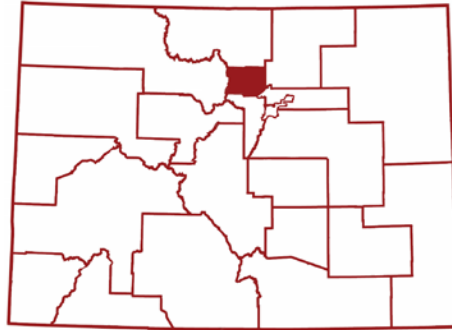# CLEAR Act: 2018

Community Law Enforcement Action Reporting Act

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20th Judicial District

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

Age Group	Race/Ethnicity	Percent	Total
Adult		**89%**	**263,263**
	Black/African American	1%	3,110
	Hispanic	11%	29,857
	Other	6%	14,526
	White	82%	215,769
Juvenile		**11%**	**31,573**
	Black/African American	2%	507
	Hispanic	23%	7,314
	Other	6%	1,980
	White	69%	21,772
Total		**100%**	**294,835**

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

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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 information on arrests/summonses and court case processing for the 20th 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 information on arrests/summonses and court case processing for the 20th 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 20th Judicial District was 294,835. The adult population was comprised as follows:
- White, 82%;
- Black, 1%;
- Hispanic, 11%; and
- Other, 6%.

The juvenile population was comprised as follows:
- White, 69%;
- Black, 2%;
- Hispanic, 23%; and
- Other, 6%.

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

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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.

between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly undercounted in the Hispanic category. For example, in 2018 Hispanics represented 22% of the Colorado population, but only 6% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data are plagued with random misclassifications of race and ethnicity, and both random and non-random missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The 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 14,000 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses while Violent crimes accounted for 11%, Property offenses accounted for 11%, and the remainder of arrests/summonses (69%) fell into the Other crime category. Black/African Americans represented 1% of the population in 2018 but accounted for 5% of arrests/summonses. Hispanics (adults and juveniles combined) represented 13% of the population and 20% of arrests/summonses. Juveniles were more likely to be summonsed than arrested. Violent crimes were less likely than the other crime categories to result in a summons.

Court filings. This study of more than 6,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 1% of the population and 5% of the arrests/summonses in 2018, they accounted for 6% of district court filings. In juvenile court, Black/African Americans represented 7% of cases, compared to 2% Black/African American juveniles in the population. Hispanic adults made up 11% of the adult population but had 23% of district court filings in 2018. In terms of gender, 24% of filings were females and 76% were males. Less than 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

All offenses presented in the analysis of court data <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 significantly likely to 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, 22% of cases in county court were dismissed, as were 12% of cases in district court and 14% of cases in juvenile court. One-third (31%) of county court cases were convicted as charged compared to 11% in district court and 55% in juvenile court. One-quarter (28%) of county court cases were convicted of a different charge, as were half (50%) of district court cases, and 21% of juvenile court cases. Black/African

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

American youth in juvenile court were more likely to have the case dismissed (20% compared to 14% overall), and were less likely to have a case falling into the not yet resolved/case closed category (4% compared to 10% overall).

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 in 2018, deferred sentences were issued in 29% of cases and jail was used in 32% of cases. Women were considerably more likely than men to receive a deferred judgment in county court (44% compared to 24%, respectively). Men were more likely than women to receive a jail sentence (36% for men compared to 20% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 25% for women). Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (43% compared to 29% overall); Black/African Americans were unlikely to receive a deferred judgement, at 21%. Hispanics were less likely to receive jail time (24% compared to 32% overall). For those with Other as the most serious county court conviction charge, Black/African Americans were more likely to receive a jail sentence (48% compared to 37% overall) and much less likely to receive a deferred judgment (13% compared to 20% overall). Black/African Americans with Violent and Property offenses were less likely to receive a deferred judgment.

In district court, probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a jail sentence: 25% of Drug cases, 30% of Other cases, 27% of Property cases, and 13% of Violent cases received a jail sentence. Deferred judgments were imposed in 8% of cases and were most likely to be imposed in Property (11%) and Violent cases (13%), and least likely to be imposed in Drug cases (2%). Women were more likely to receive a deferred judgment compared to men (11% versus 8%, respectively), and more likely to be granted probation (62% compared to 56% for men). Women were less likely to receive a jail sentence (22%) compared to men (24%), and considerably less likely to receive a prison sentence compared to men (2% compared to 8%). In terms of race/ethnicity, Hispanics in district court were more likely to receive a prison sentence (12% compared to 7% overall) and less likely to be granted a deferred judgment (5% compared to 8% overall). Black/African Americans were much more likely to receive a jail sentence (34% compared to 24% overall). Hispanics with Drug offenses were more likely to receive a prison sentence (6% compared to 3% overall) and Black/African Americans with Drug cases were more likely to receive a jail sentence (33% compared to 35% overall). For Other, Property and Violent offenses, Hispanics were more likely to receive prison sentences.

In juvenile court, initial sentences to probation were the most frequently occurring sentence: over half (53%) of initial sentences were to probation, while 39% of cases were granted a

deferred judgment. Drug cases were slightly less likely than other offenses to receive a deferred judgment (35%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent cases. Across race/ethnicity categories, Black/African Americans were much more likely to receive a deferred judgment (56% compared to 39% overall) in juvenile court. However, the few cases (n=16) in this category means this information should be interpreted with caution. Hispanic youth with Violent cases were less likely to receive a deferred judgment (3% compared to 41% overall) and were more likely to be sentenced to the Division of Youth Services (8% compared to 5% 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, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. The revocation information, therefore, should be interpreted with caution.

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

Overall, 14% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to be revoked than males (26% compared to 30%, respectively).

In district court, 31% of cases were revoked. Whites were most likely to be revoked (33% compared to 31% overall). Women in adult district court were more likely than men to get revoked (35% compared to 30%). Men and women with Drug cases were considerably more likely, compared to those with other crime types, to be revoked.

In juvenile court, 29% of cases sentenced to probation/deferred judgment in 2018 were revoked. Whites were most likely to be revoked (32% compared to 29% overall). Females were revoked at a rate of 26% compared to 30% for males.

Overall summary. In 2018, Black/African Americans represented 1% of the population but accounted for 5% of arrests/summonses and 6% of adult district court filings. Hispanic adults represented 11% of the population, 20% of arrests/summonses and 23% of district court filings. In juvenile court, Black/African Americans represented 7% of cases, compared to 2% of Black/African American juveniles in the population. Hispanic youth were 23% of the population and 43% of cases filed.

In county court in 2018, deferred sentences were issued in 29% of cases and jail was used in 32% of cases.). Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (43% compared to 29% overall); Black/African Americans were unlikely to receive a deferred judgement, at 21%. Hispanics were less likely to receive jail time (24%

compared to 32% overall). For those with Other as the most serious county court conviction charge, Black/African Americans were more likely to receive a jail sentence (48% compared to 37% overall) and much less likely to receive a deferred judgment (13% compared to 20% overall). Black/African Americans with Violent and Property offenses were less likely to receive a deferred judgment.

In district court, probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a jail sentence: 25% of Drug cases, 30% of Other cases, 27% of Property cases, and 13% of Violent cases received a jail sentence. Deferred judgments were imposed in 8% of cases and were most likely to be imposed in Property (11%) and Violent cases (13%), and least likely to be imposed in Drug cases (2%). In terms of race/ethnicity, Hispanics in district court were more likely to receive a prison sentence (12% compared to 7% overall) and less likely to be granted a deferred judgment (5% compared to 8% overall). Black/African Americans were much more likely to receive a jail sentence (34% compared to 24% overall). Hispanics with Drug offenses were more likely to receive a prison sentence (6% compared to 3% overall) and Black/African Americans with Drug cases were more likely to receive a jail sentence (33% compared to 35% overall). For Other, Property and Violent offenses, Hispanics were more likely to receive prison sentences.

In juvenile court, initial sentences to probation were the most frequently occurring sentence: over half (53%) of initial sentences were to probation, while 39% of cases were granted a deferred judgment. Drug cases were slightly less likely than other offenses to receive a deferred judgment (35%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent cases. Across race/ethnicity categories, Black/African Americans were much more likely to receive a deferred judgment (56% compared to 39% overall) in juvenile court. However, the few cases (n=16) in this category means this information should be interpreted with caution. Hispanic youth with Violent cases were less likely to receive a deferred judgment (3% compared to 41% overall) and were more likely to be sentenced to the Division of Youth Services (8% compared to 5% overall).

In terms of revocations, 14% of county court cases, 31% of district court cases, and 29% of juvenile court cases were revoked. In county court, those with Violent cases were most likely to be revoked compared to the other offense categories. In district court, those with Drug cases were considerably more likely to be revoked compared to the other crime types.

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, 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 2018 in the 20th Judicial District for residents ages 10 and over was 294,835 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		**89%**	**263,263**
	Black/African American	1%	3,110
	Hispanic	11%	29,857
	Other	6%	14,526
	White	82%	215,769
Juvenile		**11%**	**31,573**
	Black/African American	2%	507
	Hispanic	23%	7,314
	Other	6%	1,980
	White	69%	21,772
Total		**100%**	**294,835**

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; and
- 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 14,000 NIBRS incidents in the 20th Judicial District were analyzed for calendar year 2018 (Table 1-2).

Table 1-2. Arrests by type, 2018

Arrest Type	Percent	Total
Custody/warrant	38%	5,356
On-view/probable cause	28%	4,028
Summons	34%	4,850
Total	**100%**	**14,234**

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	41%	2,488
County	54%	3,289
Juvenile	6%	364
Total	**100%**	**6,141**

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 6,000 *cases not individuals*. Individuals may have multiple, concurrent cases,[8] and cases typically have multiple charges. Frequently cases and charges are dismissed for a judgment in a concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that some charges were dismissed and some were found not guilty.

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

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

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

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

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

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

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

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 for the 20th Judicial District.

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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.

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

Crime type	Percent	Total
Drugs	9%	1,253
Other	69%	9,782
Property	11%	1,626
Violent	11%	1,573
Total	**100%**	**14,234**

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

Table 2-2 reflects over 14,000 arrests/summonses captured in NIBRS for calendar year 2018, by race/ethnicity. Black/African Americans represented 1% of the population in 2018, but accounted for 5% of arrests/summonses. Hispanics represented 13% of the population (adults and juveniles combined) and accounted for 20% of arrests. The Other race/ethnicity category represented 6% of the population, and were underrepresented in arrests (2%), as were Whites, who represented 81% of the population and 74% of arrests/summonses.

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

Race/Ethnicity	Percent	Total
Black/African Am	5%	661
Hispanic*	20%	2,835
Other	2%	257
White	74%	10,481
Total	**100%**	**14,234**

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 6% of on view/probable cause arrests and that 30% of those arrests were for violent crimes, a proportion similar to adults (27%). Juveniles accounted for 3% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to get summoned than arrested; they accounted for 13% 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		**94%**	**3,796**
	Drugs	9%	358
	Other	51%	1,937
	Property	13%	481
	Violent	27%	1,020
Juvenile		**6%**	**232**
	Drugs	16%	37
	Other	34%	80
	Property	19%	45
	Violent	30%	70
Total		**100%**	**4,028**

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

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

Age Group	Crime type	Percent	Total
Adult		**97%**	**5,179**
	Drugs	4%	191
	Other	85%	4,416
	Property	6%	316
	Violent	5%	256
Juvenile		**3%**	**177**
	Drugs	2%	4
	Other	84%	148
	Property	5%	9
	Violent	9%	16
Total		**100%**	**5,356**

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		**87%**	**4,206**
	Drugs	12%	508
	Other	69%	2,899
	Property	15%	634
	Violent	4%	165
Juvenile		**13%**	**644**
	Drugs	24%	155
	Other	47%	302
	Property	22%	141
	Violent	7%	46
Total		**100%**	**4,850**

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 10% of probable cause arrests were for Drug related offenses, 50% were for Other offenses, 13% for Property offenses, and 27% for Violent offenses. While Black/African Americans made up 1% of the population, Table 2-6 shows that they were arrested at much higher rates for probable cause arrests in 2018: Black/African Americans accounted for 5% of Drug arrests, 4% of arrests for Other offenses, 7% of Property arrests, and 6% of Violent arrests. Likewise, Hispanics represented 13% of the (combined adult and juvenile) population but represented 23% of Drug probable cause arrests, 21% of Other arrests, 19% of Property arrests, and 25% 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 5% of these types of arrests involved a Violent offense, Black/African Americans made up 7% of Violent crime warrant arrests and Hispanics made up 21%, which was greater than their proportion in the population (1% and 13%, respectively).

Table 2-8 shows that summons were less likely to be issued for Violent offenses (5%) compared to Other (66%) and Property (16%) and that, of those summons issued for Violent crimes, 7% went to Black/African Americans.

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

Crime type	Race/Ethnicity	Percent	Total
Drugs		**10%**	**395**
	Black/African American	5%	19
	Hispanic*	23%	90
	Other	1%	4
	White	71%	282
Other		**50%**	**2,017**
	Black/African American	4%	71
	Hispanic*	21%	432
	Other	2%	46
	White	73%	1,468
Property		**13%**	**526**
	Black/African American	7%	39
	Hispanic*	19%	102
	Other	1%	7
	White	72%	378
Violent		**27%**	**1,090**
	Black/African American	6%	70
	Hispanic*	25%	272
	Other	2%	23
	White	67%	725
Total		**100%**	**4,028**

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%**	**195**
	Black/African American	5%	10
	Hispanic*	18%	35
	Other	3%	5
	White	74%	145
Other		**85%**	**4,564**
	Black/African American	5%	236
	Hispanic*	22%	1,015
	Other	2%	72
	White	71%	3,241
Property		**6%**	**325**
	Black/African American	7%	23
	Hispanic*	24%	78
	Other	1%	4
	White	68%	220
Violent		**5%**	**272**
	Black/African American	7%	19
	Hispanic*	21%	58
	Other	2%	6
	White	69%	189
Total		**100%**	**5,356**

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		**14%**	**663**
	Black/African American	2%	14
	Hispanic*	12%	82
	Other	2%	16
	White	83%	551
Other		**66%**	**3,201**
	Black/African American	3%	110
	Hispanic*	14%	455
	Other	2%	57
	White	81%	2,579
Property		**16%**	**775**
	Black/African American	5%	35
	Hispanic*	20%	158
	Other	2%	14
	White	73%	568
Violent		**4%**	**211**
	Black/African American	7%	15
	Hispanic*	27%	58
	Other	1%	3
	White	64%	135
Total		**100%**	**4,850**

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 18-29% of arrests and 29-43% of summonses (depending on the crime category) and men comprised the remainder.

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

Crime type	Gender	Percent	Total
Drugs		10%	395
	Female	24%	95
	Male	76%	300
Other		50%	2,017
	Female	22%	450
	Male	78%	1,567
Property		13%	526
	Female	25%	130
	Male	75%	396
Violent		27%	1,090
	Female	24%	261
	Male	76%	829
Total		100%	4,028

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%	195
	Female	23%	44
	Male	77%	151
Other		85%	4,564
	Female	23%	1,062
	Male	77%	3,502
Property		6%	325
	Female	29%	93
	Male	71%	232
Violent		5%	272
	Female	18%	48
	Male	82%	224
Total		100%	5,356

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

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

Crime type	Gender	Percent	Total
Drugs		**14%**	**663**
	Female	30%	199
	Male	70%	464
Other		**66%**	**3,201**
	Female	29%	922
	Male	71%	2,279
Property		**16%**	**775**
	Female	43%	337
	Male	57%	438
Violent		**4%**	**211**
	Female	34%	71
	Male	66%	140
Total		**100%**	**4,850**

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 14,000 arrests/summonses. For this analysis, dozens of offense categories were collapsed into four broad groups of crimes: Drugs, Other, Property and Violence (see Appendix A for the list of offenses in these categories). In 2018, arrests/summonses for Drug offenses accounted for 9% of all arrests/summonses while Violent crimes accounted for 11%, Property offenses accounted for 11%, and the remainder of arrests/summonses (69%) fell into the Other crime category. Black/African Americans represented 1% of the population in 2018 but accounted for 5% of arrests/summonses. Hispanics (adults and juvenile combined) represented 13% of the population and 20% of arrests/summonses. Juveniles were more likely to be summonsed than arrested. 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 6,141 case filings in county, adult district, and juvenile courts combined for calendar year 2018 in the 20th Judicial District. While Black/African Americans represented 1% of the population and 5% of the arrests/summonses in 2018, they accounted for 6% of court filings. Hispanics represented 13% of the population, 20% of arrests/summonses, and 23% 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 American	6%	366
Hispanic*	23%	1,410
Other	2%	139
White	69%	4,226
Total	**100%**	**6,141**

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 11% of cases, and Violent charges comprised the largest category at 37% of charges filed. The race/ethnicity distribution is generally consistent across crime types.

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

Crime type	Race/Ethnicity	Percent	Total
Drugs		**11%**	**687**
	Black/African American	4%	28
	Hispanic*	23%	160
	Other	2%	16
	White	70%	483
Other		**23%**	**1,410**
	Black/African American	5%	75
	Hispanic*	25%	357
	Other	2%	31
	White	67%	947
Property		**29%**	**1,783**
	Black/African American	7%	120
	Hispanic*	19%	347
	Other	2%	35
	White	72%	1,281
Violent		**37%**	**2,261**
	Black/African American	6%	143
	Hispanic*	24%	546
	Other	3%	57
	White	67%	1,515
Total		**100%**	**6,141**

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

Table 3-3 depicts that, across all court types, 24% of filings were females and 76% were males. Females were slightly more likely than men to be involved in Property crimes (31% compared to 28%, respectively) and Drug crimes (13% compared to 11%, respectively) and very slightly less to be involved in Violent offenses (36% compared to 37%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Crime type	Percent	Total
Female		**24%**	**1,454**
	Drugs	13%	186
	Other	20%	294
	Property	31%	450
	Violent	36%	524
Male		**76%**	**4,687**
	Drugs	11%	501
	Other	24%	1,116
	Property	28%	1,333
	Violent	37%	1,737
Total		**100%**	**6,141**

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 54% of the total. Black/African Americans represented 6% of county court cases filed compared to 6% in adult district court and 7% in juvenile court. Hispanics represented 21% of county court filings, 23% of district court filings, and 43% of juvenile court filings in 2018.

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

Court	Race/Ethnicity	Percent	Total
Adult District		**41%**	**2,488**
	Black/African American	6%	158
	Hispanic*	23%	563
	Other	2%	46
	White	69%	1,721
County		**54%**	**3,289**
	Black/African American	6%	183
	Hispanic*	21%	690
	Other	3%	83
	White	71%	2,333
Juvenile		**6%**	**364**
	Black/African American	7%	25
	Hispanic*	43%	157
	Other	3%	10
	White	47%	172
Total		**100%**	**6,141**

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 (45%) of county court cases were Violent offenses (primarily misdemeanor assault); Property offenses (34%) and Violent cases (26%) comprised the largest categories of cases in adult district court; and Property crimes made up one-third (36%) 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 (26%) compared to adult district court (21%) and juvenile court (25%).

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

Court	Crime type	Percent	Total
Adult District		**41%**	**2,488**
	Drugs	19%	483
	Other	21%	524
	Property	34%	840
	Violent	26%	641
County		**54%**	**3,289**
	Drugs	5%	166
	Other	25%	821
	Property	25%	811
	Violent	45%	1,491
Juvenile		**6%**	**364**
	Drugs	10%	38
	Other	18%	65
	Property	36%	132
	Violent	35%	129
Total		**100%**	**6,141**

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		**41%**	**2,488**
	Female	21%	514
	Male	79%	1,974
County		**54%**	**3,289**
	Female	26%	850
	Male	74%	2,439
Juvenile		**6%**	**364**
	Female	25%	90
	Male	75%	274
Total		**100%**	**6,141**

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		**41%**	**2,488**
	No	100%	2,483
	Yes	<1%	5
County		**54%**	**3,289**
	No	100%	3,277
	Yes	<1%	12
Juvenile		**6%**	**364**
	No	99%	361
	Yes	<1%	3
Total		**100%**	**6,141**

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		**11%**	**687**
	No	100%	686
	Yes	<1%	1
Other		**23%**	**1,410**
	No	100%	1,404
	Yes	<1%	6
Property		**29%**	**1,783**
	No	100%	1,782
	Yes	<1%	1
Violent		**37%**	**2,261**
	No	99%	2,249
	Yes	<1%	12
Total		**100%**	**6,141**

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 6,000 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 1% of the population and 5% of the arrests/summonses in 2018, they accounted for 6% of district court filings. In juvenile court, Black/African Americans represented 7% of cases, compared to 2% Black/African American juveniles in the population. Hispanic adults made up 11% of the adult population but had 23% of district court filings in 2018. In terms of gender, 24% of filings were females and

76% were males. Less than 1% of cases completed a trial in 2018. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

Case Outcomes

The following three tables present case outcomes, by race/ethnicity and most serious filing charge (including attempt, conspiracy and solicitation), for county court, district court, and juvenile court in 2018. It is important to remember that most cases contain multiple charges, and many cases have concurrent cases. All charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, in 22% 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 convicted as charged, and one-quarter (28%) were convicted of another crime. Black/African Americans were somewhat less likely to have the case dismissed (18% compared to 22% overall) and somewhat more likely to have a case that was not yet resolved (23% compared to 19% overall).

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

Race/Ethnicity	Crime type	Convicted as Charged	Convicted other crime	Dismissed/ not guilty	Not yet resolved /case closed	Total	Total N
Black/African Am		**26%**	**32%**	**18%**	**23%**	**100%**	**183**
	Drugs	100%	0%	0%	0%	100%	3
	Other	32%	27%	10%	32%	100%	41
	Property	32%	37%	17%	15%	100%	41
	Violent	19%	34%	22%	24%	100%	98
Hispanic*		**31%**	**29%**	**20%**	**21%**	**100%**	**690**
	Drugs	73%	14%	7%	7%	100%	44
	Other	34%	31%	15%	20%	100%	196
	Property	29%	27%	21%	24%	100%	135
	Violent	24%	30%	24%	22%	100%	315
Other		**31%**	**23%**	**33%**	**13%**	**100%**	**83**
	Drugs	67%	0%	0%	33%	100%	3
	Other	42%	26%	11%	21%	100%	19
	Property	47%	21%	21%	11%	100%	19
	Violent	17%	24%	50%	10%	100%	42
White		**31%**	**28%**	**23%**	**18%**	**100%**	**2,333**
	Drugs	58%	10%	22%	9%	100%	116
	Other	32%	35%	16%	18%	100%	565
	Property	37%	25%	23%	16%	100%	616
	Violent	25%	27%	27%	21%	100%	1,036
Total		**31%**	**28%**	**22%**	**19%**	**100%**	**3,289**

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

Table 3-10 reflects case outcomes for district court in 2018. Twelve percent (12%) of cases filed in district court had all charges dismissed (less than 1% of those in this category were not guilty). Cases falling into the Other race/ethnicity category were slightly more likely to have charges dismissed, especially Other offenses. In fact, offenses falling in the Other crime category were more likely to get dismissed compared to the other offense types.

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

Race/Ethnicity	Crime type	Convicted as charged	Convicted other crime	Dismissed/ Not guilty	Not yet resolved /case closed	Total	Total N
Black/African Am		**9%**	**51%**	**13%**	**28%**	**100%**	**158**
	Drugs	4%	63%	25%	8%	100%	24
	Other	12%	38%	35%	15%	100%	26
	Property	7%	51%	7%	35%	100%	69
	Violent	13%	51%	0%	36%	100%	39
Hispanic		**11%**	**47%**	**11%**	**32%**	**100%**	**563**
	Drugs	0%	65%	6%	29%	100%	100
	Other	17%	27%	20%	37%	100%	132
	Property	12%	54%	9%	25%	100%	162
	Violent	11%	44%	8%	37%	100%	169
Other		**11%**	**52%**	**15%**	**22%**	**100%**	**46**
	Drugs	9%	64%	9%	18%	100%	11
	Other	0%	40%	50%	10%	100%	10
	Property	8%	62%	8%	23%	100%	13
	Violent	25%	42%	0%	33%	100%	12
White		**11%**	**52%**	**12%**	**25%**	**100%**	**1,721**
	Drugs	3%	66%	10%	20%	100%	348
	Other	14%	38%	24%	24%	100%	356
	Property	13%	59%	8%	20%	100%	596
	Violent	12%	40%	11%	38%	100%	421
Total		**11%**	**50%**	**12%**	**27%**	**100%**	**2,488**

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 14% of cases filed, while 55% of cases were convicted as charged and 21% were convicted of a different crime. Black/African Americans were more likely to have the case dismissed (20% compared to 14% overall), and were much less likely to have a case falling into the not yet resolved/case closed category (4% compared to 10% overall), however, the few Black/African American cases (n=25) means this information should be interpreted with caution.

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

Race/Ethnicity	Crime type	Convicted as charged	Convicted other crime	Dismissed/ not guilty	Not Yet resolved/ case closed	Total	Total N
Black/African Am		**56%**	**20%**	**20%**	**4%**	**100%**	**25**
	Drugs	100%	0%	0%	0%	100%	1
	Other	88%	0%	0%	13%	100%	8
	Property	20%	30%	50%	0%	100%	10
	Violent	67%	33%	0%	0%	100%	6
Hispanic		**52%**	**20%**	**15%**	**13%**	**100%**	**157**
	Drugs	56%	13%	25%	6%	100%	16
	Other	52%	10%	24%	14%	100%	29
	Property	48%	28%	8%	16%	100%	50
	Violent	55%	19%	13%	13%	100%	62
Other		**60%**	**20%**	**20%**	**0%**	**100%**	**10**
	Drugs	50%	0%	50%	0%	100%	2
	Other	50%	0%	50%	0%	100%	2
	Property	67%	33%	0%	0%	100%	3
	Violent	67%	33%	0%	0%	100%	3
White		**57%**	**23%**	**13%**	**8%**	**100%**	**172**
	Drugs	68%	16%	11%	5%	100%	19
	Other	58%	27%	8%	8%	100%	26
	Property	51%	25%	14%	10%	100%	69
	Violent	60%	21%	14%	5%	100%	58
Total		**55%**	**21%**	**14%**	**10%**	**100%**	**364**

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, 22% of cases in county court were dismissed, as were 12% of cases in district court and 14% of cases in juvenile court. One-third (31%) of county court cases were convicted as charged compared to 11% in district court and 55% in juvenile court. One-quarter (28%) of county court cases were convicted of a different charge, as were half (50%) of district court cases, and 21% of juvenile court cases. Black/African American youth in juvenile court were more likely to have the case dismissed

(20% compared to 14% overall), and were less likely to have a case falling into the not yet resolved/case closed category (4% compared to 10% overall).

Initial Sentences

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

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

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

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

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

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

County court

Table 3-12 presents the initial sentence for each of the four offense types for county court cases in 2018. Deferred sentences were issued in 29% of cases in county court, and jail was used in 32% of cases.

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

Sentence	Crime type	Percent	Total
Community Service		**3%**	**52**
	Drugs	15%	8
	Other	48%	25
	Property	27%	14
	Violent	10%	5
Deferred		**29%**	**581**
	Drugs	14%	79
	Other	26%	150
	Property	28%	163
	Violent	33%	189
Fines/fees		**6%**	**121**
	Drugs	2%	3
	Other	49%	59
	Property	45%	54
	Violent	4%	5
Jail		**32%**	**649**
	Drugs	2%	14
	Other	43%	276
	Property	35%	229
	Violent	20%	130
Probation/Intensive Supervision		**28%**	**561**
	Drugs	2%	10
	Other	37%	207
	Property	12%	66
	Violent	50%	278
Unsupervised Probation		**3%**	**63**
	Drugs	2%	1
	Other	44%	28
	Property	29%	18
	Violent	25%	16
Total		**100%**	**2,027**

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 (44% compared to 24%, respectively). Men were more likely than women to receive a jail sentence (36% for men compared to 20% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 25% for women).

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

Sentence	Female	Male	Total
(N)	487	1,540	2,027
Community Service	3%	2%	3%
Deferred	44%	24%	29%
Fines/fees	7%	6%	6%
Jail	20%	36%	32%
Probation/Intensive Supervision	23%	29%	28%
Unsupervised Probation	3%	3%	3%
Total	**100%**	**100%**	**100%**

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (43% compared to 29% overall); Black/African Americans were unlikely to receive a deferred judgement, at 21%. Hispanics were less likely to receive jail time (24% compared to 32% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	107	429	49	1,442	2,027
Community Service	3%	5%	0%	2%	3%
Deferred	21%	29%	43%	29%	29%
Fines/fees	7%	7%	6%	6%	6%
Jail	34%	24%	31%	34%	32%
Probation/Intensive Supervision	29%	32%	18%	27%	28%
Unsupervised Probation	7%	2%	2%	3%	3%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Caution should be used when interpreting the findings when few cases are available for analysis.

Table 3-15 shows initial sentences for county court Drug cases. Hispanics received a deferred judgment in 75% of Drug cases, compared to 69% 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)	2	32	3	78	115
Community Service	0%	13%	0%	5%	7%
Deferred	100%	75%	100%	64%	69%
Fines/fees	0%	0%	0%	4%	3%
Jail	0%	9%	0%	14%	12%
Probation/Intensive Supervision	0%	3%	0%	12%	9%
Unsupervised Probation	0%	0%	0%	1%	<1%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans were more likely to receive a jail sentence (48% compared to 37% overall) and much less likely to receive a deferred judgment (13% compared to 20% 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 less likely to receive a deferred judgment.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	31	178	20	516	745
Community Service	0%	7%	0%	3%	3%
Deferred	13%	17%	35%	21%	20%
Fines/fees	6%	10%	10%	7%	8%
Jail	48%	30%	30%	39%	37%
Probation/Intensive Supervision	23%	33%	20%	27%	28%
Unsupervised Probation	10%	3%	5%	4%	4%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	36	78	14	416	544
Community Service	6%	4%	0%	2%	3%
Deferred	22%	38%	43%	29%	30%
Fines/fees	14%	13%	7%	9%	10%
Jail	39%	28%	50%	45%	42%
Probation/Intensive Supervision	14%	14%	0%	12%	12%
Unsupervised Probation	6%	3%	0%	3%	3%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	38	141	12	432	623
Community Service	3%	1%	0%	<1%	<1%
Deferred	24%	29%	42%	31%	30%
Fines/fees	0%	<1%	0%	<1%	<1%
Jail	18%	18%	17%	22%	21%
Probation/Intensive Supervision	50%	48%	42%	43%	45%
Unsupervised Probation	5%	2%	0%	3%	3%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

District court

Table 3-19 shows the initial sentence by offense type for district court cases in 2018 in the 20th Judicial District. Probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a jail sentence: 25% of Drug cases, 30% of Other cases, 27% of Property cases, and 13% of Violent cases received a jail sentence. Deferred judgments were imposed in 8% of cases and were most likely to be imposed in Property (11%) and Violent cases (13%), and least likely to be imposed in Drug cases (2%).

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	440	391	671	484	1,986
Community Corrections	<1%	2%	2%	3%	2%
Community Service	1%	0%	1%	<1%	<1%
Deferred	2%	5%	11%	13%	8%
Dept of Corrections	3%	10%	7%	9%	7%
Fines/fees	1%	2%	1%	<1%	1%
Jail	25%	30%	27%	13%	24%
Probation/Intensive Supervision	67%	51%	51%	61%	57%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

Table 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (11% versus 8%, respectively), and more likely to be granted probation (62% compared to 56% for men). Women were less likely to receive a jail sentence (22%) compared to men (24%), and considerably less likely to receive a prison sentence compared to men (2% compared to 8%).

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

Sentence	Female	Male	Total
(N)	409	1,577	1,986
Community Corrections	<1%	2%	2%
Community Service	1%	<1%	<1%
Deferred	11%	8%	8%
Dept of Corrections	2%	8%	7%
Fines/fees	2%	1%	1%
Jail	22%	24%	24%
Probation/Intensive Supervision	62%	56%	57%
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. Hispanics were more likely to receive a prison sentence (12% compared to 7% overall) and less likely to be granted a deferred judgment (5% compared to 8% overall). Black/African Americans were much more likely to receive a jail sentence (34% compared to 24% overall).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	105	452	33	1,396	1,986
Community Corrections	0%	2%	0%	2%	2%
Community Service	0%	<1%	3%	<1%	<1%
Deferred	9%	5%	12%	9%	8%
Dept of Corrections	6%	12%	3%	5%	7%
Fines/fees	2%	2%	3%	1%	1%
Jail	34%	23%	15%	23%	24%
Probation/Intensive Supervision	50%	55%	64%	58%	57%
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. Caution must be used when interpreting the findings when the number of cases is small.

Table 3-22 shows the sentences cases received for Drug offenses. Hispanics were more likely to receive a prison sentence (6% compared to 3% overall) and Black/African Americans were more likely to receive a jail sentence (33% compared to 35% overall). For Other, Property and Violent offenses, Hispanics were more likely to receive prison sentences (Tables 3-23, 3-24 and 3-25).

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	18	89	8	325	440
Community Corrections	0%	1%	0%	<1%	<1%
Community Service	0%	1%	0%	1%	1%
Deferred	6%	3%	0%	2%	2%
Dept of Corrections	0%	6%	13%	2%	3%
Fines/fees	0%	2%	0%	<1%	1%
Jail	33%	27%	13%	25%	25%
Probation/Intensive Supervision	61%	60%	75%	69%	67%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	20	110	4	257	391
Community Corrections	0%	3%	0%	2%	2%
Deferred	5%	4%	25%	5%	5%
Dept of Corrections	10%	13%	0%	9%	10%
Fines/fees	5%	3%	0%	2%	2%
Jail	35%	28%	25%	30%	30%
Probation/Intensive Supervision	45%	50%	50%	52%	51%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	33	133	13	492	671
Community Corrections	0%	2%	0%	2%	2%
Community Service	0%	<1%	8%	1%	1%
Deferred	12%	5%	8%	13%	11%
Dept of Corrections	9%	11%	0%	6%	7%
Fines/fees	0%	<1%	8%	1%	1%
Jail	45%	27%	8%	26%	27%
Probation/Intensive Supervision	33%	53%	69%	52%	51%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

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

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

Sentence	Black/African Am	Hispanic.	Other	White	Total
(N)	34	120	8	322	484
Community Corrections	0%	3%	0%	3%	3%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	9%	9%	25%	15%	13%
Dept of Corrections	3%	18%	0%	6%	9%
Fines/fees	3%	<1%	0%	<1%	<1%
Jail	24%	11%	25%	13%	13%
Probation/Intensive Supervision	62%	57%	50%	63%	61%
Total	100%	100%	100%	100%	100%

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

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2018, by crime type. Initial sentences to probation were the most frequently occurring sentence: over half (53%) of initial sentences were to probation, while 39% of cases were granted a deferred judgment. Drug cases were slightly less likely than other offenses to receive a deferred judgment (35%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent cases.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	26	41	95	80	242
Community Service	0%	2%	0%	0%	<1%
Deferred	35%	41%	38%	41%	39%
Division of Youth Services	0%	0%	1%	5%	2%
Fines/fees	4%	0%	1%	0%	<1%
Jail	0%	5%	2%	0%	2%
Juvenile Detention	4%	2%	3%	1%	2%
Probation/Intensive Supervision	58%	49%	55%	53%	53%
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 (47% versus 37%, respectively), and less likely to receive a sentence to the Division of Youth Services (0% compared to 3%).

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

Sentence	Female	Male	Total
(N)	51	191	242
Community Service	0%	<1%	<1%
Deferred	47%	37%	39%
Division of Youth Services	0%	3%	2%
Fines/fees	2%	<1%	<1%
Jail	2%	2%	2%
Juvenile Detention	6%	2%	2%
Probation/Intensive Supervision	43%	56%	53%
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 much more likely to receive a deferred judgment (56% compared to 39% overall) in juvenile court. However, the few cases (n=16) in this category means this information should be interpreted with caution.

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

Sentence	Black/African Am	Hispanic*	Other	White	Total
(N)	16	98	8	120	242
Community Service	0%	0%	0%	<1%	<1%
Deferred	56%	40%	38%	37%	39%
Division of Youth Services	0%	3%	0%	2%	2%
Fines/fees	0%	0%	0%	2%	<1%
Jail	0%	3%	0%	<1%	2%
Juvenile Detention	6%	0%	0%	4%	2%
Probation/Intensive Supervision	38%	54%	63%	54%	53%
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 Violent offenses (Table 3-32), Hispanic youth were less likely to receive a deferred judgment (3% compared to 41% overall) and more likely to be sentenced to the Division of Youth Services (8% compared to 5% overall).

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

Sentence	Hispanic*	White	Total
(N)	11	15	26
Deferred	45%	27%	35%
Fines/fees	0%	7%	4%
Juvenile Detention	0%	7%	4%
Probation/Intensive Supervision	55%	60%	58%
Total	100%	100%	100%

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

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

Sentence	Black/African Am	Hispanic.	Other	White	Total
(N)	6	14	2	19	41
Community Service	0%	0%	0%	5%	2%
Deferred	83%	57%	0%	21%	41%
Jail	0%	7%	0%	5%	5%
Juvenile Detention	0%	0%	0%	5%	2%
Probation/Intensive Supervision	17%	36%	100%	63%	49%
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)	5	37	5	48	95
Deferred	40%	38%	60%	35%	38%
Division of Youth Services	0%	0%	0%	2%	1%
Fines/fees	0%	0%	0%	2%	1%
Jail	0%	5%	0%	0%	2%
Juvenile Detention	20%	0%	0%	4%	3%
Probation/Intensive Supervision	40%	57%	40%	56%	55%
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)	5	36	1	38	80
Deferred	40%	33%	0%	50%	41%
Division of Youth Services	0%	8%	0%	3%	5%
Juvenile Detention	0%	0%	0%	3%	1%
Probation/Intensive Supervision	60%	58%	100%	45%	53%
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, 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. 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 in 2018, deferred sentences were issued in 29% of cases and jail was used in 32% of cases. Women were considerably more likely than men to receive a deferred judgment in county court (44% compared to 24%, respectively). Men were more likely than women to receive a jail sentence (36% for men compared to 20% for women), and men were more likely to be granted an initial sentence to probation (30% compared to 25% for women). Those in the Other race/ethnicity category were much more likely to receive a deferred judgment (43% compared to 29% overall); Black/African Americans were unlikely to receive a deferred judgement, at 21%. Hispanics were less likely to receive jail time (24% compared to 32% overall). For those with Other as the most serious county court conviction charge, Black/African Americans were more likely to receive a jail sentence (48% compared to 37% overall) and much less likely to receive a deferred judgment (13% compared to 20% overall). Black/African Americans with Violent and Property offenses were less likely to receive a deferred judgment.

In district court, probation was the most frequently occurring initial sentence, happening two-thirds (67%) of the time for Drug cases. The second most frequently occurring sentence in district court was a jail sentence: 25% of Drug cases, 30% of Other cases, 27% of Property cases, and 13% of Violent cases received a jail sentence. Deferred judgments were imposed in 8% of cases and were most likely to be imposed in Property (11%) and Violent cases (13%), and least likely to be imposed in Drug cases (2%). Women were more likely to receive a deferred judgment compared to men (11% versus 8%, respectively), and more likely to be granted probation (62% compared to 56% for men). Women were less likely to receive a jail sentence (22%) compared to men (24%), and considerably less likely to receive a prison sentence compared to men (2% compared to 8%). In terms of race/ethnicity, Hispanics in district court were more likely to receive a prison sentence (12% compared to 7% overall) and less likely to be granted a deferred judgment (5% compared to 8% overall). Black/African Americans were much more likely to receive a jail sentence (34% compared to 24% overall). Hispanics with Drug offenses were more likely to receive a prison sentence (6% compared to 3% overall) and Black/African Americans with Drug cases were more likely to receive a jail sentence (33% compared to 35% overall). For Other, Property and Violent offenses, Hispanics were more likely to receive prison sentences.

In juvenile court, initial sentences to probation were the most frequently occurring sentence: over half (53%) of initial sentences were to probation, while 39% of cases were granted a deferred judgment. Drug cases were slightly less likely than other offenses to receive a deferred judgment (35%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent cases. Across race/ethnicity categories, Black/African Americans were much

more likely to receive a deferred judgment (56% compared to 39% overall) in juvenile court. However, the few cases (n=16) in this category means this information should be interpreted with caution. Hispanic youth with Violent cases were less likely to receive a deferred judgment (3% compared to 41% overall) and were more likely to be sentenced to the Division of Youth Services (8% compared to 5% 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, statewide in 2018, 19% of county court cases, 36% of district court cases, and 38% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Counting cases and not individuals is likely to inflate the proportion of revocations presented in these analyses. For example, the Judicial Department reports that in 2018, 24% of adult state probation terminations were the result of a revocation.[14] The revocations presented here may not result in termination from probation supervision. In fact, in 2018, across county, adult district, and juvenile district courts, 48% of cases were reinstated, 45% were not reinstated, and for the remaining 7% of cases it was unclear the outcome of the revocation.

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

County court

Table 3-33 shows revocation information for county court. Overall, 14% of cases receiving a probation/deferred judgment in 2018 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (21% compared to 14% overall). Black/African Americans were most likely to be revoked when the most serious crime was Violent (however, because of the small number of cases in this category, this information should be interpreted with caution). Across race/ethnicity categories (with the exception of those in the Other race/ethnicity category), those with Violent cases were more likely to be revoked compared to the other offense categories.

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

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

Race/Ethnicity	Crime type	No	Yes	Total	Total N
Black/African Am		**79%**	**21%**	**100%**	**61**
	Drugs	100%	0%	100%	2
	Other	86%	14%	100%	14
	Property	93%	7%	100%	15
	Violent	67%	33%	100%	30
Hispanic*		**90%**	**10%**	**100%**	**274**
	Drugs	96%	4%	100%	25
	Other	93%	7%	100%	94
	Property	84%	16%	100%	43
	Violent	89%	11%	100%	112
Other		**84%**	**16%**	**100%**	**31**
	Drugs	100%	0%	100%	3
	Other	83%	17%	100%	12
	Property	100%	0%	100%	6
	Violent	70%	30%	100%	10
White		**85%**	**15%**	**100%**	**839**
	Drugs	92%	8%	100%	60
	Other	90%	10%	100%	265
	Property	86%	14%	100%	183
	Violent	80%	20%	100%	331
Total		**86%**	**14%**	**100%**	**1,205**

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

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (11% compared to 15%, respectively). Compared with the other offense types, men and women with Violent cases were most likely to get revoked (20% and 14%, respectively).

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		**89%**	**11%**	**100%**	**341**
	Drugs	93%	7%	100%	27
	Other	92%	8%	100%	110
	Property	90%	10%	100%	79
	Violent	86%	14%	100%	125
Male		**85%**	**15%**	**100%**	**864**
	Drugs	94%	6%	100%	63
	Other	89%	11%	100%	275
	Property	85%	15%	100%	168
	Violent	80%	20%	100%	358
Total		**86%**	**14%**	**100%**	**1,205**

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 (31%, Table 3-35) compared to county court (14%, Table 3-33) in 2018. Whites were most likely to be revoked (33% compared to 31% overall). Those with Drug offenses were most likely to be revoked. Table 3-36 shows that women in adult district court were more likely than men to get revoked (35% compared to 30%). Men and women with Drug cases were considerably 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 Am		**74%**	**26%**	**100%**	**61**
	Drugs	58%	42%	100%	12
	Other	80%	20%	100%	10
	Property	67%	33%	100%	15
	Violent	83%	17%	100%	24
Hispanic*		**75%**	**25%**	**100%**	**271**
	Drugs	63%	38%	100%	56
	Other	85%	15%	100%	59
	Property	71%	29%	100%	77
	Violent	81%	19%	100%	79
Other		**88%**	**12%**	**100%**	**25**
	Drugs	100%	0%	100%	6
	Other	100%	0%	100%	3
	Property	70%	30%	100%	10
	Violent	100%	0%	100%	6
White		**67%**	**33%**	**100%**	**945**
	Drugs	46%	54%	100%	230
	Other	69%	31%	100%	147
	Property	68%	32%	100%	319
	Violent	83%	17%	100%	249
Total		**69%**	**31%**	**100%**	**1,302**

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		**65%**	**35%**	**100%**	**297**
	Drugs	42%	58%	100%	81
	Other	71%	29%	100%	41
	Property	69%	31%	100%	116
	Violent	86%	14%	100%	59
Male		**70%**	**30%**	**100%**	**1,005**
	Drugs	53%	47%	100%	223
	Other	75%	25%	100%	178
	Property	69%	31%	100%	305
	Violent	82%	18%	100%	299
Total		**69%**	**31%**	**100%**	**1,302**

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, 29% of cases sentenced to probation/deferred judgment in 2018 were revoked (Table 3-37). Whites were most likely to be revoked (32% compared to 29% overall). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 26% compared to 30% 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 Am		**80%**	**20%**	**100%**	**15**
	Other	67%	33%	100%	6
	Property	100%	0%	100%	4
	Violent	80%	20%	100%	5
Hispanic*		**72%**	**28%**	**100%**	**92**
	Drugs	64%	36%	100%	11
	Other	92%	8%	100%	13
	Property	71%	29%	100%	35
	Violent	67%	33%	100%	33
Other		**75%**	**25%**	**100%**	**8**
	Other	50%	50%	100%	2
	Property	80%	20%	100%	5
	Violent	100%	0%	100%	1
White		**68%**	**32%**	**100%**	**109**
	Drugs	85%	15%	100%	13
	Other	50%	50%	100%	16
	Property	70%	30%	100%	44
	Violent	67%	33%	100%	36
Total		**71%**	**29%**	**100%**	**224**

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		**74%**	**26%**	**100%**	**46**
	Drugs	80%	20%	100%	5
	Other	63%	38%	100%	8
	Property	85%	15%	100%	20
	Violent	62%	38%	100%	13
Male		**70%**	**30%**	**100%**	**178**
	Drugs	74%	26%	100%	19
	Other	69%	31%	100%	29
	Property	69%	31%	100%	68
	Violent	69%	31%	100%	62
Total		**71%**	**29%**	**100%**	**224**

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

Overall, 14% of county court cases receiving a probation/deferred judgment in 2018 were revoked. Across race/ethnicity categories, those with Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to be revoked than males (26% compared to 30%, respectively).

In district court, 31% of cases were revoked. Whites were most likely to be revoked (33% compared to 31% overall). Women in adult district court were more likely than men to get revoked (35% compared to 30%). Men and women with Drug cases were considerably more likely, compared to those with other crime types, to be revoked.

In juvenile court, 29% of cases sentenced to probation/deferred judgment in 2018 were revoked. Whites were most likely to be revoked (32% compared to 29% overall). Females were revoked at a rate of 26% compared to 30% for males.

Appendix A

NIBRS Group A Arrest Crimes

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

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

Appendix B

Most serious filing/conviction charge categories

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

Arson - 1st - 4th degree arson

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

Drug Poss - drug possession, paraphernalia possession

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

Escape

Extortion

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

Forgery

Fraud

Homicide - 1st and 2nd degree murder

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

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

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

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

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

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

Appendix C

Statistical Model for Classifying Hispanic Ethnicity

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

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

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

The variables provided to the model included:

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

2. Gender

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

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

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

The development model achieved an AUC (Area Under the Curve) of .95 and the validation AUC was also .95.[15] The validation AUC for females was slightly lower at .91. Females often change their last name at marriage and the Hispanic name indicator was the most important variable in the model. The overall predictive accuracy was 94% for both development and validation data sets.

As an additional check, the 2018 cohort of those receiving a DOC sentence and predicted to be Hispanic was compared to the development dataset's proportion of Hispanics in DOC. In the

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[15] AUC is a measure of discrimination between the event of interest and the non-event, ranging from 0-1; 1 means the prediction model perfectly discriminates between the event of interest and the non-event.

ICON data, 35% were predicted to be Hispanic, and this compared to 32% Hispanic in the DOC data. Because persons can have more than one court case at a time in ICON, the higher percentage predicted in ICON was determined acceptable.

For more information about the technical details of the methodology, contact the Office of Research and Statistics.