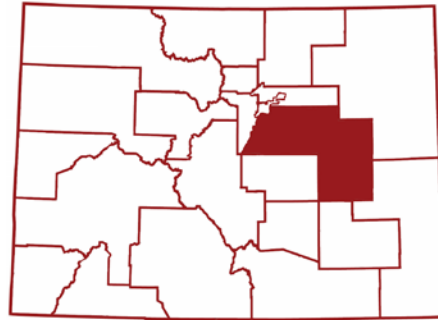# CLEAR Act: 2018

Community Law Enforcement Action Reporting Act

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18th Judicial District

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

Age group	Race/Ethnicity	Percent	Total
Adult		**87%**	**783,887**
	Black/African American	8%	58,800
	Hispanic	13%	105,398
	Other	7%	51,342
	White	73%	568,347
Juvenile		**13%**	**118,300**
	Black/African American	9%	10,462
	Hispanic	21%	25,105
	Other	7%	8,144
	White	63%	74,589
Total		**100%**	**902,187**

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

December 2019

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

Community Law Enforcement Action Reporting Act

Pursuant to Senate Bill 2015-185

Prepared by

Kim English
Peg Flick
Laurence Lucero

Colorado Department of Public Safety
Stan Hilkey, Executive Director
Division of Criminal Justice
Joe Thome, Director
Office of Research and Statistics
Kim English, Research Director
700 Kipling St., Denver, Colorado 80215

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

COLORADO
Division of Criminal Justice
Department of Public Safety

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Preface

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

This study presents arrest and case processing information for the 18th 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

Executive Summary

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

This study presents arrest and case processing information for the 18th 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,[2] this report presents a summary of the findings by collapsing the offense categories into four broad groups: **Drugs, Other, Property** and **Violent** crimes (see Appendix A and Appendix B for a list of crimes falling into these categories). The details by offense type are presented in the corresponding web-based interactive dashboard available at: https://www.colorado.gov/dcj-ors/ORS-SB185

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

The state Demographer's Office estimates that, in 2018, the population of those ages 10 and above in the 18th Judicial District was 902,187. The adult population was comprised as follows:
- White, 73%;
- Black/African American, 4%;
- Hispanic, 20%; and
- Other, 5%.

The juvenile population was comprised as follows:
- White, 56%;
- Black/African American, 5%;
- Hispanic, 34%; and
- Other, 5%.

An important note about race/ethnicity. The analysis of race and ethnicity across justice decision points is significantly hampered by the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch's ICON data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White

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

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

race category, and thus significantly undercounted in the Hispanic category. For example, statewide in 2018, Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both the arrest and court data[3]. Note that while no model is 100% accurate, it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Law enforcement data. In 2018, law enforcement made/issued over 31,000 arrests/summonses in the 18th Judicial District. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses while Violent crimes accounted for 14% of arrests/summonses, Property offenses accounted for 15% and the remainder of arrests/summonses (64%) fell into the Other crime category. Black/African Americans represented 8% of the population in 2018 but accounted for 26% of arrests/summonses. Hispanics represented 15% of the population and 23% of arrests/summonses. Females were more likely to be involved in Property offenses than the other offense categories. Violent crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of more than 13,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 8% of the 18th Judicial District population and 26% of the arrests/summonses in 2018, they accounted for 20% of district court filings. In juvenile court, Black/African Americans represented 29% of cases, compared to 9% Black/African American juveniles in the population. Hispanic adults made up 15% of the adult population but had 22% of district court filings in 2018. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property and Other crimes and slightly less likely to be involved in Violent offenses. Only 1% of cases completed a trial in 2018. Violent cases were more likely to have a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

Court case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 31% of cases in county court were dismissed, as were 11% of cases in district court and 16% of cases in juvenile court. One-fourth (27%) of county court cases were convicted as charged compared to 17% in district court and

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

45% in juvenile court. One-fifth (21%) of county court cases were convicted of a different charge, as were 31% of district court cases, and 12% of juvenile court cases. Black/African American youth were least likely to be convicted as charged (30% compared to 45% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (34% compared to 27% overall). Note that 42% of district court cases had not yet been resolved when the data were obtained for analysis, so the district court findings must be considered preliminary.

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, as previously mentioned, statewide 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, almost one-quarter (24%) of cases received a deferred judgment in 2018, and 28% received a jail sentence. Women were considerably more likely than men to receive a deferred judgment in county court (32% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (31% for men compared to 19% for women), and men were slightly more likely to be granted an initial sentence to probation (26% compared to 23% for women). Those in the Other race/ethnicity category, along with Whites, were more likely to receive a deferred judgment (31% and 29%, respectively, compared to 24% overall). Black/African Americans and Hispanics received a deferred judgment rate of 14% and 16%, respectively. Black/African Americans were more likely to receive a jail sentence (37% compared to 28% overall).

In district court, probation was the most frequently occurring initial sentence, happening nearly two-thirds (62%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 8% of Drug cases, 31% of Other cases, 12% of Property cases, and 21% 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 Property cases (13%) and Violent cases (13%). Women were much more likely to receive a deferred judgment compared to men (15% versus 9%, respectively), and likely to be granted probation (61% compared to 52% for men). Women were less likely to receive a jail sentence (9%) compared to men (12%), and considerably less likely to receive a prison sentence compared to men (10% compared to 19%). Over one-fifth (21%) of initial sentences for Black/African Americans were to the Department of Corrections compared to 14% for Whites. Black/African Americans (9%) and Hispanics (7%) were less likely to receive a deferred judgment compared to those in the Other (14%) and White (13%) race/ethnicity categories.

In juvenile court, over half (53%) of cases received a deferred judgment; 79% of Drug cases in juvenile court received a deferred judgment. Females were more likely to receive a deferred judgement than males (67% versus 49%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 14%). Across race/ethnicity categories,

Black/African Americans were considerably less likely to receive a deferred judgment (30% compared to 53% overall), and more likely to receive an initial sentence to the Division of Youth Services (23% compared to 13% overall).

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

In addition, not all revocations result in termination from supervision. In 2018, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

In county court, 12% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans with Drug charges were revoked at a rate of 33%, however, the few cases (n=9) means this information should be interpreted with caution. Females in county court were slightly more likely to be revoked than males (12% compared to 11%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Compared to other offense types, females with Drug cases were revoked at a rate of 32%.

In district court, revocations from probation/deferred judgments occurred more frequently in district court (18%) compared to county court (12%) in 2018. Those in the Other race/ethnicity category were lease likely to be revoked (6% compared to 18% overall). Women in adult district court were very slightly more likely than men to be revoked (19% compared to 18%). Men and women with Drug cases were more likely, compared to those with other crime types, to be revoked.

In juvenile court, 8% of cases sentenced to probation/deferred judgment in 2018 were revoked. Black/African American youth were more likely to be revoked (11% compared to 8% overall); Black/African Americans with Drug cases were revoked at a rate of 17%. Females were revoked at a rate of 5% compared to 9% for males.

Additional analyses. Because of the disparities in initial sentences for Black/African American and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Black/African Americans and Hispanics were more likely than Whites to receive a DOC sentence. Additionally, Black/African Americans and Hispanics in district court were still more likely not to receive a deferred judgment when compared to Whites. A deferred judgment is an opportunity to avoid a criminal record. Finally, controlling for the factors described above, compared to Whites, neither Black/African American nor Hispanic youth were more likely to receive a sentence to the Division of Youth Services. It is possible that other factors besides

concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black/African American and Hispanic defendants.

Overall summary. In 2018, Blacks represented 8% of the population but accounted for 26% of arrests/summonses, 20% of overall filings and 22% of district court filings. Hispanics represented 15% of the (combined adult and juvenile) population, 23% of arrests/summonses, 21% of overall filings and 22% of district court filings. In juvenile court, Black/African Americans represented 29% of cases, compared to 9% of Black/African American juveniles in the population; Hispanic youth were 21% of the population and 23% of cases filed in juvenile court.

In county court, those in the Other race/ethnicity category, along with Whites, were more likely to receive a deferred judgment (31% and 29%, respectively, compared to 24% overall). Black/African Americans and Hispanics received a deferred judgment rate of 14% and 16%, respectively. Black/African Americans were more likely to receive a jail sentence (37% compared to 28% overall). In adult district court, over one-fifth (21%) of initial sentences for Black/African Americans were to the Department of Corrections compared to 14% for Whites. Black/African Americans (9%) and Hispanics (7%) were less likely to receive a deferred judgment compared to those in the Other (14%) and White (13%) race/ethnicity categories. In juvenile court, Black/African Americans were considerably less likely to receive a deferred judgment (30% compared to 53% overall), and more likely to receive an initial sentence to the Division of Youth Services (23% compared to 13% overall).

Additional analyses were undertaken regarding the initial sentence so that additional factors could be considered in the analysis, including criminal history, additional concurrent cases, the type of instant offense, and whether the instant offense was violent. The analyses indicate that, after controlling for the additional factors, Black/African Americans and Hispanics in district court were more likely than Whites to receive a DOC sentence. Likewise, after controlling for the additional factors, Black/African Americans and Hispanics in district court were statistically significantly less likely than Whites to receive a deferred judgment. Additionally, after controlling for the additional factors, Black/African American and Hispanic youth were statistically significantly less likely than Whites to receive a deferred judgment in juvenile court. Finally, Black/African American youth in juvenile court were significantly more likely compared to Whites to receive a sentence to the Division of Youth Services.

Section 1: Introduction

Background and overview

In 2015, the General Assembly passed Senate Bill 15-185, the Community Law Enforcement Action Reporting Act, or the CLEAR Act. The CLEAR Act mandates that the Division of Criminal Justice annually analyze and report data provided by law enforcement agencies,[4] the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process. The CLEAR Act requires that the data be analyzed by race/ethnicity and gender. This study presents information for calendar year 2018, including the following:

- Arrest information by offense type disaggregated by summons, custody/warrant arrest, and on view/probable cause arrest;
- Misdemeanor and felony charges filed by offense type;
- The dispositions of charges filed by offense type;
- Sentence by offense type; and
- Revocations for probation and deferred judgments.

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

This report is presented in tandem with the data dashboard that provides information by offense type, and includes a feature that shows the initial sentence by number of prior cases. 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, statewide 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

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

statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both arrest and court data.[5] Note that while no model is perfectly accurate it was determined that using this model is an improvement over using the race/ethnicity designations in the raw data. Please see Appendix C for a description of the prediction model.

Finally, the Colorado Department of Local Affairs, Office of the State Demographer, estimated that the population in the 18th Judicial District in 2018 for residents ages 10 and over was 902,187 and was comprised as follows:

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

Age group	Race/Ethnicity	Percent	Total
Adult		**87%**	**783,887**
	Black/African Am	8%	58,800
	Hispanic	13%	105,398
	Other	7%	51,342
	White	73%	568,347
Juvenile		**13%**	**118,300**
	Black/African Am	9%	10,462
	Hispanic	21%	25,105
	Other	7%	8,144
	White	63%	74,589
Total		**100%**	**902,187**

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

Data sources

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

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

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

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into "Other."[6] Per the CLEAR Act, the data presented here includes information concerning arrests classified as *on view/probable cause* (an arrest without a warrant but with probable cause, resulting in physical restraint), *summons* (an order to appear in court), and *custody/warrant* (an arrest that involves an outstanding warrant and physical restraint). More than 31,000 NIBRS incidents in the 18th Judicial District were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	35%	10,930
On-view/probable cause	45%	14,161
Summons	20%	6,257
Total	100%	31,348

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

The arrest data were reduced to 17 categories of offenses (see Appendix A) that can be viewed on the interactive data dashboard and, for this report, further collapsed into four categories of Drugs, Other, Property and Violent. Arrests can contain multiple charges. The arrest charge presented here represents the most serious charge on the arrest as selected by the law enforcement officer.

Judicial case processing data. ICON is the Colorado Judicial Branch's information management system, which contains county and district court adult and juvenile filings and case dispositions statewide, with the exception of Denver County Court.[7] County court contains both adult and juvenile misdemeanor cases. The data are presented by court type: County, Adult District, and Juvenile. Juveniles who were charged as adults are in Adult District Court. The number of cases analyzed by type of court can be seen in Table 1-3.

Table 1-3. Court of case filing, 2018

Court	Percent	Total
Adult District	39%	5,323
County	49%	6,702
Juvenile	12%	1,574
Total	100%	13,599

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 13,500 *cases not individuals*. Individuals may have multiple, concurrent cases,[8] and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

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

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

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

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

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

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

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

Section 2: Law Enforcement Data

Arrest/summons

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

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

Crime type	Percent	Total
Drugs	9%	2,706
Other	63%	19,598
Property	15%	4,785
Violent	14%	4,259
Total	**100%**	**31,348**

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

Table 2-2 reflects over 31,000 arrests/summonses captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 8% of the population in 2018, but accounted for 26% of arrests/summonses. Hispanics represented 15% of the population and accounted for 23% of arrests. The Other race/ethnicity category represented 7% of the population, and were underrepresented in arrests (2%), as were Whites, who represented 71% of the population and 49% of arrests/summonses.

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

Race/Ethnicity	Percent	Total
Black/African American	26%	8,022
Hispanic*	23%	7,194
Other	2%	708
White	49%	15,424
Total	**100%**	**31,348**

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

Table 2-3 shows that juveniles accounted for 13% of on view/probable cause arrests, and that 18% of those arrests were for Violent crimes, a proportion similar to adults (20%). Juveniles accounted for 17% of custody/warrant arrests (Table 2-4). Juveniles accounted for 17% of summonsed cases (Table 2-5). Not surprisingly, violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

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

Age Group	Crime type	Percent	Total
Adult		**87%**	**12,299**
	Drugs	12%	1,428
	Other	54%	6,581
	Property	15%	1,873
	Violent	20%	2,417
Juvenile		**13%**	**1,862**
	Drugs	16%	299
	Other	45%	841
	Property	21%	393
	Violent	18%	329
Total		**100%**	**14,161**

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

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

Age Group	Crime type	Percent	Total
Adult		**83%**	**9,064**
	Drugs	4%	371
	Other	78%	7,109
	Property	7%	645
	Violent	10%	939
Juvenile		**17%**	**1,866**
	Drugs	<1%	12
	Other	92%	1,718
	Property	3%	49
	Violent	5%	87
Total		**100%**	**10,930**

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

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

Age Group	Crime type	Percent	Total
Adult		**77%**	**4,809**
	Drugs	7%	327
	Other	52%	2,509
	Property	32%	1,557
	Violent	9%	416
Juvenile		**23%**	**1,448**
	Drugs	19%	269
	Other	58%	840
	Property	19%	268
	Violent	5%	71
Total		**100%**	**6,257**

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 12% of probable cause arrests were for Drug related offenses, 52% were for Other offenses, 16% for Property offenses, and 19% for Violent offenses. While Black/African Americans made up 8% of the population, Table 2-6 shows that they were arrested at three to 4 times that rate for probable cause arrests in 2018: 24% of Drug arrests were Black/African Americans, 31% of arrests for Other offenses were Black/African Americans, were 15% of Property arrests and 19% of Violent arrests.

The other arrest type, where an individual is taken into custody on an outstanding warrant, is depicted in Table 2-7. Over 80% of these arrests involved an offense that fell into the Other category. While only 9% of these types of arrests involved a Violent offense, Black/African Americans made up 31% of Violent crime arrests. Hispanics made up 15% of the population but were involved in 22% of custody/warrant arrests for Violent offenses.

Table 2-8 shows that summons were less likely to be issued for Violent offenses (8%) compared to Other (54%) and Property (29%) and that, of those summons issued for Violent crimes, 14% went to Black/African Americans and 24% went to Hispanics.

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

Crime type	Race/Ethnicity	Percent	Total
Drugs		**12%**	**1,727**
	Black/African American	24%	421
	Hispanic*	25%	438
	Other	2%	42
	White	48%	826
Other		**52%**	**7,422**
	Black/African American	31%	2,289
	Hispanic*	24%	1,771
	Other	3%	200
	White	43%	3,162
Property		**16%**	**2,266**
	Black/African American	29%	661
	Hispanic*	24%	543
	Other	2%	45
	White	45%	1,017
Violent		**19%**	**2,746**
	Black/African American	32%	875
	Hispanic*	26%	714
	Other	3%	74
	White	39%	1,083
Total		**100%**	**14,161**

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

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

Crime type	Race/Ethnicity	Percent	Total
Drugs		**4%**	**383**
	Black/African American	10%	40
	Hispanic*	22%	86
	Other	1%	4
	White	66%	253
Other		**81%**	**8,827**
	Black/African American	29%	2,546
	Hispanic*	24%	2,112
	Other	2%	168
	White	45%	4,001
Property		**6%**	**694**
	Black/African American	31%	216
	Hispanic*	20%	139
	Other	1%	9
	White	48%	330
Violent		**9%**	**1,026**
	Black/African American	31%	322
	Hispanic*	22%	224
	Other	2%	18
	White	45%	462
Total		**100%**	**10,930**

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

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

Crime type	Race/Ethnicity	Percent	Total
Drugs		**10%**	**596**
	Black/African American	8%	46
	Hispanic*	20%	117
	Other	1%	6
	White	72%	427
Other		**54%**	**3,349**
	Black/African American	9%	296
	Hispanic*	17%	565
	Other	3%	92
	White	72%	2,396
Property		**29%**	**1,825**
	Black/African American	13%	243
	Hispanic*	20%	367
	Other	2%	38
	White	64%	1,177
Violent		**8%**	**487**
	Black/African American	14%	67
	Hispanic*	24%	118
	Other	2%	12
	White	60%	290
Total		**100%**	**6,257**

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 26-38% of arrests and 30-46% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be involved in Property offenses compared with the other offense categories.

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

Crime type	Gender	Percent	Total
Drugs		**12%**	**1,727**
	Female	30%	518
	Male	70%	1,209
Other		**52%**	**7,422**
	Female	26%	1,930
	Male	74%	5,492
Property		**16%**	**2,266**
	Female	38%	859
	Male	62%	1,407
Violent		**19%**	**2,746**
	Female	32%	886
	Male	68%	1,860
Total		**100%**	**14,161**

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

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

Crime type	Gender	Percent	Total
Drugs		**4%**	**383**
	Female	32%	124
	Male	68%	259
Other		**81%**	**8,827**
	Female	33%	2,881
	Male	67%	5,946
Property		**6%**	**694**
	Female	35%	241
	Male	65%	453
Violent		**9%**	**1,026**
	Female	24%	245
	Male	76%	781
Total		**100%**	**10,930**

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

Crune type	Gender	Percent	Total
Drugs		**10%**	**596**
	Female	30%	176
	Male	70%	420
Other		**54%**	**3,349**
	Female	31%	1,040
	Male	69%	2,309
Property		**29%**	**1,825**
	Female	46%	839
	Male	54%	986
Violent		**8%**	**487**
	Female	31%	153
	Male	69%	334
Total		**100%**	**6,257**

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 31,000 arrests/summonses in the 18th Judicial District. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses while Violent crimes accounted for 14% of arrests/summonses, Property offenses accounted for 15% and the remainder of arrests/summonses (64%) fell into the Other crime category. Black/African Americans represented 8% of the population in 2018 but accounted for 26% of arrests/summonses. Hispanics represented 15% of the population and 23% of arrests/summonses. Females were more likely to be involved in Property offenses than the other offense categories. Violent crimes were less likely than the other crime categories to result in a summons.

Section 3: Court Case Processing

The Judicial Branch's information management system contains county and district court adult and juvenile case filings and dispositions statewide, with the exception of Denver County Court.[11] County court contains both adult and juvenile misdemeanor cases. The 2018 data are presented here by court type: county, adult district, and juvenile. Juveniles who were charged as adults are in adult district court.

Note that this analysis reflects ***cases not individuals***. Individuals may have multiple, concurrent cases,[12] and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

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

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

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

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 13,599 case filings in county, adult district, and juvenile courts combined for calendar year 2018 in the 18th Judicial District. While Blacks represented 8% of the population and 26% of the arrests/summonses in 2018, they accounted for 20% of court filings. Hispanics represented 15% of the population, 23% of arrests/summonses, and 21% of case filings. Note that these cases are not necessarily the same cases in the **Law enforcement data** section above.

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

Race/Ethnicity	Percent	Total
Black/African Am	20%	2,774
Hispanic	21%	2,844
Other	3%	454
White	55%	7,527
Total	**100%**	**13,599**

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.

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

[12] 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.

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 14% of cases, and Violent charges comprised the largest category at 54% of charges filed. Black/African Americans were involved in 13% of Drug offenses and 22% of Violent offenses.

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

Crime type	Race/Ethnicity	Percent	Total
Drugs		**14%**	**1,841**
	Black/African Am	13%	247
	Hispanic	21%	382
	Other	4%	69
	White	62%	1,143
Other		**27%**	**3,639**
	Black/African Am	21%	758
	Hispanic	22%	788
	Other	3%	97
	White	55%	1,996
Property		**25%**	**3,336**
	Black/African Am	21%	697
	Hispanic	22%	720
	Other	3%	103
	White	54%	1,816
Violent		**35%**	**4,783**
	Black/African Am	22%	1,072
	Hispanic	20%	954
	Other	4%	185
	White	54%	2,572
Total		**100%**	**13,599**

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, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property crimes (28% compared to 23%, respectively) and Drug crimes (15% compared to 1%, respectively) and slightly less to be involved in Violent offenses (34% compared to 36%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Crime type	Percent	Total
Female		**26%**	**3,525**
	Drugs	15%	520
	Other	23%	821
	Property	28%	994
	Violent	34%	1,190
Male		**74%**	**10,074**
	Drugs	13%	1,321
	Other	28%	2,818
	Property	23%	2,342
	Violent	36%	3,593
Total		**100%**	**13,599**

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

Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court had the most cases in 2018, with 49% of the total. Black/African Americans represented 17% of county court cases filed compared to 22% in adult district court and 29% in juvenile court. Hispanics represented 20% of county court filings, 22% of district court filings, and 23% of juvenile court filings in 2018.

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

Court	Race/Ethnicity	Percent	Total
Adult District		**39%**	**5,323**
	Black	22%	1,161
	Hispanic	22%	1,157
	Other	3%	155
	White	54%	2,850
County		**49%**	**6,702**
	Black	17%	1,159
	Hispanic	20%	1,328
	Other	4%	238
	White	59%	3,977
Juvenile		**12%**	**1,574**
	Black	29%	454
	Hispanic	23%	359
	Other	4%	61
	White	44%	700
Total		**100%**	**13,599**

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

Table 3-5 shows the type of offense within court type. Nearly half (46%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (28%) and Other cases (25%) comprised the largest categories of cases in adult district court; and Property crimes made up one-third (34%) of cases filed in juvenile court. Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more

likely to have cases in county court (28%) compared to adult district court (24%) and juvenile court (23%).

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

Court	Crime type	Percent	Total
Adult District		**39%**	**5,323**
	Drugs	23%	1,240
	Other	25%	1,345
	Property	28%	1,513
	Violent	23%	1,225
County		**49%**	**6,702**
	Drugs	6%	400
	Other	29%	1,942
	Property	19%	1,283
	Violent	46%	3,077
Juvenile		**12%**	**1,574**
	Drugs	13%	201
	Other	22%	352
	Property	34%	540
	Violent	31%	481
Total		**100%**	**13,599**

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

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

Court	Gender	Percent	Total
Adult District		**39%**	**5,323**
	Female	24%	1,264
	Male	76%	4,059
County		**49%**	**6,702**
	Female	28%	1,899
	Male	72%	4,803
Juvenile		**12%**	**1,574**
	Female	23%	362
	Male	77%	1,212
Total		**100%**	**13,599**

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

Trials

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

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

Court	Completed Trial	Percent	Total
Adult District		**39%**	**5,323**
	No	99%	5,292
	Yes	<1%	31
County		**49%**	**6,702**
	No	99%	6,657
	Yes	<1%	45
Juvenile		**12%**	**1,574**
	No	99%	1,558
	Yes	1%	16
Total		**100%**	**13,599**

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

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

Crime type	Completed Trial	Percent	Total
Drugs		**14%**	**1,841**
	No	100%	1,840
	Yes	<1%	1
Other		**27%**	**3,639**
	No	99%	3,613
	Yes	<1%	26
Property		**25%**	**3,336**
	No	100%	3,328
	Yes	<1%	8
Violent		**35%**	**4,783**
	No	99%	4,726
	Yes	1%	57
Total		**100%**	**13,599**

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 13,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 8% of the 18th Judicial District population and 26% of the arrests/summonses in 2018, they accounted for 20% of district court filings. In juvenile court, Black/African Americans represented 29% of cases, compared to 9% Black/African American juveniles in the population. Hispanic adults made up 15% of the adult population but had 22% of district court filings in 2018. In terms of gender, 26% of filings were females and 74% were males. Females were slightly more likely than men to be involved in Property and Other crimes and slightly less likely to be involved in Violent offenses. Only 1% of cases completed a trial in 2018. Violent cases were more likely to have a trial. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 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 nearly one-third (3%) 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 31% of cases were dismissed, 27% of cases were convicted as charged, and 21% were convicted of another crime.

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

Race/Ethnicity	Crime type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved/ case closed	Total	Total N
Black/African Am		**24%**	**20%**	**30%**	**26%**	**100%**	**1,159**
	Drugs	29%	8%	41%	22%	100%	51
	Other	26%	25%	23%	26%	100%	345
	Property	25%	27%	24%	25%	100%	212
	Violent	22%	15%	36%	27%	100%	551
Hispanic		**25%**	**24%**	**27%**	**25%**	**100%**	**1,328**
	Drugs	26%	5%	49%	19%	100%	73
	Other	29%	26%	20%	25%	100%	456
	Property	22%	34%	19%	25%	100%	249
	Violent	23%	19%	33%	25%	100%	550
Other		**24%**	**19%**	**39%**	**18%**	**100%**	**238**
	Drugs	29%	0%	43%	29%	100%	7
	Other	25%	25%	38%	13%	100%	64
	Property	23%	25%	20%	32%	100%	44
	Violent	24%	15%	46%	15%	100%	123
White		**29%**	**21%**	**32%**	**17%**	**100%**	**3,977**
	Drugs	31%	14%	42%	13%	100%	269
	Other	32%	23%	28%	18%	100%	1,077
	Property	29%	28%	20%	22%	100%	778
	Violent	28%	19%	38%	16%	100%	1,853
Total		**27%**	**21%**	**31%**	**20%**	**100%**	**6,702**

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 the 18th Judicial District in 2018. Eleven percent (11%) of cases filed in district court had all charges dismissed (less than 1% of those in this category were not guilty). Black/African Americans were slightly more likely to have their cases dismissed (13% compared to 11% overall), however, nearly half (49%) of Black/African

American cases were not yet resolved when the data were collected for analysis. In fact, 42% of cases overall had not yet been resolved when the data were obtained for analysis.

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

Race/Ethnicity	Crime type	Convicted as charged	Convicted other crime	Dismissed /not guilty	Not yet resolved/ case closed	Total	Total N
Black/African American		**11%**	**27%**	**13%**	**49%**	**100%**	**1,161**
	Drugs	6%	45%	6%	42%	100%	179
	Other	13%	24%	22%	41%	100%	317
	Property	15%	24%	5%	56%	100%	306
	Violent	8%	22%	15%	55%	100%	359
Hispanic		**17%**	**30%**	**8%**	**45%**	**100%**	**1,157**
	Drugs	9%	40%	5%	46%	100%	270
	Other	16%	30%	15%	39%	100%	253
	Property	25%	31%	4%	41%	100%	354
	Violent	15%	22%	8%	55%	100%	280
Other		**12%**	**35%**	**6%**	**46%**	**100%**	**155**
	Drugs	4%	37%	2%	57%	100%	51
	Other	23%	27%	23%	27%	100%	22
	Property	15%	34%	5%	46%	100%	41
	Violent	15%	39%	2%	44%	100%	41
White		**19%**	**32%**	**11%**	**38%**	**100%**	**2,850**
	Drugs	14%	44%	6%	36%	100%	740
	Other	18%	26%	22%	33%	100%	753
	Property	26%	28%	7%	38%	100%	812
	Violent	15%	29%	11%	44%	100%	545
Total		**17%**	**31%**	**11%**	**42%**	**100%**	**5,323**

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 16% of cases filed, while 45% of cases were convicted as charged and 12% were convicted of a different crime. Black/African American youth were least likely to be convicted as charged (30% compared to 45% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (34% compared to 27% overall).

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

Race/Ethnicity	Crime type	Convicted as charged	Convicted other crime	Dismissed not guilty	Not yet resolved/ case closed	Total	Total N
Black/African Am		**30%**	**17%**	**19%**	**34%**	**100%**	**454**
	Drugs	18%	18%	35%	29%	100%	17
	Other	46%	18%	17%	20%	100%	96
	Property	22%	17%	16%	45%	100%	179
	Violent	30%	17%	23%	31%	100%	162
Hispanic		**43%**	**13%**	**15%**	**29%**	**100%**	**359**
	Drugs	54%	21%	13%	13%	100%	39
	Other	57%	4%	13%	27%	100%	79
	Property	38%	18%	15%	28%	100%	117
	Violent	36%	10%	18%	35%	100%	124
Other		**52%**	**5%**	**11%**	**31%**	**100%**	**61**
	Drugs	64%	0%	18%	18%	100%	11
	Other	64%	0%	9%	27%	100%	11
	Property	67%	0%	6%	28%	100%	18
	Violent	29%	14%	14%	43%	100%	21
White		**55%**	**9%**	**14%**	**22%**	**100%**	**700**
	Drugs	63%	4%	20%	13%	100%	134
	Other	65%	7%	10%	18%	100%	166
	Property	50%	11%	15%	23%	100%	226
	Violent	45%	12%	11%	31%	100%	174
Total		**45%**	**12%**	**16%**	**27%**	**100%**	**1,574**

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, 31% of cases in county court were dismissed, as were 11% of cases in district court and 16% of cases in juvenile court. One-fourth (27%) of county court cases were convicted as charged compared to 17% in district court and 45% in juvenile court. One-fifth (21%) of county court cases were convicted of a different charge, as were 31% of district court cases, and 12% of juvenile court cases. Black/African American youth were least likely to be convicted as charged (30% compared to 45% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (34% compared to 27% overall). Note that 42% of district court cases had not yet been resolved when the data were obtained for analysis, so the district court findings must be considered preliminary.

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 18th Judicial District. These cases are not necessarily the same cases in the **Case Filings** section above. In addition, 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 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. Almost one-quarter (24%) of county court cases received a deferred judgment in 2018, and 28% received a jail sentence.

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

Sentence	Crime type	Percent	Total
Community Corrections		**<1%**	**1**
	Violent	100%	1
Community Service		**4%**	**153**
	Drugs	19%	29
	Other	75%	114
	Property	5%	8
	Violent	1%	2
Deferred		**24%**	**880**
	Drugs	7%	61
	Other	29%	253
	Property	18%	156
	Violent	47%	410
Fines/fees		**18%**	**654**
	Drugs	9%	61
	Other	41%	265
	Property	32%	212
	Violent	18%	116
Jail		**28%**	**1,022**
	Drugs	2%	21
	Other	29%	296
	Property	29%	292
	Violent	40%	413
Probation/Intensive Supervision		**25%**	**942**
	Drugs	1%	10
	Other	45%	422
	Property	14%	135
	Violent	40%	375
Unsupervised Probation		**1%**	**53**
	Drugs	8%	4
	Other	32%	17
	Property	30%	16
	Violent	30%	16
Total		**100%**	**3,705**

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 (32% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (31% for men compared to 19% for women), and men were slightly more likely to be granted an initial sentence to probation (26% compared to 23% for women).

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

Sentence	Female	Male	Total
(N)	1,006	2,699	3,705
Community Corrections	0%	<1%	<1%
Community Service	5%	4%	4%
Deferred	32%	21%	24%
Fines/fees	20%	17%	18%
Jail	19%	31%	28%
Probation/Intensive Supervision	23%	26%	25%
Unsupervised Probation	1%	2%	1%
Total	**100%**	**100%**	**100%**

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category, along with Whites, were more likely to receive a deferred judgment (31% and 29%, respectively, compared to 24% overall). Black/African Americans and Hispanics received a deferred judgment rate of 14% and 16%, respectively. Black/African Americans were more likely to receive a jail sentence (37% compared to 28% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	622	724	117	2,242	3,705
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	5%	9%	2%	3%	4%
Deferred	14%	16%	31%	29%	24%
Fines/fees	20%	16%	16%	17%	18%
Jail	37%	27%	30%	25%	28%
Probation/Intensive Supervision	23%	31%	21%	25%	25%
Unsupervised Probation	1%	2%	<1%	1%	1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. *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. Black/African Americans were more likely to receive a deferred judgment (39% compared to 33% overall) and more likely to receive a sentence to jail (17% compared to 11% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	23	29	3	131	186
Community Service	0%	28%	33%	15%	16%
Deferred	39%	24%	33%	34%	33%
Fines/fees	43%	34%	33%	31%	33%
Jail	17%	3%	0%	12%	11%
Probation/Intensive Supervision	0%	10%	0%	5%	5%
Unsupervised Probation	0%	0%	0%	3%	2%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans and Hispanics were much less likely to receive a deferred judgement (7% and 9%, respectively, compared to 19% overall) and Black/African Americans were much more likely to receive a jail sentence (29% compared to 22% overall). Table 3-17 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types, Black/African Americans were much more likely to receive a jail sentence.

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)	261	311	43	752	1,367
Community Service	10%	17%	2%	5%	8%
Deferred	7%	9%	26%	26%	19%
Fines/fees	21%	15%	19%	20%	19%
Jail	29%	23%	21%	18%	22%
Probation/Intensive Supervision	32%	34%	30%	29%	31%
Unsupervised Probation	<1%	1%	2%	1%	1%
Total	100%	100%	100%	100%	100%

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	116	157	23	523	819
Community Service	<1%	1%	0%	<1%	<1%
Deferred	9%	13%	39%	22%	19%
Fines/fees	28%	26%	22%	26%	26%
Jail	53%	32%	26%	33%	36%
Probation/Intensive Supervision	7%	25%	13%	16%	16%
Unsupervised Probation	2%	2%	0%	2%	2%
Total	100%	100%	100%	100%	100%

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

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)	222	227	48	836	1,333
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	<1%	0%	0%	<1%	<1%
Deferred	22%	26%	31%	34%	31%
Fines/fees	13%	8%	10%	8%	9%
Jail	40%	31%	42%	28%	31%
Probation/Intensive Supervision	23%	33%	17%	29%	28%
Unsupervised Probation	2%	2%	0%	<1%	1%
Total	100%	100%	100%	100%	100%

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

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2018 in the 18th Judicial District. Probation was the most frequently occurring initial sentence, happening nearly two-thirds (62%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 8% of Drug cases, 31% of Other cases, 12% of Property cases, and 21% 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 Property cases (13%) and Violent cases (13%).

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	1,160	803	1,246	817	4,026
Community Corrections	3%	9%	8%	3%	6%
Community Service	<1%	0%	0%	0%	<1%
Deferred	9%	7%	13%	13%	11%
Dept of Corrections	8%	31%	12%	21%	17%
Division of Youth Services	0%	<1%	0%	0%	<1%
Fines/fees	1%	1%	1%	<1%	1%
Jail	16%	11%	9%	7%	11%
Probation/Intensive Supervision	62%	40%	56%	53%	54%
Youthful Offender System	0%	<1%	0%	1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Table 3-20 shows the initial district court sentence by gender. Women were much more likely to receive a deferred judgment compared to men (15% versus 9%, respectively), and likely to be granted probation (61% compared to 52% for men). Women were less likely to receive a jail sentence (9%) compared to men (12%), and considerably less likely to receive a prison sentence compared to men (10% compared to 19%).

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

Sentence	Female	Male	Total
(N)	1,039	2,987	4,026
Community Corrections	5%	6%	6%
Community Service	0%	<1%	<1%
Deferred	15%	9%	11%
Dept of Corrections	10%	19%	17%
Division of Youth Services	0%	<1%	<1%
Fines/fees	1%	1%	1%
Jail	9%	12%	11%
Probation/Intensive Supervision	61%	52%	54%
Youthful Offender System	0%	<1%	<1%
Total	**100%**	**100%**	**100%**

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Over one-fifth (21%) of initial sentences for Black/African Americans were to the Department of Corrections compared to 14% for Whites. Black/African Americans (9%) and Hispanics (7%) were also less likely to receive a deferred judgment compared to those in the Other (14%) and White (13%) race/ethnicity categories.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	793	905	118	2,210	4,026
Community Corrections	5%	4%	3%	7%	6%
Community Service	<1%	0%	0%	<1%	<1%
Deferred	9%	7%	14%	13%	11%
Dept of Corrections	21%	20%	10%	14%	17%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	1%	1%	3%	1%	1%
Jail	11%	13%	6%	10%	11%
Probation/Intensive Supervision	51%	54%	65%	55%	54%
Youthful Offender System	1%	<1%	0%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Black/African Americans and Hispanics were much less likely to receive a deferred judgement (6% and 4%, respectively, compared to 9% overall), and Hispanics were more likely to receive a sentence to prison (15% compared to 8% overall). Black/African Americans were more likely to receive a jail sentence (23% compared to 16% overall). For Other and Violent offenses, Black/African Americans and were more likely to receive prison sentences (Tables 3-23 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)	145	265	36	714	1,160
Community Corrections	2%	1%	3%	3%	3%
Community Service	<1%	0%	0%	<1%	<1%
Deferred	6%	4%	17%	11%	9%
Dept of Corrections	10%	15%	3%	5%	8%
Fines/fees	<1%	0%	3%	2%	1%
Jail	23%	18%	8%	15%	16%
Probation/Intensive Supervision	58%	61%	67%	64%	62%
Total	100%	100%	100%	100%	100%

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	191	174	22	416	803
Community Corrections	9%	7%	0%	11%	9%
Deferred	6%	3%	18%	8%	7%
Dept of Corrections	36%	33%	32%	28%	31%
Division of Youth Services	<1%	0%	0%	0%	<1%
Fines/fees	2%	2%	5%	<1%	1%
Jail	9%	16%	9%	9%	11%
Probation/Intensive Supervision	37%	38%	36%	43%	40%
Youthful Offender System	1%	<1%	0%	0%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	237	285	38	686	1,246
Community Corrections	6%	7%	5%	10%	8%
Deferred	14%	11%	16%	14%	13%
Dept of Corrections	9%	13%	0%	14%	12%
Fines/fees	1%	2%	3%	1%	1%
Jail	8%	11%	5%	8%	9%
Probation/Intensive Supervision	62%	56%	71%	53%	56%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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)	220	181	22	394	817
Community Corrections	2%	3%	0%	4%	3%
Deferred	10%	10%	0%	17%	13%
Dept of Corrections	29%	25%	18%	15%	21%
Fines/fees	<1%	0%	0%	<1%	<1%
Jail	8%	7%	0%	8%	7%
Probation/Intensive Supervision	48%	55%	82%	55%	53%
Youthful Offender System	4%	<1%	0%	<1%	1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2018, by crime type. Over half (53%) of juvenile cases received a deferred judgment; 79% of Drug cases in juvenile court received a deferred judgment.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	133	280	403	327	1,143
Community Service	0%	<1%	0%	0%	<1%
Deferred	79%	46%	48%	54%	53%
Division of Youth Services	3%	20%	12%	11%	13%
Fines/fees	0%	0%	<1%	0%	<1%
Jail	0%	2%	<1%	<1%	<1%
Juvenile Detention	0%	0%	0%	<1%	<1%
Probation/Intensive Supervision	18%	32%	39%	34%	33%
Total	100%	100%	100%	100%	100%

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

Table 3-27 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (67% versus 49%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 14%).

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

Sentence	Female	Male	Total
(N)	254	889	1,143
Community Service	<1%	0%	<1%
Deferred	67%	49%	53%
Division of Youth Services	6%	14%	13%
Fines/fees	<1%	<1%	<1%
Jail	<1%	1%	<1%
Juvenile Detention	0%	<1%	<1%
Probation/Intensive Supervision	25%	36%	33%
Total	100%	100%	100%

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

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans were considerably less likely to receive a deferred judgment (30% compared to 53% overall), and more likely to receive an initial sentence to the Division of Youth Services (23% compared to 13% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	287	276	38	542	1,143
Community Service	0%	0%	0%	<1%	<1%
Deferred	30%	46%	66%	68%	53%
Division of Youth Services	23%	15%	3%	6%	13%
Fines/fees	0%	<1%	0%	<1%	<1%
Jail	2%	0%	3%	<1%	<1%
Juvenile Detention	<1%	0%	0%	0%	<1%
Probation/Intensive Supervision	45%	39%	29%	25%	33%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

The following four tables show initial juvenile court sentences for each of the offense categories by race/ethnicity. Note that the number of cases can be quite small for some sentences; in these instances, the findings should be interpreted with caution. Table 3-29 shows the initial sentence when a Drug offense was the most serious conviction crime; subsequent tables show the initial sentence for Other offenses, Property offenses, and Violent crimes. For each of these crime types, Black/African Americans were much less likely than the other race/ethnicity categories to receive a deferred judgment. Additionally, compared to the other race/ethnicity categories, Blacks were much more likely to receive an initial sentence to the Division of Youth Services.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	8	25	5	95	133
Deferred	50%	76%	60%	83%	79%
Division of Youth Services	25%	4%	0%	1%	3%
Probation/Intensive Supervision	25%	20%	40%	16%	18%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	62	73	10	135	280
Community Service	0%	0%	0%	<1%	<1%
Deferred	27%	33%	60%	61%	46%
Division of Youth Services	26%	29%	0%	14%	20%
Jail	3%	0%	0%	2%	2%
Probation/Intensive Supervision	44%	38%	40%	22%	32%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	119	97	12	175	403
Deferred	26%	43%	75%	63%	48%
Division of Youth Services	19%	15%	0%	5%	12%
Fines/fees	0%	1%	0%	2%	<1%
Jail	2%	0%	8%	0%	<1%
Probation/Intensive Supervision	53%	40%	17%	30%	39%
Total	100%	100%	100%	100%	100%

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	98	81	11	137	327
Deferred	36%	51%	64%	69%	54%
Division of Youth Services	24%	6%	9%	4%	11%
Jail	2%	0%	0%	0%	<1%
Juvenile Detention	1%	0%	0%	0%	<1%
Probation/Intensive Supervision	37%	43%	27%	27%	34%
Total	100%	100%	100%	100%	100%

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

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

In county court, almost one-quarter (24%) of cases received a deferred judgment in 2018, and 28% received a jail sentence. Women were considerably more likely than men to receive a deferred judgment in county court (32% compared to 21%, respectively). Men were more likely than women to receive a jail sentence (31% for men compared to 19% for women), and men were slightly more likely to be granted an initial sentence to probation (26% compared to 23% for women). Those in the Other race/ethnicity category, along with Whites, were more likely to receive a deferred judgment (31% and 29%, respectively, compared to 24% overall). Black/African Americans and Hispanics received a deferred judgment rate of 14% and 16%, respectively. Black/African Americans were more likely to receive a jail sentence (37% compared to 28% overall).

In district court, probation was the most frequently occurring initial sentence, happening nearly two-thirds (62%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 8% of Drug cases, 31% of Other cases, 12% of Property cases, and 21% 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 Property cases (13%) and Violent cases (13%). Women were much more likely to receive a deferred judgment compared to men (15% versus 9%, respectively), and likely to be granted probation (61% compared to 52% for men). Women were less likely to receive a jail sentence (9%) compared to men (12%), and considerably less likely to receive a prison sentence compared to men (10% compared to 19%). Over one-fifth (21%) of initial sentences for Black/African Americans were to the Department of Corrections compared to 14% for Whites. Black/African Americans (9%) and Hispanics (7%) were less likely to receive a deferred judgment compared to those in the Other (14%) and White (13%) race/ethnicity categories.

In juvenile court, over half (53%) of cases received a deferred judgment; 79% of Drug cases in juvenile court received a deferred judgment. Females were more likely to receive a deferred judgement than males (67% versus 49%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 14%). Across race/ethnicity categories, Black/African Americans were considerably less likely to receive a deferred judgment (30% compared to 53% overall), and more likely to receive an initial sentence to the Division of Youth Services (23% compared to 13% overall).

Revocations

Cases sentenced in 2018 to probation or a deferred judgment that received a revocation are included in the analyses presented here.[13] Those sentenced near the end of 2018 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2018, 24% of adult state probation terminations were the result of a revocation.[14] The revocations presented here may not result in termination from probation supervision. In fact, in 2018, across county, adult district, and juvenile district courts, 48% of cases were reinstated, 45% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

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

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

County court

Table 3-33 shows revocation information for county court. Overall, 12% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans with Drug charges were revoked at a rate of 33%, however, the few cases (n=9) means this information should be interpreted with caution.

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

Race/Ethnicity	Crime type	No	Yes	Total	Total N
Black/African American		**88%**	**12%**	**100%**	**237**
	Drugs	67%	33%	100%	9
	Other	87%	13%	100%	103
	Property	90%	10%	100%	21
	Violent	90%	10%	100%	104
Hispanic*		**87%**	**13%**	**100%**	**351**
	Drugs	100%	0%	100%	10
	Other	91%	9%	100%	139
	Property	78%	22%	100%	63
	Violent	86%	14%	100%	139
Other		**90%**	**10%**	**100%**	**61**
	Drugs	0%	100%	100%	1
	Other	88%	12%	100%	25
	Property	92%	8%	100%	12
	Violent	96%	4%	100%	23
White		**89%**	**11%**	**100%**	**1,226**
	Drugs	78%	22%	100%	55
	Other	93%	7%	100%	425
	Property	83%	17%	100%	211
	Violent	89%	11%	100%	535
Total		**88%**	**12%**	**100%**	**1,875**

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 slightly more likely to be revoked than males (12% compared to 11%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Compared to other offense types, females with Drug cases were revoked at a rate of 32%.

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

Gender	Crime type	No	Yes	Total	Total N
Female		**88%**	**12%**	**100%**	**563**
	Drugs	68%	32%	100%	22
	Other	94%	6%	100%	185
	Property	80%	20%	100%	114
	Violent	89%	11%	100%	242
Male		**89%**	**11%**	**100%**	**1,312**
	Drugs	83%	17%	100%	53
	Other	91%	9%	100%	507
	Property	84%	16%	100%	193
	Violent	89%	11%	100%	559
Total		**88%**	**12%**	**100%**	**1,875**

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 (18%, Table 3-35) compared to county court (12%, Table 3-33) in 2018. Those in the Other race/ethnicity category were lease likely to be revoked (6% compared to 18% overall). Table 3-36 shows that women in adult district court were very slightly more likely than men to get revoked (19% compared to 18%). Men and women with Drug cases were more likely, compared to those with other crime types, to be revoked.

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

Race/Ethnicity	Crime type	No	Yes	Total	Total N
Black/African American		**82%**	**18%**	**100%**	**478**
	Drugs	74%	26%	100%	92
	Other	88%	12%	100%	81
	Property	83%	17%	100%	179
	Violent	84%	16%	100%	126
Hispanic*		**84%**	**16%**	**100%**	**554**
	Drugs	79%	21%	100%	173
	Other	88%	13%	100%	72
	Property	83%	17%	100%	192
	Violent	89%	11%	100%	117
Other		**94%**	**6%**	**100%**	**93**
	Drugs	97%	3%	100%	30
	Other	100%	0%	100%	12
	Property	85%	15%	100%	33
	Violent	100%	0%	100%	18
White		**80%**	**20%**	**100%**	**1,489**
	Drugs	73%	27%	100%	535
	Other	84%	16%	100%	215
	Property	79%	21%	100%	458
	Violent	92%	8%	100%	281
Total		**82%**	**18%**	**100%**	**2,614**

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

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

Gender	Crime type	No	Yes	Total	Total N
Female		**81%**	**19%**	**100%**	**785**
	Drugs	73%	27%	100%	288
	Other	82%	18%	100%	98
	Property	85%	15%	100%	303
	Violent	94%	6%	100%	96
Male		**82%**	**18%**	**100%**	**1,829**
	Drugs	77%	23%	100%	542
	Other	88%	12%	100%	282
	Property	78%	22%	100%	559
	Violent	89%	11%	100%	446
Total		**82%**	**18%**	**100%**	**2,614**

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, 8% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Black/African American youth were more likely to be revoked (11% compared to 8% overall); Black/African Americans with Drug cases were revoked at a rate of 17%. Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 5% compared to 9% for males.

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

Race/Ethnicity	Crime type	No	Yes	Total	Total N
Black/African American		**89%**	**11%**	**100%**	**215**
	Drugs	83%	17%	100%	6
	Other	91%	9%	100%	44
	Property	87%	13%	100%	94
	Violent	92%	8%	100%	71
Hispanic*		**94%**	**6%**	**100%**	**233**
	Drugs	96%	4%	100%	24
	Other	94%	6%	100%	52
	Property	100%	0%	100%	81
	Violent	86%	14%	100%	76
Other		**97%**	**3%**	**100%**	**36**
	Drugs	100%	0%	100%	5
	Other	100%	0%	100%	10
	Property	100%	0%	100%	11
	Violent	90%	10%	100%	10
White		**92%**	**8%**	**100%**	**500**
	Drugs	94%	6%	100%	94
	Other	95%	5%	100%	112
	Property	86%	14%	100%	163
	Violent	95%	5%	100%	131
Total		**92%**	**8%**	**100%**	**984**

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

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

Gender	Crime type	No	Yes	Total	Total N
Female		**95%**	**5%**	**100%**	**234**
	Drugs	95%	5%	100%	38
	Other	97%	3%	100%	38
	Property	94%	6%	100%	87
	Violent	96%	4%	100%	71
Male		**91%**	**9%**	**100%**	**750**
	Drugs	93%	7%	100%	91
	Other	93%	7%	100%	180
	Property	89%	11%	100%	262
	Violent	90%	10%	100%	217
Total		**92%**	**8%**	**100%**	**984**

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

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

In addition, not all revocations result in termination from supervision. In 2018, statewide, across all court types and for those with a probation or a deferred judgment sentence, 48% of cases with a revocation were reinstated, 45% were not reinstated, and for the remaining 7% the outcome was unclear.

In county court, 12% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans with Drug charges were revoked at a rate of 33%, however, the few cases (n=9) means this information should be interpreted with caution. Females in county court were slightly more likely to be revoked than males (12% compared to 11%, respectively). The pattern of revocations across offense type varies considerably across gender, however. Compared to other offense types, females with Drug cases were revoked at a rate of 32%.

In district court, revocations from probation/deferred judgments occurred more frequently in district court (18%) compared to county court (12%) in 2018. Those in the Other race/ethnicity category were lease likely to be revoked (6% compared to 18% overall). Women in adult district court were very slightly more likely than men to be revoked (19% compared to 18%). Men and women with Drug cases were more likely, compared to those with other crime types, to be revoked.

In juvenile court, 8% of cases sentenced to probation/deferred judgment in 2018 were revoked. Black/African American youth were more likely to be revoked (11% compared to 8% overall); Black/African Americans with Drug cases were revoked at a rate of 17%. Females were revoked at a rate of 5% compared to 9% for males.

Section 4: Additional Information

To better understand the sentencing information presented in Section 3, additional analyses were undertaken in an attempt to account for circumstances that may impact the initial sentence decision. To the extent that differential sentences were granted across race/ethnicity, these analyses allow for the examination of the impact of concurrent and prior cases, including current and prior violent cases, may have on those decisions.

This section begins with a description of the statistical approach employed, and then presents the findings[15] to the following research questions (the results are summarized below):

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

Results

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

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

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

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

Method

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

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

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

- Prior cases,

- Prior convictions for a specific violent crime,[16]

- Other concurrent cases,

- Felony conviction level,

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

- Whether the instant offense was a specific violent crime.[17]

For deferred sentences and DYS sentences, the following factors were included in the analysis:

- Prior cases,

- Other concurrent cases,

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

- Whether the instant offense was a specific violent crime.[18]

In addition, the gender and race/ethnicity of the defendant were included in both sentencing models.

Logistic regression models produce odds ratios which, in this study, are the odds for Blacks (or Hispanics) to receive a sentence divided by the odds for Whites to receive the same sentence. An odds ratio of 1 indicates no difference between Whites and Blacks (or Hispanics). An odds ratio greater than 1 means that Blacks (or Hispanics) had higher odds of receiving that sentence than Whites. An odds ratio less than 1 means that Blacks (or Hispanics) had lower odds of receiving that sentence than Whites. Because logistic regression simultaneously controls for the other factors in the model, odds ratios can be used to measure the differences between race/ethnicity groups after removing the influence of the other factors. Odds ratios and their 95% confidence intervals (CI)[19] are reported below.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections for felony convictions in adult district court in 2018 were examined. As can be seen in Table 5-1, Black/African Americans received a sentence to DOC in 33% of cases and Hispanics received a sentence to DOC in 31% of cases. In comparison,

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

[17] See footnote above.

[18] See footnote above.

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

Whites received a sentence to DOC in 23% of cases, Black/African Americans received a DOC sentence in 33% of cases, and Hispanics received a DOC sentence in 31% of cases. After controlling for the factors described above, Black/African Americans had higher odds of receiving a DOC sentence than Whites (odds ratio: 1.42, 95% CI 1.08 - 1.87). Hispanics also had higher odds of receiving a DOC sentence than Whites (odds ratio: 1.99, 95% CI: 1.53 – 2.59).

Table 5-1. DOC Sentences for <u>felony</u> convictions by race/ethnicity

Race/Ethnicity	DOC	Percent	Total
White		**54%**	**1,337**
	No	77%	1,030
	Yes	23%	307
Black/African American		**20%**	**506**
	No	67%	338
	Yes	33%	168
Hispanic*		**23%**	**573**
	No	69%	393
	Yes	31%	180
Other		**3%**	**70**
	No	83%	58
	Yes	17%	12
Total		**100%**	**2,486**

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

Deferred Sentences - Adults in District Court

Deferred sentences for all convictions in adult district court in 2018 were examined (Table 5-2). Black/African Americans received a deferred sentence in 9% of cases and Hispanics received a deferred sentence in 7% of cases. In comparison, Whites received a deferred sentence in13% of cases. After controlling for other factors described above, Black/African Americans had lower odds of receiving a deferred sentence than Whites (odds ratio: .71, 95% CI .53 - .95). Hispanics also had lower odds of receiving a deferred sentence than Whites (odds ratio: .46, 95% CI .34 - .62).

Table 5-2. Deferred sentence for all convictions in Adult District Court by race/ethnicity

Race/Ethnicity	Defer	Percent	Total
White		**55%**	**2,210**
	No	87%	1,933
	Yes	13%	277
Black/African American		**20%**	**793**
	No	91%	721
	Yes	9%	72
Hispanic*		**22%**	**905**
	No	93%	838
	Yes	7%	67
Other		**3%**	**118**
	No	86%	102
	Yes	14%	16
Total		**100%**	**4,026**

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

Deferred Sentences - Juvenile Court

Deferred sentences for all convictions in juvenile court in 2018 were examined (Table 5-3). Black/African Americans received a deferred sentence in 25% of cases and Hispanics received a deferred sentence in 32% of cases. In comparison, Whites received a deferred sentence in 47% of cases. After controlling for the sentencing factors described above, Black/African Americans had lower odds of receiving a deferred sentence than Whites (odds ratio: .32, 95% CI: .22 - .48). Hispanics also had lower odds of receiving a deferred sentence than Whites (odds ratio: .51, 95% CI .35 - .75).

Table 5-3. Deferred sentence for all convictions in Juvenile Court by race/ethnicity

Race/Ethnicity	Defer	Percent	Total
White		**47%**	**542**
	No	32%	176
	Yes	68%	366
Black/African American		**25%**	**287**
	No	70%	200
	Yes	30%	87
Hispanic*		**24%**	**276**
	No	54%	150
	Yes	46%	126
Other		**3%**	**38**
	No	34%	13
	Yes	66%	25
Total		**100%**	**1,143**

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

Division of Youth Services Sentences

Six percent (6%) of White juveniles received a DYS sentence in 2018 compared to 23% of Black/African Americans and 15% of Hispanics (Table 5-4). After controlling for the sentencing factors described above, neither Black/African Americans nor Hispanics had higher odds of receiving a DYS sentence than Whites. Please note the small number of sentences being analyzed interpretations of the data should be made with care.

Table 5-4. Division of Youth Services sentences for all convictions in Juvenile Court by race/ethnicity

Race/Ethnicity	DYS	Percent	Total
White		**47%**	**542**
	No	94%	507
	Yes	6%	35
Black/African American		**25%**	**287**
	No	77%	222
	Yes	23%	65
Hispanic*		**24%**	**276**
	No	85%	234
	Yes	15%	42
Other		**3%**	**38**
	No	97%	37
	Yes	3%	1
Total		**100%**	**1,143**

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

Summary: Additional analyses. Because of the disparities in initial sentences for Black/African American and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Black/African Americans and Hispanics were more likely than Whites to receive a DOC sentence. Additionally, Black/African Americans and Hispanics in district court were still more likely not to receive a deferred judgment when compared to Whites. A deferred judgment is an opportunity to avoid a criminal record. Finally, controlling for the factors described above, compared to Whites, neither Black/African American nor Hispanic youth were more likely to receive a sentence to the Division of Youth Services. It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black/African American and Hispanic defendants.

Appendix A

NIBRS Group A Arrest Crimes

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

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

Appendix B

Most serious filing/conviction charge categories

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

Arson - 1st - 4th degree arson

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

Drug Poss - drug possession, paraphernalia possession

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

Escape

Extortion

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

Forgery

Fraud

Homicide - 1st and 2nd degree murder

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

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

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

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

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

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

Appendix C

Statistical Model for Classifying Hispanic Ethnicity

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

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

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

The variables provided to the model included:

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

2. Gender

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

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

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

The development model achieved an AUC (Area Under the Curve) of .95 and the validation AUC was also .95.[20] 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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[20] 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.