 3-8 combines information across court types and shows the number of trials completed by offense type. Cases with a Violent offense were most likely to complete a trial (n=6).

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

Court	Completed Trial	Percent	Total
<b>Adult District</b>		<b>36%</b>	<b>954</b>
	No	100%	952
	Yes	<1%	2
<b>County</b>		<b>59%</b>	<b>1,548</b>
	No	99%	1,538
	Yes	<1%	10
<b>Juvenile</b>		<b>5%</b>	<b>121</b>
	No	100%	121
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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
<b>Drugs</b>		<b>12%</b>	<b>320</b>
	No	100%	320
<b>Other</b>		<b>31%</b>	<b>821</b>
	No	100%	819
	Yes	<1%	2
<b>Property</b>		<b>21%</b>	<b>556</b>
	No	99%	552
	Yes	<1%	4
<b>Violent</b>		<b>35%</b>	<b>926</b>
	No	99%	920
	Yes	<1%	6
<b>Total</b>		<b>100%</b>	<b>2,623</b>

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

**Summary: Filings.** This study of more than 2,600 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 3% of the population and 3% of the arrests/summons in 2018, they accounted for 4% of district court filings. In juvenile court, Black/African Americans represented 4% of cases, compared to 2% Black/African American juveniles in the population. Hispanic adults made up 10% of the adult population but had 16% of district court filings in 2018. In terms of gender, 24% of filings were females and 76% were males. Females were more likely to have cases in juvenile court (30%) compared to adult district court (21%) and county court (26%). Less than 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.



## Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2018. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, overall, in over one-third (38%) 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 20% of cases were convicted as charged, and one-quarter (20%) were convicted of another crime. Black/African Americans were unlikely to be convicted as charged (8% compared to 20% overall) and were much more likely to have a case in the not yet resolved category (38% compared to 20% overall).

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
<b>Black/African American</b>		<b>8%</b>	<b>29%</b>	<b>25%</b>	<b>38%</b>	<b>100%</b>	<b>24</b>
	Drugs	0%	0%	100%	0%	100%	2
	Other	0%	50%	8%	42%	100%	12
	Property	20%	0%	40%	40%	100%	5
	Violent	20%	20%	20%	40%	100%	5
<b>Hispanic*</b>		<b>17%</b>	<b>21%</b>	<b>37%</b>	<b>24%</b>	<b>100%</b>	<b>211</b>
	Drugs	42%	17%	33%	8%	100%	12
	Other	13%	26%	41%	20%	100%	94
	Property	20%	20%	30%	30%	100%	40
	Violent	17%	17%	37%	29%	100%	65
<b>Other</b>		<b>13%</b>	<b>11%</b>	<b>46%</b>	<b>30%</b>	<b>100%</b>	<b>46</b>
	Drugs	0%	0%	100%	0%	100%	1
	Other	0%	15%	35%	50%	100%	20
	Property	20%	0%	80%	0%	100%	5
	Violent	25%	10%	45%	20%	100%	20
<b>White</b>		<b>21%</b>	<b>22%</b>	<b>38%</b>	<b>18%</b>	<b>100%</b>	<b>1,267</b>
	Drugs	34%	10%	40%	16%	100%	58
	Other	18%	25%	36%	21%	100%	469
	Property	30%	18%	35%	17%	100%	220
	Violent	20%	22%	42%	16%	100%	520
<b>Total</b>		<b>20%</b>	<b>22%</b>	<b>38%</b>	<b>20%</b>	<b>100%</b>	<b>1,548</b>

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

Table 3-10 reflects case outcomes for district court in 2018. Fourteen percent (15%) of cases filed in district court had all charges dismissed (fewer than 1% of those in this category were not guilty). Unlike county court, Black/African Americans were more likely be convicted as charged (24% compared to 18% overall). While overall 23% of district court cases were not yet resolved, 38% of Black/African American cases fell into this category.

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

Race/ Ethnicity	Crime type	Convicted as charged	Convicted other crime	Dismissed /not guilty	Not yet resolved/ case closed	Total	Total N
<b>Black/African American</b>		<b>24%</b>	<b>27%</b>	<b>11%</b>	<b>38%</b>	<b>100%</b>	<b>37</b>
	Drugs	33%	67%	0%	0%	100%	6
	Other	22%	11%	22%	44%	100%	18
	Property	50%	0%	0%	50%	100%	4
	Violent	11%	44%	0%	44%	100%	9
<b>Hispanic*</b>		<b>17%</b>	<b>48%</b>	<b>16%</b>	<b>19%</b>	<b>100%</b>	<b>151</b>
	Drugs	6%	69%	9%	16%	100%	32
	Other	26%	36%	20%	18%	100%	50
	Property	10%	52%	24%	14%	100%	29
	Violent	20%	43%	10%	28%	100%	40
<b>Other</b>		<b>4%</b>	<b>43%</b>	<b>4%</b>	<b>48%</b>	<b>100%</b>	<b>23</b>
	Drugs	0%	67%	0%	33%	100%	3
	Other	0%	67%	0%	33%	100%	3
	Property	0%	33%	33%	33%	100%	3
	Violent	7%	36%	0%	57%	100%	14
<b>White</b>		<b>18%</b>	<b>45%</b>	<b>15%</b>	<b>22%</b>	<b>100%</b>	<b>743</b>
	Drugs	15%	61%	10%	14%	100%	193
	Other	26%	27%	16%	30%	100%	140
	Property	13%	50%	17%	20%	100%	215
	Violent	20%	36%	16%	28%	100%	195
<b>Total</b>		<b>18%</b>	<b>45%</b>	<b>15%</b>	<b>23%</b>	<b>100%</b>	<b>954</b>

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 47% of cases filed, while 29% of cases were convicted as charged and 18% were convicted of a different crime. Black/African Americans were more likely to be convicted as charged (40% compared to 29% overall), however the few Black/African American cases (n=5) means this information should be interpreted with caution.

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	Total N
<b>Black/African American</b>		<b>40%</b>	<b>20%</b>	<b>40%</b>	<b>0%</b>	<b>100%</b>	<b>5</b>
	Drugs	0%	0%	100%	0%	100%	1
	Other	0%	0%	0%	0%	0%	0
	Property	0%	0%	0%	0%	0%	0
	Violent	50%	25%	25%	0%	100%	4
<b>Hispanic*</b>		<b>26%</b>	<b>22%</b>	<b>52%</b>	<b>0%</b>	<b>100%</b>	<b>23</b>
	Drugs	0%	25%	75%	0%	100%	4
	Other	0%	0%	0%	0%	0%	0
	Property	27%	18%	55%	0%	100%	11
	Violent	38%	25%	38%	0%	100%	8
<b>Other</b>		<b>11%</b>	<b>0%</b>	<b>78%</b>	<b>11%</b>	<b>100%</b>	<b>9</b>
	Drugs	0%	0%	100%	0%	100%	1
	Other	0%	0%	100%	0%	100%	1
	Property	0%	0%	100%	0%	100%	2
	Violent	20%	0%	60%	20%	100%	5
<b>White</b>		<b>31%</b>	<b>19%</b>	<b>43%</b>	<b>7%</b>	<b>100%</b>	<b>84</b>
	Drugs	43%	14%	43%	0%	100%	7
	Other	29%	14%	50%	7%	100%	14
	Property	9%	32%	45%	14%	100%	22
	Violent	41%	15%	39%	5%	100%	41
<b>Total</b>		<b>29%</b>	<b>18%</b>	<b>47%</b>	<b>6%</b>	<b>100%</b>	<b>121</b>

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, 38% of cases in county court were dismissed, as were 15% of cases in district court and 47% of cases in juvenile court. One-fifth (20%) of county court cases were convicted as charged compared to 18% in district court and 29% in juvenile court. Almost one-quarter (22%) of county court cases were convicted of a different charge, as were almost half (45%) of district court cases, and 18% of juvenile court cases. In county court, Black/African Americans were unlikely to be convicted as charged (8% compared to 20% overall) and were much more likely to have a case in the not yet resolved category (38% compared to 20% overall). In district court, unlike county court, Black/African

Americans were more likely be convicted as charged (24% compared to 18% overall). While overall 23% of district court cases were not yet resolved, 38% of Black/African American cases fell into this category. In juvenile court, Black/African Americans were more likely to be convicted as charged (40% compared to 29% overall), however the few Black/African American cases (n=5) means this information should be interpreted with caution.

## Initial Sentences

The tables below show cases sentenced between Jan 1, 2018 and Dec 31, 2018, in county court, district court, and juvenile court in the 11<sup>th</sup> Judicial District. These cases are not necessarily the same cases in the **Case Filings** section above. Also, because these data represent cases, not individuals, the number of individuals sentenced to the Department of Corrections (DOC) or the Division of Youth Services (DYS) will not match the number reported as admissions by these agencies.

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

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

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

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

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

## County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in 2018. In county court, 22% of cases received a deferred judgment, 21% received fines/fees, and 25% received a jail sentence. The majority of Drug cases received community

service (n=7) or fines/fees (n=20). The majority of sentences (27%) were to probation supervision and, of these, 45% were violent offenses.

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

Sentence	Crime type	Percent	Total
<b>Community Service</b>		<b>2%</b>	<b>15</b>
	Drugs	47%	7
	Other	40%	6
	Property	7%	1
	Violent	7%	1
<b>Deferred</b>		<b>22%</b>	<b>146</b>
	Other	27%	39
	Property	19%	28
	Violent	54%	79
<b>Fines/fees</b>		<b>21%</b>	<b>141</b>
	Drugs	14%	20
	Other	52%	73
	Property	24%	34
	Violent	10%	14
<b>Jail</b>		<b>25%</b>	<b>168</b>
	Drugs	1%	2
	Other	39%	66
	Property	30%	51
	Violent	29%	49
<b>Probation/Intensive Supervision</b>		<b>27%</b>	<b>180</b>
	Drugs	2%	4
	Other	39%	70
	Property	14%	25
	Violent	45%	81
<b>Unsupervised Probation</b>		<b>2%</b>	<b>11</b>
	Other	82%	9
	Property	9%	1
	Violent	9%	1
<b>Total</b>		<b>100%</b>	<b>661</b>

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 34% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (28% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (28% compared to 25% for women).

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

Sentence	Female	Male	Total
(N)	152	509	661
Community Service	2%	2%	2%
Deferred	34%	19%	22%
Fines/fees	24%	21%	21%
Jail	16%	28%	25%
Probation/Intensive Supervision	25%	28%	27%
Unsupervised Probation	0%	2%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (70% compared to 22% overall) but the few cases in the Other race/ethnicity category (n=10) means this information should be interpreted with caution. Half (50%) of the Black/African American cases received a jail sentence compared to 25% overall, however, the few cases (n=14) means this information must be interpreted with caution. Nevertheless, none of the Black/African Americans received a deferred judgment compared to 22% overall.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	14	80	10	557	661
Community Service	0%	9%	0%	1%	2%
Deferred	0%	23%	70%	22%	22%
Fines/fees	7%	16%	0%	23%	21%
Jail	50%	24%	10%	25%	25%
Probation/Intensive Supervision	43%	26%	20%	27%	27%
Unsupervised Probation	0%	3%	0%	2%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 cases in the sentencing categories means this information should be interpreted with caution.

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

Sentence	Hispanic*	White	Total
(N)	6	27	33
Community Service	50%	15%	21%
Fines/fees	50%	63%	61%
Jail	0%	7%	6%
Probation/Intensive Supervision	0%	15%	12%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans were much more likely to receive a jail sentence (71% compared to 25% overall) and much less likely to receive a deferred judgment (0% compared to 15%), however the few number of Black/African American cases (n=7) means this information should 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. It is difficult to interpret the information when there are few cases in some categories.

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)	7	33	1	222	263
Community Service	0%	9%	0%	1%	2%
Deferred	0%	18%	0%	15%	15%
Fines/fees	14%	24%	0%	29%	28%
Jail	71%	24%	100%	23%	25%
Probation/Intensive Supervision	14%	18%	0%	28%	27%
Unsupervised Probation	0%	6%	0%	3%	3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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)	2	14	1	123	140
Community Service	0%	0%	0%	<1%	<1%
Deferred	0%	14%	100%	20%	20%
Fines/fees	0%	7%	0%	27%	24%
Jail	50%	29%	0%	37%	36%
Probation/Intensive Supervision	50%	50%	0%	14%	18%
Unsupervised Probation	0%	0%	0%	<1%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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)	5	27	8	185	225
Community Service	0%	4%	0%	0%	<1%
Deferred	0%	37%	75%	34%	35%
Fines/fees	0%	4%	0%	7%	6%
Jail	20%	26%	0%	22%	22%
Probation/Intensive Supervision	80%	30%	25%	36%	36%
Unsupervised Probation	0%	0%	0%	<1%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 half (54%) of the time and in 61% of Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 9% of Drug cases, 28% of Other cases, 13% of Property cases, and 33% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 11% of cases and were most likely to be imposed in Drug cases (14%), and least likely to be imposed in Other cases (7%).

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	189	175	176	192	732
Community Corrections	1%	0%	2%	<1%	<1%
Community Service	0%	<1%	1%	0%	<1%
Deferred	14%	7%	13%	10%	11%
Dept of Corrections	9%	28%	13%	33%	21%
Fines/fees	3%	2%	3%	<1%	2%
Jail	12%	15%	9%	6%	11%
Probation/Intensive Supervision	61%	47%	59%	49%	54%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 (19% versus 9%, respectively), and more likely to be granted probation (65% compared to 51% for men). Women were less likely to receive a jail sentence (7%) compared to men (11%), and also considerably less likely to receive a prison sentence compared to men (6% compared to 25%).



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

Sentence	Female	Male	Total
(N)	162	570	732
Community Corrections	<1%	<1%	<1%
Community Service	<1%	<1%	<1%
Deferred	19%	9%	11%
Dept of Corrections	6%	25%	21%
Fines/fees	1%	2%	2%
Jail	7%	11%	11%
Probation/Intensive Supervision	65%	51%	54%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly half of initial sentences for Black/African Americans (46%) and Hispanics (49%) were to the Department of Corrections, compared to 21% overall. Hispanics were also less likely to receive a deferred judgment (5% compared to 11% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	26	114	20	572	732
Community Corrections	0%	<1%	0%	<1%	<1%
Community Service	0%	0%	0%	<1%	<1%
Deferred	15%	5%	20%	12%	11%
Dept of Corrections	46%	49%	30%	14%	21%
Fines/fees	0%	<1%	0%	3%	2%
Jail	12%	7%	10%	11%	11%
Probation/Intensive Supervision	27%	37%	40%	59%	54%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. The small number of cases in the non-White race/ethnicity categories makes it difficult to interpret the findings. Nevertheless, across crime types, Hispanics were much more likely than Whites to receive a sentence to the Department of Corrections (Tables 3-22, 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)	8	24	3	154	189
Community Corrections	0%	4%	0%	<1%	1%
Deferred	25%	13%	0%	14%	14%
Dept of Corrections	13%	21%	33%	6%	9%
Fines/fees	0%	0%	0%	3%	3%
Jail	13%	0%	0%	14%	12%
Probation/Intensive Supervision	50%	63%	67%	61%	61%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	6	31	4	134	175
Community Service	0%	0%	0%	<1%	<1%
Deferred	17%	0%	50%	7%	7%
Dept of Corrections	50%	58%	25%	20%	28%
Fines/fees	0%	0%	0%	3%	2%
Jail	33%	13%	25%	14%	15%
Probation/Intensive Supervision	0%	29%	0%	55%	47%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	4	25	2	145	176
Community Corrections	0%	0%	0%	2%	2%
Community Service	0%	0%	0%	1%	1%
Deferred	25%	8%	0%	13%	13%
Dept of Corrections	0%	44%	50%	8%	13%
Fines/fees	0%	4%	0%	3%	3%
Jail	0%	8%	0%	10%	9%
Probation/Intensive Supervision	75%	36%	50%	63%	59%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	8	34	11	139	192
Community Corrections	0%	0%	0%	<1%	<1%
Deferred	0%	3%	18%	12%	10%
Dept of Corrections	100%	65%	27%	22%	33%
Fines/fees	0%	0%	0%	<1%	<1%
Jail	0%	6%	9%	6%	6%
Probation/Intensive Supervision	0%	26%	45%	58%	49%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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. In juvenile court, across crime types, the most frequently occurring sentence was a deferred judgment (54%). Drug cases and Other offenses were most likely to receive a deferred judgment (75% and 63%, respectively), but note that there were a total of only 12 of these cases. The second most frequently occurring sentence was probation supervision (30%).

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	4	8	15	27	54
Community Service	0%	0%	0%	4%	2%
Deferred	75%	63%	53%	48%	54%
Division of Youth Services	0%	0%	7%	4%	4%
Juvenile Detention	0%	13%	7%	15%	11%
Probation/Intensive Supervision	25%	25%	33%	30%	30%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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 very slightly more likely to receive a deferred judgment than males (55% versus 53%, respectively), and less likely to receive a sentence to the Division of Youth Services (0% compared to 5%, respectively).

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

Sentence	Female	Male	Total
(N)	11	43	54
Community Service	0%	2%	2%
Deferred	55%	53%	54%
Division of Youth Services	0%	5%	4%
Juvenile Detention	27%	7%	11%
Probation/Intensive Supervision	18%	33%	30%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans were considerably less likely to receive a deferred judgment (40% compared to 54% overall) more likely to receive an initial sentence to the Division of Youth Services (20% compared to 4% overall). However, the few Black/African American cases (n=5) means this information must be interpreted with caution.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	5	9	5	35	54
Community Service	0%	0%	0%	3%	2%
Deferred	40%	78%	40%	51%	54%
Division of Youth Services	20%	0%	20%	0%	4%
Juvenile Detention	20%	11%	20%	9%	11%
Probation/Intensive Supervision	20%	11%	20%	37%	30%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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. The few cases in most categories makes it difficult to draw conclusions from this information.

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

Sentence	White	Total
(N)	4	4
Deferred	75%	75%
Probation/Intensive Supervision	25%	25%
<b>Total</b>	<b>100%</b>	<b>100%</b>

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

Sentence	Black/African Am	White	Total
(N)	1	7	8
Deferred	0%	71%	63%
Juvenile Detention	0%	14%	13%
Probation/Intensive Supervision	100%	14%	25%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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)	1	5	2	7	15
Deferred	0%	80%	50%	43%	53%
Division of Youth Services	0%	0%	50%	0%	7%
Juvenile Detention	100%	0%	0%	0%	7%
Probation/Intensive Supervision	0%	20%	0%	57%	33%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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)	3	4	3	17	27
Community Service	0%	0%	0%	6%	4%
Deferred	67%	75%	33%	41%	48%
Division of Youth Services	33%	0%	0%	0%	4%
Juvenile Detention	0%	25%	33%	12%	15%
Probation/Intensive Supervision	0%	0%	33%	41%	30%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

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

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

In county court, 22% of cases received a deferred judgment, 21% received fines/fees, and 25% received a jail sentence. The majority of Drug cases received community service (n=7) or fines/fees (n=20). The majority of sentences (27%) were to probation supervision and, of these, 45% were violent offenses. Women were considerably more likely than men to receive a deferred judgment in county court (34% compared to 19%, respectively). Men were more likely than women to receive a jail sentence (28% for men compared to 16% for women), and men were more likely to be granted an initial sentence to probation (28% compared to 25% for women). Those in the Other race/ethnicity category were more likely to receive a deferred judgment (70% compared to 22% overall) but the few cases in the Other race/ethnicity category (n=10) means this information should be interpreted with caution. Half (50%) of the Black/African American cases received a jail sentence compared to 25% overall, however, the few cases (n=14) means this information must be interpreted with caution. Nevertheless, none of the Black/African Americans received a deferred judgment compared to 22% overall.

In district court, probation was the most frequently occurring initial sentence, happening half (54%) of the time and in 61% of Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 9% of Drug cases, 28% of Other cases, 13% of Property cases, and 33% of Violent cases received a sentence to the Department of Corrections. Deferred judgments were imposed in 11% of cases and were most likely to be imposed in Drug cases (14%), and least likely to be imposed in Other cases (7%). Women were much more likely to receive a deferred judgment compared to men (19% versus 9%, respectively), and more likely to be granted probation (65% compared to 51% for men). Women were less likely to receive a jail sentence (7%) compared to men (11%), and also considerably less likely to receive a prison sentence compared to men (6% compared to 25%). Nearly half of initial sentences for Black/African Americans (46%) and Hispanics (49%) were to the Department of Corrections, compared to 21% overall. In fact, across crime types, Hispanics were much more likely than Whites to receive a sentence to the Department of Corrections. Hispanics were also less likely to receive a deferred judgment (5% compared to 11% overall).

In juvenile court, across crime types, the most frequently occurring sentence was a deferred judgment (54%). Drug cases and Other offenses were most likely to receive a deferred judgment (75% and 63%, respectively), but note that there were a total of only 12 of these cases. The second most frequently occurring sentence was probation supervision (30%). Females were very slightly more likely to receive a deferred judgment than males (55% versus 53%, respectively), and less likely to receive a sentence to the Division of Youth Services (0% compared to 5%, respectively). Across race/ethnicity categories, Black/African Americans were considerably less likely to receive a deferred judgment (40% compared to 54% overall) more likely to receive an initial sentence to the Division of Youth Services (20% compared to 4% overall). However, the few Black/African American cases (n=5) means this 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.<sup>13</sup> 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.<sup>14</sup> 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.

### County court

Table 3-33 shows revocation information for county court. Overall, 18% of cases receiving a probation/deferred judgment in 2018 were revoked. Hispanics were slightly more likely to be revoked compared to the overall revocation rate (22% compared to 18% overall). Note that the small number of cases in many of the categories means that this information should be interpreted with caution.

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

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

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

Race/Ethnicity	Crime type	No	Yes	Total	Total N
<b>Black/African American</b>		<b>83%</b>	<b>17%</b>	<b>100%</b>	<b>6</b>
	Other	0%	100%	100%	1
	Property	100%	0%	100%	1
	Violent	100%	0%	100%	4
<b>Hispanic*</b>		<b>78%</b>	<b>22%</b>	<b>100%</b>	<b>41</b>
	Other	79%	21%	100%	14
	Property	78%	22%	100%	9
	Violent	78%	22%	100%	18
<b>Other</b>		<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>9</b>
	Property	100%	0%	100%	1
	Violent	100%	0%	100%	8
<b>White</b>		<b>82%</b>	<b>18%</b>	<b>100%</b>	<b>281</b>
	Drugs	50%	50%	100%	4
	Other	86%	14%	100%	103
	Property	74%	26%	100%	43
	Violent	82%	18%	100%	131
<b>Total</b>		<b>82%</b>	<b>18%</b>	<b>100%</b>	<b>337</b>

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 (15% compared to 19%, respectively). The pattern of revocations across offense type varies considerably, and findings with few cases should be interpreted with caution. For example, 67% of men with Drug offenses were revoked, however, the total number of cases is only 3 (n=3).

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
<b>Female</b>		<b>85%</b>	<b>15%</b>	<b>100%</b>	<b>89</b>
	Drugs	100%	0%	100%	1
	Other	80%	20%	100%	25
	Property	94%	6%	100%	16
	Violent	85%	15%	100%	47
<b>Male</b>		<b>81%</b>	<b>19%</b>	<b>100%</b>	<b>248</b>
	Drugs	33%	67%	100%	3
	Other	86%	14%	100%	93
	Property	68%	32%	100%	38
	Violent	82%	18%	100%	114
<b>Total</b>		<b>82%</b>	<b>18%</b>	<b>100%</b>	<b>337</b>

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

## Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (25%, Table 3-35) compared to county court (18%, Table 3-33) in 2018. Hispanics and Whites



with Property offenses were most likely to be revoked (36% and 34%, respectively compared to 25% overall). Table 3-36 shows revocation in district court by gender. Women were less likely to be revoked compared to men (16% and 29%, respectively), and men with Drug charges were most likely to be revoked (38% compared to 25% overall).

*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
<b>Black/African Am</b>		<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>11</b>
	Drugs	100%	0%	100%	6
	Other	100%	0%	100%	1
	Property	100%	0%	100%	4
<b>Hispanic*</b>		<b>75%</b>	<b>25%</b>	<b>100%</b>	<b>48</b>
	Drugs	78%	22%	100%	18
	Other	67%	33%	100%	9
	Property	64%	36%	100%	11
	Violent	90%	10%	100%	10
<b>Other</b>		<b>92%</b>	<b>8%</b>	<b>100%</b>	<b>12</b>
	Drugs	100%	0%	100%	2
	Other	100%	0%	100%	2
	Property	100%	0%	100%	1
	Violent	86%	14%	100%	7
<b>White</b>		<b>74%</b>	<b>26%</b>	<b>100%</b>	<b>407</b>
	Drugs	66%	34%	100%	116
	Other	86%	14%	100%	83
	Property	66%	34%	100%	110
	Violent	81%	19%	100%	98
<b>Total</b>		<b>75%</b>	<b>25%</b>	<b>100%</b>	<b>478</b>

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
<b>Female</b>		<b>84%</b>	<b>16%</b>	<b>100%</b>	<b>137</b>
	Drugs	84%	16%	100%	51
	Other	82%	18%	100%	34
	Property	78%	22%	100%	37
	Violent	100%	0%	100%	15
<b>Male</b>		<b>71%</b>	<b>29%</b>	<b>100%</b>	<b>341</b>
	Drugs	62%	38%	100%	91
	Other	85%	15%	100%	61
	Property	63%	37%	100%	89
	Violent	79%	21%	100%	100
<b>Total</b>		<b>75%</b>	<b>25%</b>	<b>100%</b>	<b>478</b>

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, 4% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Whites were most likely to get revoked (6% compared to 4% overall) and Whites with Violent offenses were revoked at a rate of 14% compared to 4% overall. In juvenile court, none of the females were revoked (n=8) and only 5% of males (n=1) were revoked. The few cases make interpretation difficult.

*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
<b>Black/African Am</b>		<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>3</b>
	Other	100%	0%	100%	1
	Violent	100%	0%	100%	2
<b>Hispanic*</b>		<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>8</b>
	Property	100%	0%	100%	5
	Violent	100%	0%	100%	3
<b>Other</b>		<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>3</b>
	Property	100%	0%	100%	1
	Violent	100%	0%	100%	2
<b>White</b>		<b>94%</b>	<b>6%</b>	<b>100%</b>	<b>31</b>
	Drugs	100%	0%	100%	4
	Other	100%	0%	100%	6
	Property	100%	0%	100%	7
	Violent	86%	14%	100%	14
<b>Total</b>		<b>96%</b>	<b>4%</b>	<b>100%</b>	<b>45</b>

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
<b>Female</b>		<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>8</b>
	Drugs	100%	0%	100%	2
	Other	100%	0%	100%	2
	Property	100%	0%	100%	2
	Violent	100%	0%	100%	2
<b>Male</b>		<b>95%</b>	<b>5%</b>	<b>100%</b>	<b>37</b>
	Drugs	100%	0%	100%	2
	Other	100%	0%	100%	5
	Property	100%	0%	100%	11
	Violent	89%	11%	100%	19
<b>Total</b>		<b>96%</b>	<b>4%</b>	<b>100%</b>	<b>45</b>

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, 18% of cases receiving a probation/deferred judgment in 2018 were revoked. Hispanics were slightly more likely to be revoked compared to the overall revocation rate (22% compared to 18% overall). Note that the small number of cases in many of the categories means that this information should be interpreted with caution. Females in county court were less likely to get revoked than males (15% compared to 19%, respectively). The pattern of revocations across offense type varies considerably, and findings with few cases should be interpreted with caution. For example, 67% of men with Drug offenses were revoked, however, the total number of cases is only 3 (n=3).

Revocations from probation/deferred judgments occurred more frequently in district court (25%) compared to county court (18%) in 2018. Hispanics and Whites with Property offenses were most likely to be revoked (36% and 34%, respectively, compared to 25% overall). Women were less likely to be revoked compared to men (16% and 29%, respectively), and men with Drug charges were most likely to be revoked (38% compared to 25% overall).

In juvenile court, 4% of cases sentenced to probation/deferred judgment in 2018 were revoked. Whites were most likely to get revoked (6% compared to 4% overall) and Whites with Violent offenses were revoked at a rate of 14% compared to 4% overall. In juvenile court, none of the females were revoked (n=8) and only 5% of males (n=1) were revoked. The few cases make interpretation difficult.

## Appendix A

### NIBRS Group A Arrest Crimes

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

		Wire Fraud
	<b>Motor Vehicle Theft</b>	
		Motor Vehicle Theft
	<b>Theft</b>	
		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
<b>Violent</b>		
	<b>Agg Assault</b>	
		Agg Assault
	<b>Homicide</b>	
		Homicide
	<b>Kidnapping</b>	
		Kidnapping
	<b>Other Homicide</b>	
		Manslaughter
	<b>Robbery</b>	
		Robbery
	<b>Sex Assault</b>	
		Incest
		Rape
		Sexual Assault
		Sodomy
		Statutory Rape
	<b>Simple Assault</b>	
		Intimidation
		Simple Assault

## Appendix B

### Most serious filing/conviction charge categories

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

**Arson** - 1<sup>st</sup> - 4<sup>th</sup> degree arson

**Burglary** - 1<sup>st</sup> to 3<sup>rd</sup> 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** - 1<sup>st</sup> and 2<sup>nd</sup> degree assault, vehicular assault, felony menacing, felony stalking, felony child abuse, witness intimidation

**Forgery**

**Fraud**

**Homicide** - 1<sup>st</sup> and 2<sup>nd</sup> degree murder

**Kidnapping** - 1<sup>st</sup> and 2<sup>nd</sup> 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** - 3<sup>rd</sup> 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.<sup>15</sup> 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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<sup>15</sup> 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.