

SUMMARY: Report on the C.L.E.A.R. Act Calendar Year 2020

Community Law Enforcement Action Reporting Act Pursuant to Senate Bill 2015-185

Presented to the House and Senate Judiciary Committees of the Colorado General Assembly

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<https://dcj.colorado.gov/dcj-offices/ors>

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

<https://dcj.colorado.gov/dcj-offices/ors/dashb-red-clear>



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Preface

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 (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 for calendar year 2020.

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://dcj.colorado.gov/dcj-offices/ors/dashb-red-clear>

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.

Executive Summary

Background. 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 (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 the data to be analyzed by race/ethnicity and gender. This study presents information for calendar year 2020.

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. Local law enforcement agencies submit offense and arrest data to the Colorado Bureau of Investigation (CBI). The data used for this report was extracted from CBI's National Incident Based Reporting System (NIBRS). This report presents a summary of the findings by collapsing the offenses into four broad categories: **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 estimated that, in 2020, the Colorado population of those ages 10 and above was 5,103,213.

The adult population was comprised as follows:

- White 71%;
- Black/African American 4%;
- Hispanic 19%; and
- Other 6%.

The juvenile population was comprised as follows:

- White 56%;
- Black/African American 4%;
- Hispanic 32%; and
- Other 8%.

According to the Colorado State Office of Demography, males made up approximately 50.4% of the state population and females made up 49.6%.

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 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 2020, Hispanics represented 19% of the Colorado population, but only 5% 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. 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. Over 162,953 arrests/summons that occurred in 2020 were analyzed for this report. Drug offenses accounted for 8% of all arrests/summons while Violent crimes accounted for 17% of arrests/summons, Property offenses accounted for 17% of arrests/summons, and the remainder of arrests/summons (58%) fell into the Other crime category. Black/African Americans represented 4% of the state population in 2020, but accounted for 12% of arrests/summons. Males represented about 50.4% of the state population and 70-80% of arrests. 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 105,133 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 4% of the state population and 12% of the arrests/summons in 2020, they accounted for 12% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 4% Black/African American juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2020. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 25% of filings were females and 75% were males. Females were slightly more likely than men to be involved in Property crimes (30% compared to 26%, respectively) and slightly less likely to be involved in Violent offenses (37% compared to 40%, respectively). In 2020, less than 1% of cases completed a trial in county, district court and juvenile court. Note that these cases are not necessarily the same cases in the **Law Enforcement Data** section above.

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

Court case outcomes. Caution should be used when interpreting the case outcome since many factors can influence the decision. For example, the existence of prior cases (criminal history) may influence the outcome of a case. Additionally, most cases contain multiple charges, and many cases have concurrent cases. These factors are likely to significantly affect the outcome of a case. In particular, all charges in a case may be dismissed or modified as part of a plea agreement involving that case or multiple cases. In fact, 42% of cases in county court were dismissed, as were 20% of cases in district court and 33% of cases in juvenile court. Over one-fourth (28%) of county court cases were convicted as charged, 24% of cases in district court were convicted as charged, and 38% in juvenile court were adjudicated as charged. Nearly one-quarter (23%) of county court cases were convicted of a different charge, 50% of district court cases were convicted of a different charge, and 25% of juvenile court cases were adjudicated of a different charge. Black/African American youth in juvenile court were somewhat less likely to be adjudicated as charged (37% compared to 38% overall), and were more likely to have a case falling into the not yet resolved/case closed category (6% compared to 3% 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, in 2020, 25% of county court cases, 39% of district court cases, and 35% 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.

Women were more likely than men to receive a deferred judgment in county court (36% compared to 23%, respectively). Men were more likely than women to receive a jail sentence (24% for men compared to 14% for women), and men were more likely to be granted an initial sentence to probation (32% compared to 25% for women) in county court. Black/African Americans and Hispanics were less likely than the other race/ethnicity groups to receive a deferred judgment in county court.

In district court, Probation was the most frequently occurring initial sentence, happening almost two-thirds (60%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 12% of Drug cases, 24% of Other cases, 16% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections. Nearly one-quarter of initial sentences for Black/African Americans (20%) and Hispanics (20%) were to the Department of Corrections, compared to 16% of Whites. Deferred judgments were initially granted in 10% of district court cases overall, and were most likely to be imposed in Property cases (13%) and least likely to be imposed in Drug cases (5%). Overall, in district court, Black/African Americans and Hispanics were more likely than the other race/ethnicity categories to receive initial sentences to the Department of Corrections and less likely to receive a deferred judgment.

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court (50%). Drug cases were more likely than other offenses to receive a deferred judgment in juvenile court (50% compared to 34% overall). Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were considerably less likely to receive a deferred judgment, and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations. Cases sentenced in 2020 to probation or a deferred judgment that received a revocation were included in the analyses presented here. **Note that these are cases, not individuals**, which 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 2020, across all court types and for those with a probation or a deferred judgment sentence, 78% of cases with a revocation were reinstated, and 22% were not reinstated.

Overall, 28% of county court cases receiving a probation/deferred judgment in 2020 were revoked. Across race/ethnicity categories, Black/African Americans with Drugs or Violent cases were more likely to be revoked compared to the other offense categories. Females in county court were less likely to get revoked than males (22% compared to 31%, respectively).

In district court, 42% of cases were revoked. In general, Drug cases, across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Women and men in adult district court were equal with revocations 42%. Men and women with Drug cases were most likely, compared to those with other crime types, to get revoked (48% and 47%, respectively, compared to 42% overall).

In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2020 were revoked; 13% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=15). Females were revoked at a rate of 20% compared to 27% for males. Comparing across crime types, females with Violent crimes were most likely to be revoked (21%) and males with Property cases were most likely to be revoked (33%).

Parole Board data. The Parole Board conducted 18,830 parole application hearings in 2020. In terms of gender, 12% were women and 88% were men. Of those application hearings, 48% involved White inmates, while 15% were Black/African American, and 31% were Hispanic. In discretionary hearings, the Parole Board decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 11,957 discretionary hearings in 2020, 43% of offenders were deferred and 57% were released.

Additional analyses. To better understand the disparity across race/ethnicity in initial sentences, a statistical technique called logistic regression was employed in an attempt to account for circumstances that may impact decision making at this point in the process. These additional analyses allowed for the examination of the impact concurrent and prior cases, including current and prior violent offenses may have on those decisions. After controlling for the additional factors, Hispanics in district court were more likely than Whites to receive a DOC sentence while Black/African Americans were no more likely to receive a DOC sentence. After controlling for the additional factors, Black/African Americans and Hispanics in district court were less likely than Whites to receive a deferred judgment. Additionally, after controlling for the additional factors, Black/African American and Hispanic youth were less likely than Whites to receive a deferred judgment in juvenile court. Finally, Hispanic youth in juvenile court were more likely compared to Whites to receive a sentence to the Division of Youth Services while Black/African American youth were no more likely to receive that type of sentence. Despite this complex analysis, it is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences initial sentences for Black/African American and Hispanic defendants.

Overall summary. In 2020, Black/African Americans represented 4% of the adult state population but accounted for 12% of arrests/summons, and 12% of adult district court filings. Hispanic adults represented 19% of the population, 28% of arrests/summons, and 30% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 4% of Black/African American juveniles in the population; Hispanic youth were 32% of the population and 33% of cases filed.

In county court, Black/African Americans and Hispanics were less likely than Whites to receive a deferred judgment and Black/African Americans were more likely to receive a sentence to jail, compared to the other race/ethnicity categories. In adult district court, 20% of initial sentences for Black/African Americans and 20% of initial sentences for Hispanics were to the Department of Corrections compared to 16% for Whites. When the offense was Violent, Black/African Americans were sentenced to prison in 23% of cases compared to 16% of Whites. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were much less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were much more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 42% of adult district court cases that had an initial sentence to probation/deferred were revoked. Generally, across race/ethnicity groups, Drug cases, compared to the other offense categories, were the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were revoked at a rate of 45% and 47%, respectively. In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2020 were revoked; 13% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=15).

Finally, the Parole Board conducted 18,830 parole application hearings in 2020. In terms of gender, 12% were women and 88% were men. Of those application hearings, 48% involved White individuals, while 15% were Black/African American, and 31% were Hispanic. In 11,957 discretionary hearings in 2020, 43% of offenders were deferred and 57% were released.

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 the Colorado Bureau of Investigation, 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 2020, 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;
- Revocations for probation and deferred judgments, and
- Adult parole hearings and release decisions.

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://dcj.colorado.gov/dcj-offices/ors/dashb-red-clear>

This report is presented to the Judiciary Committees of the General Assembly 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 consistently 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. In 2020, Hispanics represented 19% of the Colorado population, but only 5% of cases were classified as Hispanic in ICON. In addition, the arrest data often exhibit misclassifications of race/ethnicity and missing race/ethnicity data. To improve upon the accuracy of the race/ethnicity designation in this analysis, a statistical model was developed to predict whether an offender was Hispanic. The model had an overall predictive accuracy of 94%. This model was used with both arrest and court data. 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, State Demography Office, estimated that the state population in 2020 for residents ages 10 and over was 5,103,213. Adults make up 88% of the population and juveniles 10-17 are 12% of the population. A breakdown of the total, adult, and juvenile population by race/ethnicity is presented in Table 1-1.

Table 1-1. Colorado race/ethnicity estimates for those ages 10 and above, 2020

Race/ Ethnicity	Overall Population	Overall Percent	Adult Population	Adult Percent	Juvenile Population	Juvenile Percent
Total	5,103,213	100%	4,515,843	100%	587,370	100%
Black	202,085	4%	178,285	4%	23,800	4%
Hispanic	1,059,117	21%	873,142	19%	185,975	32%
Other	315,803	6%	268,736	6%	47,067	8%
White	3,526,208	69%	3,195,680	71%	330,528	56%

Data source: Colorado Department of Local Affairs, State Demography Office, [Race/Age Estimates](https://demography.dola.colorado.gov/assets/html/population.html), <https://demography.dola.colorado.gov/assets/html/population.html>

According to the Colorado State Demography Office, males made up approximately 50.4% of the state population and females made up 49.6% of the population.

Data sources

Arrest/Summons. Law enforcement data for the period between January 1, 2020 and December 31, 2020 was obtained from the Colorado Bureau of Investigation’s National Incident-Based Reporting System (NIBRS), which includes Group A and B arrests. NIBRS requires different details in the reporting of Group A and Group B offenses. Law enforcement must report both incidents and arrests for Group A offenses, and they must report only arrests for Group B offenses. NIBRS developers used the following criteria to determine if a crime should be designated as a Group A offense:

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

NIBRS Group A offenses are listed in Appendix A, and Group B offenses are summarized into “Other.” 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). Just over 162,953 NIBRS incidents were analyzed for calendar year 2020 (Table 1-2).

Table 1-2. Arrests by type, 2020

Arrest Type	Percent	Total
Custody/warrant	28%	44,940
On-view/probable cause	34%	55,677
Summons	38%	62,336
Total	100%	162,953

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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. The exception is the Denver County Court, which is not part of ICON and whose data do not appear in this report. 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. Note that municipal court cases are not included in these analyses.

Table 1-3. Court of case filing, 2020

Court	Percent	Total
Adult District	42%	43,829
County	53%	55,758
Juvenile	5%	5,546
Total	100%	105,133

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. Excludes Denver County Court cases.

Note that the information presented here reflects the analysis of more than 162,953 **cases, not individuals**. Individuals may have multiple, concurrent cases, and cases typically have multiple charges. This study found that in 2020, 25% of county court cases, 39% of district court cases, and 35% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. 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 are summarized from hundreds of criminal statutes. For the analysis presented in this document the categories have been further collapsed into four categories: Drug, Other, Property and Violent. The analysis of the 24 specific offense categories is available on the interactive data dashboard. For the purposes of this analysis offenses include attempts, solicitations,

and conspiracies. 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.

Finally, 222 cases in the charges data and 80 cases in the sentences data were removed because gender was not specified.

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.

Adult Parole Board decisions. The Department of Corrections, Office of Planning and Analysis, analyzed and provided the results of parole board decision making in calendar year 2020.

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

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 (see Appendix A for a list of crimes in each category). The [interactive dashboard](#) provides information on 17 arrest offense types. The analyses of four broad categories allows for the identification of patterns that are difficult to discern when detailed information is presented. Additionally, some of the law enforcement findings are disaggregated, by adults, juveniles, and by gender. Finally, Senate Bill 15-185 mandates that arrest information be provided by arrest type and summons. The data represent all arrests/summons captured in the Colorado Bureau of Investigation's National Incident Based Reporting System (NIBRS) for calendar year 2020.

Table 2-1 shows the distribution of the 162,953 arrests/summons captured in NIBRS for calendar year 2020, with 17% classified as violent crime, 17% as property crime, 8% as drug crime, and the majority (58%) as some other type of crime.

Table 2-1. Arrests/summons by offense, 2020

Offense	Percent	Total
Drugs	8%	13,505
Other	58%	95,282
Property	17%	26,969
Violent	17%	27,197
Total	100%	162,953

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Table 2-2 reflects the distribution of all arrests/summons by race/ethnicity. Black/African Americans represented 4% of the state population in 2020, but accounted for 12% of arrests/summons. Hispanics represented 21% of the state population and accounted for 28% of arrests. The Other race/ethnicity category represented 6% of the state population but only 2% of arrests, along with Whites, who represented 69% of the state population and 58% of arrests/summons.

Table 2-2. Arrests/summons by race/ethnicity, 2020

Race/Ethnicity	Percent	Total
Black	12%	19,548
Hispanic*	28%	45,672
Other	2%	3,318
White	58%	94,415
Total	100%	162,953

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Table 2-3 shows that juveniles accounted for 4% of on view/probable cause arrests and that 34% of those arrests were for violent crimes, a proportion similar to adults (27%). Juveniles accounted for 5% of custody/warrant arrests (Table 2-4). Overall, juveniles were more likely to be summoned than arrested. Not surprisingly, violent offenses were least likely to result in a summons for adults and juveniles (Table 2-5).

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

Age Group	Offense	Percent	Total
Adult		96%	53,549
	Drugs	10%	5,441
	Other	47%	25,020
	Property	16%	8,467
	Violent	27%	14,621
Juvenile		4%	2,128
	Drugs	8%	169
	Other	37%	778
	Property	21%	451
	Violent	34%	730
Total		100%	55,677

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Age Group	Offense	Percent	Total
Adult		95%	42,710
	Drugs	5%	2,037
	Other	71%	30,364
	Property	9%	4,028
	Violent	15%	6,281
Juvenile		5%	2,230
	Drugs	3%	62
	Other	72%	1,612
	Property	11%	238
	Violent	14%	318
Total		100%	44,940

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Age Group	Offense	Percent	Total
Adult		89%	55,753
	Drugs	9%	4,816
	Other	61%	33,951
	Property	23%	12,627
	Violent	8%	4,359
Juvenile		11%	6,583
	Drugs	15%	980
	Other	54%	3,557
	Property	18%	1,158
	Violent	13%	888
Total		100%	62,336

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

The following three tables show adult arrests by type of arrest/summons, offense type, and race/ethnicity. First, Table 2-6 shows that 10% of probable cause arrests were for Drug related offenses, 47% were for Other offenses, 16% for Property offenses, and 27% for Violent offenses.

While Black/African Americans made up 4% of the state's adult population, Table 2-6 shows that they were arrested at 3 to 5 times more than their proportion of the population for probable cause arrests in 2020: 12% of Drug arrests were Black/African Americans, 11% of arrests for Other offenses were Black/African Americans, 13% of Property arrests were Black/African Americans, and 19% of Violent arrests were Black/African Americans. Probable cause arrests among Hispanic/Latinos were around 1.5 times higher than their proportion in the adult population (19%), where they made up approximately 30% of adult probable cause arrests for each crime type.

Table 2-6. On-View/Probable Cause Arrests for Adults, by offense and race/ethnicity

Offense	Race/ Ethnicity	Percent	Total
Drugs		10%	5,441
	Black	12%	652
	Hispanic*	30%	1,617
	Other	1%	64
	White	57%	3,108
Other		47%	25,020
	Black	11%	2,809
	Hispanic*	30%	7,572
	Other	2%	458
	White	57%	14,181
Property		16%	8,467
	Black	13%	1,123
	Hispanic*	31%	2,625
	Other	2%	132
	White	54%	4,587
Violent		27%	14,621
	Black	19%	2,708
	Hispanic*	29%	4,224
	Other	2%	300
	White	51%	7,389
Total		100%	53,549

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Arrests where adults were taken into custody for an outstanding warrant are presented in Table 2-7. Other offenses make up 71% of the arrests where a person was taken into custody for a warrant, while violent offenses make up 15%, property offenses are 9%, and drug offenses make up 5% of the arrests for an outstanding warrant. The Hispanic/Latino disparity of arrests compared to the Colorado adult population is approximately 1.5 times across all crime types. There is variation in the proportional disparity of warrant arrests for Black/African-Americans, from a very close proximation for drug offenses (7%), but 10% for other and property offenses, and 15% for violent offenses.

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

Offense	Race/ Ethnicity	Percent	Total
Drugs		5%	2,037
	Black	7%	136
	Hispanic*	30%	613
	Other	3%	55
	White	61%	1,233
Other		71%	30,364
	Black	10%	3,034
	Hispanic*	30%	9,053
	Other	2%	731
	White	58%	17,546
Property		9%	4,028
	Black	10%	408
	Hispanic*	28%	1,110
	Other	2%	70
	White	61%	2,440
Violent		15%	6,281
	Black	15%	973
	Hispanic*	29%	1,821
	Other	3%	201
	White	52%	3,286
Total		100%	42,710

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Adult arrests where a summons was issued are summarized in Table 2-8. Other offenses were the most likely to receive a summons (61%), followed by property (23%), drugs (9%), and violent (8%). Black/African Americans were two to four times as likely to receive a summons compared to their proportion in the adult population, with 17% of violent crime, 11% of other crime, 10% of property crime, and 9% of violent crime summonses given to this population.

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

Offense	Race/ Ethnicity	Percent	Total
Drugs		9%	4,816
	Black	9%	431
	Hispanic*	25%	1,195
	Other	1%	43
	White	65%	3,147
Other		61%	33,951
	Black	11%	3,602
	Hispanic*	23%	7,763
	Other	2%	744
	White	64%	21,842
Property		23%	12,627
	Black	10%	1,315
	Hispanic*	26%	3,251
	Other	2%	251
	White	62%	7,810
Violent		8%	4,359
	Black	17%	745
	Hispanic*	25%	1,084
	Other	2%	74
	White	56%	2,456
Total		100%	55,753

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

The next three tables show juvenile arrests by type of arrest/summons, offense type, and race/ethnicity.

Table 2-9 summarizes the distribution of on-view/probable cause arrests for juveniles. Thirty-seven percent (37%) of these juvenile arrests involved an offense that fell into the Other category, 34% of these types of arrests involved a Violent offense, 21% involved a property offense and 8% involved a drug offense. Black/African Americans made up 22% of Violent crime warrant arrests and Hispanics made up 35%, which was greater than the proportion of Black/African Americans and Hispanics in the state’s juvenile population (4% and 32%, respectively).

Table 2-11 shows that, in juvenile cases, summonses were less likely to be issued for Violent offenses (13%) compared to Other (54%) and Property (18%), or drugs (15%). Of those summonses issued for Violent crimes, 20% went to Black/African Americans juveniles.

Table 2-9. Arrest type On-View/Probable Cause for Juveniles, by offense and race/ethnicity

Offense	Race/ Ethnicity	Percent	Total
Drugs		8%	169
	Black	11%	18
	Hispanic*	27%	46
	Other	2%	3
	White	60%	102
Other		37%	778
	Black	14%	108
	Hispanic*	39%	302
	Other	2%	16
	White	45%	352
Property		21%	451
	Black	19%	84
	Hispanic*	40%	180
	Other	2%	10
	White	39%	177
Violent		34%	730
	Black	22%	157
	Hispanic*	35%	256
	Other	2%	15
	White	41%	302
Total		100%	2,128

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Table 2-10. Arrest type Custody/Warrant for Juveniles, by offense and race/ethnicity

Offense	Race/ Ethnicity	Percent	Total
Drugs		3%	62
	Black	15%	9
	Hispanic*	35%	22
	White	50%	31
Other		72%	1,612
	Black	22%	359
	Hispanic*	39%	628
	Other	3%	41
	White	36%	584
Property		11%	238
	Black	19%	46
	Hispanic*	37%	88
	Other	2%	4
	White	42%	100
Violent		14%	318
	Black	25%	81
	Hispanic*	35%	111
	Other	2%	6
	White	38%	120
Total		100%	2,230

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

Table 2-11. Arrest type Summons for Juveniles, by offense and race/ethnicity

Offense	Race/ Ethnicity	Percent	Total
Drugs		15%	980
	Black	6%	62
	Hispanic*	32%	311
	Other	1%	6
	White	61%	601
Other		54%	3,557
	Black	10%	345
	Hispanic*	33%	1,183
	Other	2%	54
	White	56%	1,975
Property		18%	1,158
	Black	14%	161
	Hispanic*	29%	338
	Other	2%	24
	White	55%	635
Violent		13%	888
	Black	20%	182
	Hispanic*	31%	279
	Other	2%	16
	White	46%	411
Total		100%	6,583

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

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

The following three tables show arrest/summons by offense category and gender. Although women made up almost half the Colorado population, they were considerably less likely than men to be arrested. Overall, women constituted approximately 21-27% of arrests and 28-40% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be involved in Drug or Property offenses compared with the other offense categories.

Table 2-12. On-View/Probable Cause Arrests by offense and gender

Offense	Gender	Percent	Total
Drugs		10%	5,610
	Female	27%	1,532
	Male	73%	4,078
Other		46%	25,798
	Female	24%	6,078
	Male	76%	19,720
Property		16%	8,918
	Female	25%	2,253
	Male	75%	6,665
Violent		28%	15,351
	Female	24%	3,669
	Male	76%	11,682
Total		100%	55,677

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Table 2-13. Custody/Warrant Arrests by offense and gender

Offense	Gender	Percent	Total
Drugs		5%	2,099
	Female	25%	529
	Male	75%	1,570
Other		71%	31,976
	Female	26%	8,219
	Male	74%	23,757
Property		9%	4,266
	Female	27%	1,158
	Male	73%	3,108
Violent		15%	6,599
	Female	21%	1,410
	Male	79%	5,189
Total		100%	44,940

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Table 2-14. Summons Arrests by offense and gender

Offense	Gender	Percent	Total
Drugs		9%	5,796
	Female	30%	1,725
	Male	70%	4,071
Other		60%	37,508
	Female	28%	10,388
	Male	72%	27,120
Property		22%	13,785
	Female	40%	5,543
	Male	60%	8,242
Violent		8%	5,247
	Female	33%	1,718
	Male	67%	3,529
Total		100%	62,336

Data source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 11/01/2023.

Summary: Law enforcement data. In 2020, law enforcement made/issued over 162,953 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 2020, arrests/summonses for Drug offenses accounted for 8% of all arrests/summonses while Violent crimes accounted for 17% of arrests/summonses, Property offenses accounted for 17% of arrests/summonses, and the remainder of arrests/summonses (58%) fell into the Other crime category. Black/African Americans represented 4% of the state's population in 2020 but accounted for 12% of arrests/summonses. Hispanics represented 21% of the population and 28% of arrests/summonses. Males represented about 50.4 % of the state population and 70-80% of arrests. Females were more likely to be involved in Drug or Property offenses than the other offense categories. 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. The exception to this is the Denver County Court, which is not part of the statewide ICON court data system. County court contains both adult and juvenile misdemeanor cases. The 2020 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, and cases typically have multiple charges. This study found that in 2020, 25% of county court cases, 39% of district court cases, and 35% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. 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://dcj.colorado.gov/dcj-offices/ors/dashb-red-clear>. See Appendix B for the list of offenses that were combined into the four broad crime 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 court filing. Additionally, all offenses presented in the analysis of court data include attempts, solicitations, and conspiracies.

Finally, 222 cases in the charges data and 80 cases in the sentencing data were removed because gender was not specified. Only cases with non-blank and non-error charges were selected from ICON.

Case Filings

Overall

Table 3-1 depicts race/ethnicity distribution for 105,133 case filings in county, adult district, and juvenile courts combined for calendar year 2020. While Black/African Americans represented 4% of the state population and 12% of the arrests/summonses in 2020, they accounted for 10% of court filings. Hispanics represented 19% of the population, 28% of arrests/summonses, and 29% of case filings. For a full description of the demographic distribution see Table 1-1. 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, 2020

Race/Ethnicity	Percent	Total
Black	10%	10,699
Hispanic*	29%	30,964
Other	3%	3,211
White	57%	60,259
Total	100%	105,133

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. Excludes Denver County Court cases.

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

Combining information across the three court types, Table 3-2 shows the race/ethnicity distribution for the four crime categories. Table 3-2 shows that Property offenses were the most serious filing charge in 27% of cases, and Violent charges comprised the largest category at 39% of charges filed. The race/ethnicity distribution is generally consistent across crime types, with Black/African Americans comprising about 10% of filings, Hispanics approximately 29% of filings, 58% of filings, and Other around 3% of filings.

Table 3-2. Most serious filing charge by race/ethnicity, 2020

Offense	Race/Ethnicity	Percent	Total
Drugs		11%	11,531
	Black	8%	975
	Hispanic*	29%	3,376
	Other	2%	287
	White	60%	6,893
Other		23%	23,883
	Black	9%	2,128
	Hispanic*	32%	7,632
	Other	3%	790
	White	56%	13,333
Property		27%	28,621
	Black	10%	2,788
	Hispanic*	28%	8,109
	Other	3%	759
	White	59%	16,965
Violent		39%	41,098
	Black	12%	4,808
	Hispanic*	29%	11,847
	Other	3%	1,375
	White	56%	23,068
Total		100%	105,133

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. Excludes Denver County Court cases.

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

Table 3-3 depicts that, across all court types, 25% of filings were females and 75% were males. Females were slightly more likely than males to be involved in Property crimes (30% compared to 26%, respectively) and Drug crimes (13% compared to 10%, respectively) and slightly less to be involved in Violent offenses (37% compared to 40%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	Percent	Total
Female		25%	26,045
	Drugs	13%	3,276
	Other	20%	5,204
	Property	30%	7,868
	Violent	37%	9,697
Male		75%	79,088
	Drugs	10%	8,255
	Other	24%	18,679
	Property	26%	20,753
	Violent	40%	31,401
Total		100%	105,133

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. Excludes Denver County Court cases.

Court type

Table 3-4 breaks down race/ethnicity by the type of court. County court had the most cases in 2020, with 53% of the total. (Note again that county court data excludes Denver County because it is not part of the statewide ICON court data system.) Black/African Americans represented 8% of county court cases filed compared to 12% in adult district court and 17% in juvenile court. Hispanics represented 28% of county court filings, 30% of district court filings, and 33% of juvenile court filings in 2020. For a full description of the state demographic distribution see Table 1-1.

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

Court	Race/ Ethnicity	Percent	Total
Adult District		42%	43,829
	Black	12%	5,333
	Hispanic*	30%	13,304
	Other	3%	1,268
	White	55%	23,924
County		53%	55,758
	Black	8%	4,406
	Hispanic*	28%	15,805
	Other	3%	1,739
	White	61%	33,808
Juvenile		5%	5,546
	Black	17%	960
	Hispanic*	33%	1,855
	Other	4%	204
	White	46%	2,527
Total		100%	105,133

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. Excludes Denver County Court cases.

*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. Property offense cases (37%) and Violent offense cases (29%) comprised the largest categories of cases in adult district court. Almost half (47%) of county court cases were Violent offenses (primarily misdemeanor assault). Violent offenses (42%) comprised the largest percent of cases filed in juvenile court, followed by Property crimes made up over one-third (35%) of cases filed in juvenile court.

Table 3-6 presents the distribution across gender for cases in county, district and juvenile court. Females were more likely to have cases in county court (28%) compared to adult district court (21%) and juvenile court (21%).

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

Court	Offense	Percent	Total
Adult District		42%	43,829
	Drugs	13%	5,809
	Other	21%	9,375
	Property	37%	16,005
	Violent	29%	12,640
County		53%	55,758
	Drugs	10%	5,432
	Other	24%	13,493
	Property	19%	10,690
	Violent	47%	26,143
Juvenile		5%	5,546
	Drugs	5%	290
	Other	18%	1,015
	Property	35%	1,926
	Violent	42%	2,315
Total		100%	105,133

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. Excludes Denver County Court cases.

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

Court	Gender	Percent	Total
Adult District		42%	43,829
	Female	21%	9,356
	Male	79%	34,473
County		53%	55,758
	Female	28%	15,546
	Male	72%	40,212
Juvenile		5%	5,546
	Female	21%	1,143
	Male	79%	4,403
Total		100%	105,133

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. Excludes Denver County Court cases.

Trials

Table 3-7 shows how very infrequently cases in these courts completed a trial, approximately 1% across all court types. Table 3-8 combines information across court types and shows the number of trials completed by offense type. Violent offenses comprised 71% of completed trials (721 of the 1,012 trials).

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

Court	Completed Trial	Percent	Total
Adult District		42%	43,829
	No	99%	43,212
	Yes	1%	617
County		53%	55,758
	No	99%	55,313
	Yes	1%	445
Juvenile		5%	5,546
	No	99%	5,485
	Yes	1%	61
Total		100%	105,133

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. Excludes Denver County Court cases.

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

Offense	Completed Trial	Percent	Total
Drugs		11%	11,531
	No	100%	11,481
	Yes	<1%	50
Other		23%	23,883
	No	99%	23,654
	Yes	1%	229
Property		27%	28,621
	No	100%	28,498
	Yes	<1%	123
Violent		39%	41,098
	No	98%	40,377
	Yes	2%	721
Total		100%	105,133

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. Excludes Denver County Court cases.

Summary: Filings. This study of more than 105,133 case filings in county, district, and juvenile courts. Black/African Americans individuals represented 4% of the state population, 12% of the arrests/summons in 2020, and 12% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 4% Black/African American juveniles in the population. Hispanic adults made up 19% of the adult population but had 30% of district court filings in 2020. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 25% of filings were females and 75% were males. Females were slightly more likely than men to be involved in Property and Drug crimes and slightly less likely to be involved in Violent offenses. Only 1% of cases completed a trial in 2020. 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 2020. 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. 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 28% of cases were convicted as charged, almost a quarter (23%) were convicted of another crime, and 42% of cases were dismissed. Black/African-Americans were convicted in 45% of cases (24% as charged, 21% other crime), Hispanic/Latino defendants were convicted in 54% of cases (28% as charged, 26% other crime), and White defendants were convicted in 50% of cases (28% as charged, 22% other crime).

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

Race/ Ethnicity	Offense	Convicted as charged	Convicted Other crime	Dismissed/ Case Closed	Not yet resolved/ Case Closed	Total
Black		24%	21%	46%	10%	4,406
	Drugs	22%	18%	47%	13%	337
	Other	27%	29%	34%	11%	956
	Property	24%	17%	45%	15%	813
	Violent	22%	19%	51%	8%	2,300
Hispanic*		28%	26%	39%	7%	15,805
	Drugs	25%	24%	41%	10%	1,445
	Other	28%	31%	33%	8%	4,379
	Property	28%	23%	41%	9%	2,711
	Violent	28%	24%	42%	5%	7,270
Other		26%	21%	43%	10%	1,739
	Drugs	26%	20%	39%	15%	105
	Other	32%	18%	39%	11%	468
	Property	28%	18%	42%	12%	305
	Violent	22%	24%	46%	8%	861
White		28%	22%	42%	7%	33,808
	Drugs	29%	22%	40%	10%	3,545
	Other	29%	29%	35%	8%	7,690
	Property	27%	19%	45%	10%	6,861
	Violent	29%	21%	46%	5%	15,712
Total		28%	23%	42%	7%	55,758

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. Excludes Denver County Court cases.

*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 2020. In adult district court (Table 3-10), 50% were convicted of another crime, 24% were convicted as charged, 20% of defendants had their case dismissed, and fewer than 1% of those in this category were not guilty. Black/African-American defendants were convicted in 70% of cases (23% as charged, 47% other crime), Hispanic/Latino

defendants were convicted in 74% of cases (22% as charged, 52% other crime), and White defendants were convicted in 75% of cases (25% as charged, 50% other crime).

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

Race/ Ethnicity	Offense	Convicted as charged	Convicted Other crime	Dismissed/ Case Closed	Not yet resolved/ Case Closed	Total
Black		23%	47%	23%	7%	5,333
	Drugs	14%	59%	20%	6%	611
	Other	27%	35%	30%	8%	986
	Property	23%	47%	19%	11%	1,667
	Violent	23%	49%	24%	4%	2,069
Hispanic*		22%	52%	19%	6%	13,304
	Drugs	13%	61%	18%	8%	1,832
	Other	31%	39%	23%	7%	2,886
	Property	20%	55%	19%	6%	4,772
	Violent	24%	54%	18%	5%	3,814
Other		21%	51%	21%	7%	1,268
	Drugs	11%	71%	10%	8%	171
	Other	25%	32%	30%	12%	292
	Property	22%	48%	22%	8%	367
	Violent	21%	57%	19%	3%	438
White		25%	50%	20%	5%	23,924
	Drugs	14%	63%	17%	5%	3,195
	Other	30%	36%	27%	6%	5,211
	Property	24%	51%	18%	6%	9,199
	Violent	26%	52%	19%	3%	6,319
Total		24%	50%	20%	6%	43,829

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. In 38% of cases defendants were convicted as charged, 25% were convicted of a different crime, and in 33% of cases all charges were dismissed. Black/African Americans were somewhat less likely to be convicted as charged (37% compared to 38% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (6% compared to 3% overall).

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

Race/ Ethnicity	Offense	Convicted as charged	Convicted other crime	Dismissed/ Case Closed	Not yet resolved/ Case Closed	Total
Black		37%	23%	34%	6%	960
	Drugs	30%	33%	33%	4%	27
	Other	46%	13%	38%	3%	186
	Property	33%	23%	36%	7%	308
	Violent	36%	27%	31%	6%	439
Hispanic*		38%	28%	30%	4%	1,855
	Drugs	32%	25%	38%	4%	99
	Other	45%	23%	27%	5%	367
	Property	38%	26%	32%	4%	626
	Violent	36%	32%	28%	4%	763
Other		36%	29%	30%	5%	204
	Drugs	45%	18%	36%	0%	11
	Other	43%	23%	27%	7%	30
	Property	38%	23%	33%	6%	87
	Violent	30%	39%	26%	4%	76
White		39%	24%	35%	2%	2,527
	Drugs	55%	17%	27%	1%	153
	Other	42%	19%	37%	3%	432
	Property	39%	24%	35%	2%	905
	Violent	35%	27%	35%	2%	1,037
Total		38%	25%	33%	3%	5,546

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, 42% of cases in county court were dismissed, as were 20% of cases in district court and 33% of cases in juvenile court. Approximately one-fourth (28%) of defendants in county court cases were convicted as charged, 24% were convicted as charged in district court, and 38% in juvenile court. Almost one-quarter (23%) of county court cases were convicted of a different charge, 50% of district court cases, and 25% of juvenile court cases. There were no notable differences in conviction rates by race/ethnicity in juvenile cases.

Initial Sentences

The tables below showcase sentenced between Jan 1, 2020 and Dec 31, 2020, in county court, district court, and juvenile court. These cases are not necessarily the same cases in the **Case Filings** and **Case Outcomes** sections 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, which may include fines, community service, probation, terms in jail or DOC, credit for time served, and other possible sentences. The data below reflect the most serious initial sentence. For example, the sentence of fines means that no more serious sentence was found. The same is true for credit for time served and community service.

Initial sentences can be later modified, such as when jail is added as part of a probation revocation. When probation sentences also include a jail sentence, the probation sentence is counted as the initial sentence because it is longer than the jail sentence. Probation/Intensive Supervision includes electronic monitoring. Gender was missing for 80 cases; these cases were removed from analysis.

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, in 2020, 25% of county court cases, 39% of district court cases, and 35% 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 history may also influence the final initial sentence.

County court

Table 3-12 presents the most serious initial sentence for each of the four offense types for county court cases in 2020. Probation was the most common sentence (30%), followed by Deferred judgment (26%) and Jail (21%). Although Community Service was only used in 3% of cases, 15% of Drug cases received a sentence of Community Service.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	1,107	7,452	4,149	8,866	21,574
Community Corrections	0%	0%	<1%	<1%	<1%
Community Service	15%	5%	2%	1%	3%
Deferred	18%	18%	28%	33%	26%
Dept of Corrections	0%	<1%	0%	<1%	<1%
Extended	<1%	0%	0%	0%	<1%
Fines/fees	32%	19%	17%	4%	13%
Jail	13%	22%	26%	19%	21%
Probation/Intensive Supervision	19%	30%	17%	38%	30%
Unsupervised Probation	2%	6%	10%	5%	6%
Total	100%	100%	100%	100%	100%

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

Table 3-13 reflects initial county court sentences by gender. Women were more likely than men to receive a deferred judgment in county court (36% compared to 23%, respectively). Men were more likely than women to receive a jail sentence (24% for men compared to 14% for women), and men were more likely to be granted an initial sentence to probation (32% compared to 25% for women).

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

Sentence	Female	Male	Total
(N)	5,737	15,837	21,574
Community Corrections	0%	<1%	<1%
Community Service	3%	3%	3%
Deferred	36%	23%	26%
Dept of Corrections	0%	<1%	<1%
Extended	<1%	0%	<1%
Fines/fees	14%	13%	13%
Jail	14%	24%	21%
Probation/Intensive Supervision	25%	32%	30%
Unsupervised Probation	7%	6%	6%
Total	100%	100%	100%

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

Table 3-14 presents the initial sentence in county court by race/ethnicity. Those in the Other race/ethnicity category were more likely to receive a deferred judgment (36% compared to 26% overall). Black/African Americans were more likely to receive jail time (25% compared to 21% overall).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	1,433	6,310	624	13,207	21,574
Community Corrections	<1%	0%	0%	0%	<1%
Community Service	4%	4%	2%	3%	3%
Deferred	25%	22%	36%	28%	26%
Dept of Corrections	0%	0%	0%	<1%	<1%
Extended	0%	<1%	0%	0%	<1%
Fines/fees	11%	14%	11%	13%	13%
Jail	25%	23%	18%	20%	21%
Probation/Intensive Supervision	29%	31%	26%	30%	30%
Unsupervised Probation	6%	7%	6%	6%	6%
Total	100%	100%	100%	100%	100%

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

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

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. Those in the Black/African American and Other race/ethnicity categories were slightly more likely to receive a deferred judgment (22% and 29%, respectively) compared to the overall (18%), however there were only 45 cases in this category. Black/African Americans were more likely to receive a jail sentence (16%) for Drug offenses compared to overall (13%).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	45	297	21	744	1,107
Community Service	13%	14%	24%	15%	15%
Deferred	22%	19%	29%	17%	18%
Extended	0%	<1%	0%	0%	<1%
Fines/fees	33%	33%	33%	32%	32%
Jail	16%	14%	0%	13%	13%
Probation/Intensive Supervision	13%	19%	14%	19%	19%
Unsupervised Probation	2%	1%	0%	3%	2%
Total	100%	100%	100%	100%	100%

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

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

Table 3-16 shows that, for those with Other as the most serious county court conviction charge, Black/African Americans and Hispanics were more likely to receive a jail sentence and less likely to receive a deferred judgment compared to those in the Other and White race/ethnicity categories, and Black/African Americans were more likely to receive a jail sentence (28% compared to 22% overall). Table 3-17 provides information on the initial sentence in county court for Property offenses and Table 3-18 depicts the initial sentence for Violent offenses in county court; for both offense types,

Black/African Americans and Hispanics were more likely to receive jail sentences for both property and violent offenses, while less likely to receive a deferred judgment.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	507	2,345	211	4,389	7,452
Community Service	7%	6%	3%	4%	5%
Deferred	15%	15%	29%	20%	18%
Dept of Corrections	0%	0%	0%	<1%	<1%
Fines/fees	17%	19%	19%	19%	19%
Jail	28%	25%	18%	21%	22%
Probation/Intensive Supervision	27%	29%	22%	30%	30%
Unsupervised Probation	6%	7%	8%	6%	6%
Total	100%	100%	100%	100%	100%

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	273	1,179	117	2,580	4,149
Community Corrections	<1%	0%	0%	0%	<1%
Community Service	3%	3%	2%	2%	2%
Deferred	29%	24%	31%	29%	28%
Fines/fees	15%	19%	18%	17%	17%
Jail	28%	25%	21%	26%	26%
Probation/Intensive Supervision	14%	18%	19%	17%	17%
Unsupervised Probation	10%	11%	9%	10%	10%
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. Excludes Denver County Court cases.

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	608	2,489	275	5,494	8,866
Community Corrections	<1%	0%	0%	0%	<1%
Community Service	<1%	1%	0%	1%	1%
Deferred	32%	28%	44%	36%	33%
Dept of Corrections	0%	0%	0%	<1%	<1%
Fines/fees	4%	4%	1%	4%	4%
Jail	21%	22%	19%	17%	19%
Probation/Intensive Supervision	38%	41%	33%	37%	38%
Unsupervised Probation	5%	5%	3%	5%	5%
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. Excludes Denver County Court cases.

*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 2020. Probation was the most frequently occurring initial sentence, happening 52% overall and almost two-thirds (60%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 12% of Drug cases, 24% of Other cases, 16% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	6,326	6,238	9,561	8,041	30,166
Community Corrections	5%	7%	8%	4%	6%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	5%	7%	13%	13%	10%
Dept of Corrections	12%	24%	16%	19%	18%
Division of Youth Services	0%	0%	0%	<1%	<1%
Fines/fees	2%	2%	1%	<1%	1%
Jail	15%	16%	11%	9%	12%
Juvenile Detention	0%	0%	<1%	<1%	<1%
Probation/Intensive Supervision	60%	44%	50%	54%	52%
Youthful Offender System	<1%	<1%	<1%	1%	<1%
Total	100%	100%	100%	100%	100%

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

Table 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (15% versus 9%, respectively), and more likely to be granted probation (59% compared to 50% for men). Women were less likely to receive a jail sentence (10%)

compared to men (13%), and also considerably less likely to receive a prison sentence compared to men (9% compared to 20%).

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

Sentence	Female	Male	Total
(N)	6,551	23,615	30,166
Community Corrections	4%	6%	6%
Community Service	<1%	<1%	<1%
Deferred	15%	9%	10%
Dept of Corrections	9%	20%	18%
Division of Youth Services	0%	<1%	<1%
Fines/fees	2%	1%	1%
Jail	10%	13%	12%
Juvenile Detention	0%	<1%	<1%
Probation/Intensive Supervision	59%	50%	52%
Youthful Offender System	<1%	<1%	<1%
Total	100%	100%	100%

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

Table 3-21 shows the initial sentence in adult district court by race/ethnicity combining all crime types. Nearly one-fifth (20%) of initial sentences for Black/African Americans were to the Department of Corrections, and 20% of initial sentences for Hispanic cases were to prison, a higher proportion compared to the other race/ethnicity groups. Black/African Americans and Hispanics were also slightly less likely to receive a deferred judgment compared to those in the Other and White categories.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	3,287	9,153	848	16,878	30,166
Community Corrections	5%	6%	6%	6%	6%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	10%	8%	12%	11%	10%
Dept of Corrections	20%	20%	15%	16%	18%
Division of Youth Services	0%	<1%	0%	<1%	<1%
Fines/fees	1%	1%	1%	1%	1%
Jail	13%	13%	14%	12%	12%
Juvenile Detention	0%	0%	0%	<1%	<1%
Probation/Intensive Supervision	51%	52%	52%	53%	52%
Youthful Offender System	1%	<1%	<1%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

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

The following four tables show initial district court sentences for each of the four offense categories, by race/ethnicity. Table 3-22 shows the sentences cases received for Drug offenses. Black/African Americans are slightly more likely to receive a sentence to jail. For Other and Violent offenses, Black/African Americans and Hispanics were more likely to receive prison sentences (Tables 3-23, 3-24 and 3-25).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	635	1,853	168	3,670	6,326
Community Corrections	4%	5%	2%	5%	5%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	3%	5%	10%	5%	5%
Dept of Corrections	13%	15%	7%	11%	12%
Fines/fees	1%	1%	3%	2%	2%
Jail	17%	14%	15%	16%	15%
Probation/Intensive Supervision	62%	59%	63%	60%	60%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	613	2,015	182	3,428	6,238
Community Corrections	5%	7%	9%	7%	7%
Community Service	<1%	<1%	0%	<1%	<1%
Deferred	5%	6%	9%	8%	7%
Dept of Corrections	27%	26%	16%	23%	24%
Fines/fees	2%	2%	1%	2%	2%
Jail	20%	17%	16%	15%	16%
Probation/Intensive Supervision	40%	43%	49%	46%	44%
Youthful Offender System	<1%	<1%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	921	2,865	247	5,528	9,561
Community Corrections	7%	7%	6%	8%	8%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	15%	10%	17%	13%	13%
Dept of Corrections	15%	18%	19%	16%	16%
Fines/fees	1%	1%	0%	1%	1%
Jail	11%	12%	10%	11%	11%
Juvenile Detention	0%	0%	0%	<1%	<1%
Probation/Intensive Supervision	51%	51%	47%	50%	50%
Youthful Offender System	<1%	<1%	<1%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	1,118	2,420	251	4,252	8,041
Community Corrections	3%	3%	6%	4%	4%
Community Service	<1%	0%	0%	<1%	<1%
Deferred	12%	10%	11%	16%	13%
Dept of Corrections	23%	23%	16%	16%	19%
Division of Youth Services	0%	<1%	0%	<1%	<1%
Fines/fees	<1%	<1%	<1%	<1%	<1%
Jail	10%	8%	14%	8%	9%
Juvenile Detention	0%	0%	0%	<1%	<1%
Probation/Intensive Supervision	50%	54%	52%	55%	54%
Youthful Offender System	1%	1%	<1%	<1%	1%
Total	100%	100%	100%	100%	100%

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

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

Juvenile court

Table 3-26 below reflects the initial sentence for juvenile court cases in 2020, by crime type. As with county and district court, initial sentences to Probation were the most frequently occurring sentence: Half (50%) of initial sentences were to Probation, while 34% of cases were granted a deferred judgment. Drug cases were somewhat more likely than other offenses to receive a deferred judgment (50%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent (13%) and Other (14%) cases.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	200	835	1,284	1,521	3,840
Community Corrections	<1%	0%	<1%	<1%	<1%
Community Service	0%	1%	<1%	<1%	<1%
Deferred	50%	30%	34%	35%	34%
Dept of Corrections	0%	0%	<1%	0%	<1%
Division of Youth Services	3%	14%	10%	13%	12%
Fines/fees	2%	2%	3%	2%	2%
Jail	2%	1%	1%	1%	1%
Juvenile Detention	<1%	1%	1%	<1%	1%
Probation/Intensive Supervision	43%	51%	51%	48%	50%
Youthful Offender System	0%	0%	0%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

Table 3-27 shows the initial sentence in juvenile court by gender. Females were more likely to receive a deferred judgement than males (39% versus 33%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 13%).

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

Sentence	Female	Male	Total
(N)	761	3,079	3,840
Community Corrections	0%	<1%	<1%
Community Service	<1%	<1%	<1%
Deferred	39%	33%	34%
Dept of Corrections	<1%	0%	<1%
Division of Youth Services	6%	13%	12%
Fines/fees	3%	2%	2%
Jail	<1%	1%	1%
Juvenile Detention	1%	1%	1%
Probation/Intensive Supervision	50%	50%	50%
Youthful Offender System	0%	<1%	<1%
Total	100%	100%	100%

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

Table 3-28 reflects the initial juvenile court sentence by race/ethnicity. Across race/ethnicity categories, Black/African Americans and Hispanics were less likely to receive a deferred judgment (20% and 30%, respectively) compared to Other race (44%) or White (43%). Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services (15% compared to 12% overall).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	624	1,435	123	1,658	3,840
Community Corrections	0%	<1%	0%	<1%	<1%
Community Service	<1%	<1%	0%	<1%	<1%
Deferred	20%	30%	44%	43%	34%
Dept of Corrections	0%	0%	1%	0%	<1%
Division of Youth Services	15%	14%	11%	8%	12%
Fines/fees	3%	2%	1%	2%	2%
Jail	1%	2%	0%	<1%	1%
Juvenile Detention	<1%	1%	0%	1%	1%
Probation/Intensive Supervision	60%	51%	43%	45%	50%
Youthful Offender System	<1%	0%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

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

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	16	70	7	107	200
Community Corrections	0%	0%	0%	1%	<1%
Deferred	50%	33%	57%	60%	50%
Division of Youth Services	0%	4%	14%	2%	3%
Fines/fees	0%	6%	0%	0%	2%
Jail	6%	0%	0%	2%	2%
Juvenile Detention	0%	1%	0%	0%	<1%
Probation/Intensive Supervision	44%	56%	29%	36%	43%
Total	100%	100%	100%	100%	100%

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

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

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	140	332	22	341	835
Community Service	0%	1%	0%	1%	1%
Deferred	17%	25%	41%	39%	30%
Division of Youth Services	21%	12%	5%	13%	14%
Fines/fees	4%	3%	0%	2%	2%
Jail	1%	2%	0%	<1%	1%
Juvenile Detention	1%	1%	0%	1%	1%
Probation/Intensive Supervision	57%	56%	55%	45%	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 3-31. Initial sentence for Property as most serious adjudication in Juvenile Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	196	460	44	584	1,284
Community Corrections	0%	1%	0%	<1%	<1%
Community Service	0%	0%	0%	1%	<1%
Deferred	19%	31%	45%	40%	34%
Dept of Corrections	0%	0%	2%	0%	<1%
Division of Youth Services	12%	13%	5%	7%	10%
Fines/fees	3%	3%	2%	2%	3%
Jail	2%	2%	0%	1%	1%
Juvenile Detention	1%	1%	0%	1%	1%
Probation/Intensive Supervision	64%	50%	45%	48%	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 3-32. Initial sentence for Violent as most serious adjudication in Juvenile Court by race/ethnicity

Sentence	Black	Hispanic*	Other	White	Total
(N)	272	573	50	626	1,521
Community Corrections	0%	<1%	0%	0%	<1%
Community Service	<1%	0%	0%	0%	<1%
Deferred	19%	32%	42%	44%	35%
Division of Youth Services	15%	17%	20%	8%	13%
Fines/fees	3%	2%	0%	2%	2%
Jail	1%	2%	0%	<1%	1%
Juvenile Detention	<1%	1%	0%	<1%	<1%
Probation/Intensive Supervision	60%	47%	38%	45%	48%
Youthful Offender System	<1%	0%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

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

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

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 2020, 25% of county court cases, 39% of district court cases, and 35% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the final initial sentence.

Women were significantly more likely than men to receive a deferred judgment in county court (36% compared to 23%, respectively). Men were more likely than women to receive a jail sentence (24% for men compared to 14% for women), and men were more likely to be granted an initial sentence to probation (32% compared to 25% for women) in county court. Black/African Americans and Hispanics were less likely than the other race/ethnicity groups to receive a deferred judgment.

In district court, Probation was the most frequently occurring initial sentence, happening almost two-thirds (60%) of the time for Drug cases. The second most frequently occurring sentence in district court was a jail sentence (prison sentence): 15% of Drug cases, 24% of Other cases, 16% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections. One-in-five initial sentences for Black/African Americans (20%) and Hispanics (20%) were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups. Deferred judgments were initially granted in 10% of district court cases overall, and were most likely to be imposed in Property cases (13%) and least likely to be imposed in Drug cases (5%).

As with county and district court, initial sentences to probation were the most frequently occurring sentence in juvenile court (50%). Drug cases were more likely than other offenses to receive a deferred judgment (50%) in juvenile court. Across race/ethnicity categories, Black/African Americans and Hispanics in juvenile court were less likely to receive a deferred judgment and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services. Finally, compared to

males, females were more likely to receive a deferred judgment and less likely to receive a sentence to the Division of Youth Services.

Revocations

Cases sentenced in 2020 to probation or a deferred judgment that received a revocation are included in the analyses presented here. Those sentenced near the end of 2020 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 25% of county court cases, 39% of district court cases, and 35% 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 Branch's *Annual Statistical Report 2020* reports that in 2020, 24% of adult state probation terminations were the result of a revocation. The revocations presented here may not result in termination from probation supervision. In 2020, across county, adult district, and juvenile district courts, 78% of cases were reinstated, 22% were not reinstated, and for the remaining 0.7% of cases it was unclear the outcome of the revocation.

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

County court

Table 3-33 shows revocation information for county court. Overall, 28% of cases receiving a probation/deferred judgment in 2020 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (36% compared to 28% overall). Black/African Americans were most likely to be revoked for Violent crime (41%), Hispanic/Latinos were most likely to be revoked for Drugs (47%), Whites were most likely to be revoked for Drugs (43%), and people in the Other racial category were most likely to be revoked for Drugs (44%).

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (22% compared to 31%, respectively). Compared with the other offense types, men with Drug cases were most likely to get revoked (44%).

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

Race/Ethnicity	Offense	No	Yes	Total
Black		64%	36%	861
	Drugs	65%	35%	17
	Other	70%	30%	245
	Property	71%	29%	146
	Violent	59%	41%	453
Hispanic*		69%	31%	3,760
	Drugs	53%	47%	116
	Other	77%	23%	1,188
	Property	71%	29%	625
	Violent	65%	35%	1,831
Other		71%	29%	425
	Drugs	56%	44%	9
	Other	85%	15%	125
	Property	74%	26%	69
	Violent	64%	36%	222
White		74%	26%	8,460
	Drugs	57%	43%	291
	Other	80%	20%	2,484
	Property	74%	26%	1,415
	Violent	71%	29%	4,270
Total		72%	28%	13,506

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. Excludes Denver County Court cases.

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

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

Gender	Offense	No	Yes	Total
Female		78%	22%	3,957
	Drugs	57%	43%	126
	Other	84%	16%	1,054
	Property	78%	22%	796
	Violent	76%	24%	1,981
Male		69%	31%	9,549
	Drugs	56%	44%	307
	Other	76%	24%	2,988
	Property	71%	29%	1,459
	Violent	65%	35%	4,795
Total		72%	28%	13,506

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. Excludes Denver County Court cases.

Adult district court

Revocations from probation/deferred judgments occurred more frequently in district court (42%, Table 3-35) compared to county court (28%, Table 3-33) in 2020. Those in the Other race/ethnicity category were least likely to be revoked (36%) compared to the other race/ethnicity categories. Table 3-36 shows that women in adult district court and men were equally to get revoked (42% and 42%). Men with Property cases and women with Drug cases were the most likely to get revoked (48%).

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

Race/Ethnicity	Offense	No	Yes	Total
Black		58%	42%	1,992
	Drugs	55%	45%	411
	Other	65%	35%	280
	Property	56%	44%	606
	Violent	58%	42%	695
Hispanic*		56%	44%	5,457
	Drugs	53%	47%	1,175
	Other	60%	40%	973
	Property	52%	48%	1,760
	Violent	59%	41%	1,549
Other		64%	36%	543
	Drugs	66%	34%	122
	Other	59%	41%	105
	Property	68%	32%	157
	Violent	64%	36%	159
White		59%	41%	10,735
	Drugs	51%	49%	2,393
	Other	65%	35%	1,836
	Property	54%	46%	3,508
	Violent	67%	33%	2,998
Total		58%	42%	18,727

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	Offense	No	Yes	Total
Female		58%	42%	4,825
	Drugs	52%	48%	1,323
	Other	63%	37%	725
	Property	58%	42%	1,850
	Violent	66%	34%	927
Male		58%	42%	13,902
	Drugs	53%	47%	2,778
	Other	64%	36%	2,469
	Property	52%	48%	4,181
	Violent	63%	37%	4,474
Total		58%	42%	18,727

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, 25% of cases sentenced to probation/deferred judgment in 2020 were revoked (Table 3-37). Black/African American and Hispanic juveniles were more likely to get revoked (31% and 27% respectively) compared to White juveniles (22%). Table 3-38 presents revocations in juvenile court by gender. Females were revoked at a rate of 20% compared to 27% for males.

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

Race/Ethnicity	Offense	No	Yes	Total
Black		69%	31%	497
	Drugs	87%	13%	15
	Other	72%	28%	104
	Property	66%	34%	162
	Violent	68%	32%	216
Hispanic*		73%	27%	1,158
	Drugs	79%	21%	62
	Other	76%	24%	269
	Property	66%	34%	373
	Violent	75%	25%	454
Other		78%	22%	107
	Drugs	100%	0%	6
	Other	81%	19%	21
	Property	73%	28%	40
	Violent	78%	23%	40
White		78%	22%	1,459
	Drugs	83%	17%	102
	Other	80%	20%	285
	Property	74%	26%	513
	Violent	80%	20%	559
Total		75%	25%	3,221

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 adjudication charge

Gender	Offense	No	Yes	Total
Female		80%	20%	680
	Drugs	83%	17%	46
	Other	80%	20%	113
	Property	80%	20%	232
	Violent	79%	21%	289
Male		73%	27%	2,541
	Drugs	83%	17%	139
	Other	77%	23%	566
	Property	67%	33%	856
	Violent	75%	25%	980
Total		75%	25%	3,221

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 2020 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, 25% of county court cases, 39% of district court cases, and 35% 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 2020, across all court types and for those with a probation or a deferred judgment sentence, 78% of cases with a revocation were reinstated, 22% were not reinstated, and for the remaining 0.7% the outcome was unclear.

Overall, 28% of county court cases receiving a probation/deferred judgment in 2020 were revoked. Black/African Americans were revoked at a rate of 36% compared to 28% overall. Females in county court were less likely to get revoked than males (22% compared to 31%, respectively).

In district court, 42% of cases were revoked. Drug cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Women and men in adult district court were equal to get revoked (42% women, 42% male).

In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2020 were revoked. Black/African American were most likely to be revoked (31% compared to 25% overall). Females were revoked at a rate of 20% compared to 27% for males.

Court processing summary. In 2020, Black/African Americans represented 4% of the adult state population but accounted for 10% of court cases filed and 12% of adult district court filings. Hispanic adults represented 19% of the population and 30% of district court filings. In juvenile court, Black/African Americans represented 17% of cases, compared to 4% of Black/African American juveniles in the population; Hispanic youth were 32% of the population and 33% of cases filed.

In county court, Black/African Americans and Hispanics were less likely to receive a deferred judgment and more likely to receive a sentence to jail, compared to the other two race/ethnicity categories. In adult district court, 20% of initial sentences for Black/African Americans and 20% of initial sentences for Hispanics were to the Department of Corrections, a higher proportion compared to other race/ethnicity groups. When the offense was violent, Black/African Americans were sentenced to prison in 23% of cases compared to 19% overall. In juvenile court, for each of the four crime types, Black/African Americans and Hispanics were less likely than the other race/ethnicity categories to receive a deferred judgment, and Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services.

In terms of revocations, 42% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, Drug cases compared to the other offense categories, were generally the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were revoked at a rate of 45% and 47%, respectively. In juvenile court, 25% of cases sentenced to probation/deferred judgment in 2020 were revoked; 27% of Hispanics were revoked.

Section 4: Colorado State Parole Board Decisions

The following information was provided by the Colorado Department of Corrections' Office of Planning and Analysis. The data include race/ethnicity and gender information for final decisions made by the Parole Board in calendar year 2020. As shown in Table 4-1, women were involved in 12% of Parole Board application hearings. Table 4-2 depicts that nearly half (48%) of application hearings involved Whites, 15% involved Black/African Americans, 31% involved Hispanics, 1% involved Asian Americans, and 4% involved Native Americans.

Table 4-1. Parole Board Application Hearings conducted, by gender, CY 2020*

Gender	%	N
Female	12%	2,335
Male	88%	16,495
Total	100%	18,830

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2020, including those tabled and those taken to the full Board.

Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2020*

Race/ethnicity	%	N
Asian American	1%	201
Black	15%	2,840
Hawaiian/Pacific Islander	<1%	25
Hispanic	31%	5,891
Native American	4%	811
Other	<1%	8
Unknown	<1%	1
White	48%	9,053
Total	100%	18,830

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2020, including those tabled and those taken to the full Board.

Table 4-3 presents information about defer/release decisions made during discretionary application hearings. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred). In mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In 2020, 43% of inmates were deferred and 57% were released. Females were more likely to be released (72%) than males (55%)

Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2020*

Gender	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Female	28%	443	72%	1,121	100%	1,564
Male	45%	4,718	55%	5,675	100%	10,393
Total	43%	5,161	57%	6,796	100%	11,957

Data Source: Colorado Department of Corrections, Parole Board.

*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Table 4-4 reflects application-hearing outcomes by race/ethnicity categories. Black/African Americans and Hispanics were slightly more likely to be deferred (49% and 44% respectively) than Whites (41%).

Table 4-4. Parole Board Application Hearings Decisions, by race/ethnicity CY 2020*

Race/Ethnicity	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Asian American	42%	51	58%	70	100%	121
Black	49%	844	51%	892	100%	1,736
Hawaiian/Pacific Islander	47%	8	53%	9	100%	17
Hispanic	44%	1,672	56%	2,145	100%	3,817
Native American	46%	243	54%	282	100%	525
Other	40%	2	60%	3	100%	5
Unknown	0%	0	100%	1	100%	1
White	41%	2,341	59%	3,394	100%	5,735
Total	43%	5,161	57%	6,796	100%	11,957

Data Source: Colorado Department of Corrections, Parole Board.

*Includes only finalized hearings with a decision to defer or discretionary release. This information does not include mandatory release decisions.

Summary: Parole Board data. The Parole Board conducted 18,830 parole application hearings in 2020. In terms of gender, 12% were women and 88% were men. Of those application hearings, 48% involved White inmates, while 15% were Black/African American, and 31% were Hispanic. In discretionary hearings, the Parole Boards decides if the person will be released or not (deferred), and in mandatory release hearings, the inmate must be released and the Parole Board sets supervision conditions. In the 11,957 discretionary hearings in 2020, 43% of offenders were deferred and 57% were released.

Section 5: Race/Ethnicity and Sentencing Analysis

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

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

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

Results

1. After controlling for the factors described below, Hispanics were more likely than Whites to receive a DOC sentence; Black/African-Americans were not more likely than Whites to receive a DOC sentence.

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

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

4. After controlling for the factors described below, Hispanics were more likely than Whites to receive a sentence to the Division of Youth Services; Black/African-Americans were not more likely than Whites to receive a sentence to the Division of Youth Services.

Method

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

For sentences to the Department of Corrections, these factors were as follows:

- Prior cases,
- Prior convictions for a specific violent crime,
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.

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

- Prior cases,
- Other concurrent cases,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.

For sentences to the Division of Youth Services, the following factors were included in the analysis:

- Prior cases,
- Other concurrent cases,
- Felony conviction level,
- Instant offense type (drug, property, other, violent), and
- Whether the instant offense was a specific violent crime.

The gender and race/ethnicity of the defendant were included in all three sentencing models. The specific violent crimes used in the model were as follows: C.R.S. 18-3-102, 1st degree homicide; 18-3-103, 2nd degree homicide; 18-3-202, 1st degree assault; 18-3-203, 2nd degree assault; 18-3-301, 1st degree kidnapping; 18-3-302, 2nd degree kidnapping; 18-3-402, sex assault (felony); 18-3-404, unlawful sexual contact (felony); 18-3-405, sex assault on a child; 18-3-405.3, sex assault on a child position of trust; 18-4-302, aggravated robbery; 18-4-102, 1st degree arson; 18-3.5-103, 1st degree unlawful termination of pregnancy; 18-3.5-104, 2nd degree unlawful termination of a pregnancy.

Logistic regression models produce odds ratios, which are the odds for a subpopulation to receive a sentence divided by the odds that a member of the reference group (in this case, Whites) receives the same sentence. For example:

- When comparing the Black/African-American group to the reference (White) group, an odds ratio of 1 means that both groups receive the same sentences at the same rates.
- When comparing the Black/African-American group to the reference (White) group, an odds ratio *great* than 1 means that members of the Black/African-American group receive particular sentences at a rate *higher* than members of the reference group.
- When comparing the Black/African-American group to the reference (White) group, an odds ratio *less* than 1 means that members of the Black/African-American group receive particular sentences at a rate *lower* than members of the reference group.

Because logistic regression simultaneously controls for the other factors in the model, odds ratios can be used to measure the differences between race/ethnicity groups after removing the influence of the other factors.

Odds ratios and their 95% confidence intervals (CI) are reported below. Interpreting the confidence interval for an odds-ratio hinges on whether the interval contains the value 1. As explained above, an odds ratio of 1 means that there was no measurable difference between the group of interest and the reference group. If a 95% confident interval contains 1, then we *cannot* say with that level of confidence that the two groups receive sentences differently. However, if a 95% confidence interval contains only numbers *greater than 1*, then we can say with 95% confidence that the group of interest receives sentences at a (statistically) significantly higher rate. Conversely, if a 95% confidence interval contains only numbers *less than 1*, then we can say with 95% confidence that the group of interest receives sentences at a (statistically) significantly lower rate.

In other words, if a 95% confidence interval *does not* contain 1, we may say that there is a *less than 5% chance* that the difference in rates between the group of interest and the reference group was an anomaly and can be explained by chance.

DOC Sentences - Adult Felony Convictions

Sentences to the Department of Corrections (DOC) for felony convictions in adult district court in 2020 were examined (Table 5-1). Whites accounted for 55% of cases leading to felony convictions, Hispanics accounted for 31% of cases leading to felony convictions, and Blacks/African-Americans accounted for 12% of cases leading to felony convictions. Table 5-1 also shows the percentage of cases for each racial group which received a DOC sentence, with Whites receiving a DOC sentence 28% of the time, Hispanics receiving a DOC sentence 34% of the time, and Blacks receiving a DOC sentence 31% of the time.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2020, members of the Black/African-American group who received felony convictions were sentenced to DOC at a rate 1.05 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.94, 1.18), so we cannot say that there was a significant difference between the rates at which these two groups received DOC sentences. Members of the Hispanic group who received felony convictions were sentenced to DOC at a rate 1.28 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 1.18, 1.39), and so we can say with high confidence that the Hispanic group was sentenced to DOC at a statistically significantly higher rate than the White group. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-1.

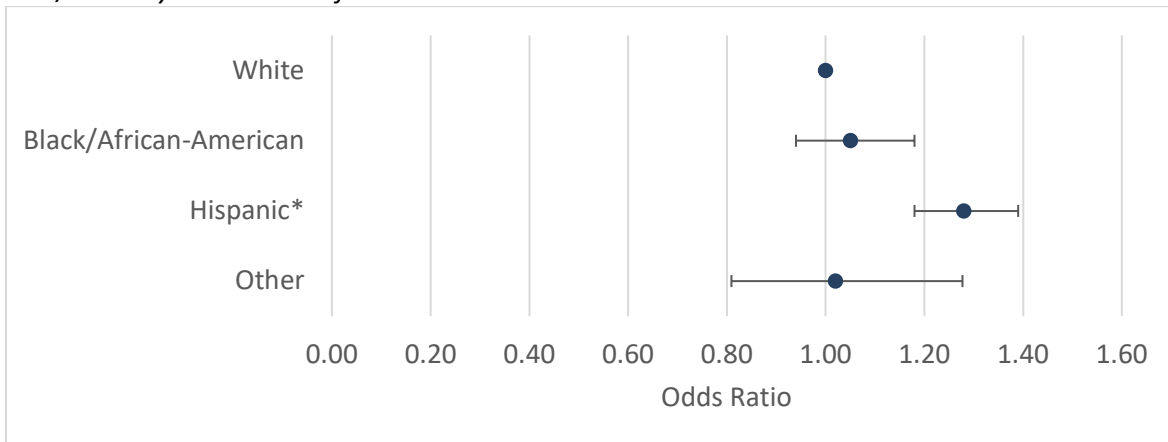
Table 5-1. DOC Sentences for felony convictions by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No DOC Sentence	DOC Sentence	Significant Difference from Reference
White	9,732 (55%)	72%	28%	Reference
Black	2,051 (12%)	69%	31%	No
Hispanic*	5,396 (31%)	66%	34%	Yes
Other	494 (3%)	74%	26%	No
Total	17,673 (100%)	70%	30%	--

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. In the logistic regression White is the reference category.

Figure 5-1. Odds ratio of receiving a DOC sentence for felony convictions in Adult District Court by race/ethnicity with 95% confidence intervals



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. In the logistic regression White is the reference category.

Deferred Sentences - Adults in District Court

Deferred sentences for *all* convictions in adult district court in 2020 were examined (Table 5-2). As can be seen in Table 5-2, Whites accounted for 56% of all such convictions, Blacks/African-Americans accounted for 11%, and Hispanics accounted for 30%. Of those convictions, Whites received deferred sentences 11% of the time, while Blacks/African-Americans and Hispanics received deferred sentences 10% and 8% of the time, respectively.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2020, members of the Black/African-American group received deferred sentences at a rate 0.82 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.72, 0.94). Members of the Hispanic group received deferred sentences at a rate 0.75 times that of their White counterparts., and the 95% confidence interval for the odds-ratio of Hispanic to White was

calculated as (CI: 0.68, 0.82). As such, we can conclude with high confidence that the Black/African-American and Hispanic subpopulations *both* received deferred sentences at a statistically significantly lower rate than the White subpopulation in 2020. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-2.

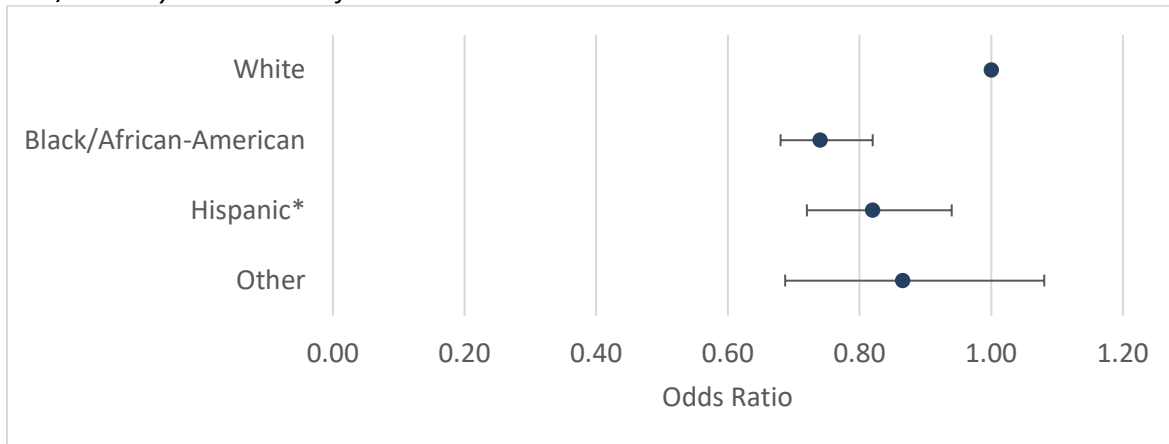
Table 5-2. Deferred sentence for all convictions in Adult District Court by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No Deferred Sentence	Deferred Sentence	Significant Difference from Reference
White	16,878 (56%)	89%	11%	Reference
Black	3,287 (11%)	90%	10%	Yes
Hispanic*	9,153 (30%)	92%	8%	Yes
Other	848 (3%)	88%	12%	No
Total	30,166 (100%)	90%	10%	--

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.

Figure 5-2. Odds ratio of receiving a deferred sentence for all convictions in Adult District Court by race/ethnicity with 95% confidence intervals



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

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

Deferred Sentences - Juvenile Court

Deferred sentences for all adjudications in juvenile court in 2020 were examined (Table 5-3). The White subpopulation accounted for 43% of all adjudications in juvenile court, where as the Black/African-American and Hispanic subpopulations accounted for 16% and 37% of adjudications in juvenile court, respectively. While the White subpopulation received deferred sentences 43% of the time, the Black/African-American and Hispanic subpopulations received deferred sentences 20% and 30% of the time, respectively.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2020, members of the Black/African-American group who received an adjudication in juvenile court were given a deferred sentence at a rate 0.44 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.34, 0.56). Members of the Hispanic group who received an adjudication in juvenile court were given a deferred sentence at a rate 0.62 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 0.53, 0.73). As such, we can conclude with high confidence that the Black/African-American and Hispanic subpopulations *both* received deferred sentences at a statistically significantly lower rate than the White subpopulation in 2020. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-3.

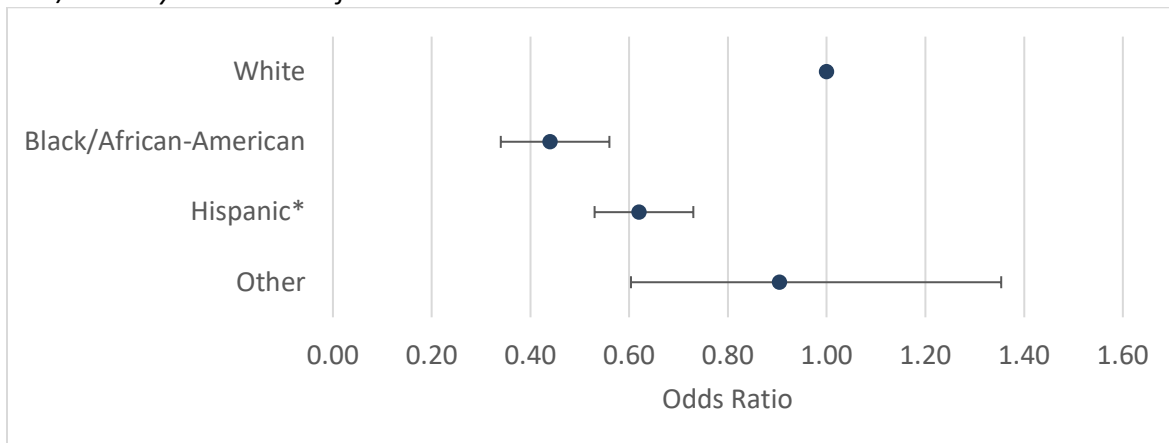
Table 5-3. Deferred sentence for all adjudications in Juvenile Court by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No Deferred Sentence	Deferred Sentence	Significant Difference from Reference
White	1,658 (43%)	57%	43%	Reference
Black	624 (16%)	80%	20%	Yes
Hispanic*	1,435 (37%)	70%	30%	Yes
Other	123 (3%)	56%	44%	No
Total	3,840 (100%)	66%	34%	--

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.

Figure 5-3. Odds ratio of receiving a deferred sentence for all adjudications in Juvenile Court by race/ethnicity with 95% confidence intervals



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

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

Division of Youth Services Sentences

We compare the rate at which adjudications for members of each racial group resulted in sentences to the Division of Youth Services (DYS) in 2020 (Table 5-4). The White subpopulation accounted for 43% of adjudications in Juvenile Court, whereas the Black/African-American and Hispanic subpopulations accounted for 16% and 37% of such adjudications. Of these, approximately 8% of juvenile court adjudications for members of the White group resulted in a DYS sentence, whereas adjudications for members of the Black/African-American and Hispanic groups resulted in DYS sentences 15% and 14% of the time, respectively.

When computing the odds-ratios and corresponding confidence intervals, we used the White subpopulation as the reference group. We found that in 2020, members of the Black/African-American group who received an adjudication in Juvenile Court were sentenced to DYS at a rate 0.92 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.65, 1.29), and so we cannot say with high confidence that members of the Black/African-American group were sentenced to DYS at a different rate than their White counterparts. It is worth highlighting the seeming discrepancy between the higher percentage of adjudications in the Black/African-American subpopulation that resulted in DYS sentences and the odds-ratio suggesting a lower sentencing rate. Recall that in this model, we are controlling for a variety of other factors, like prior/concurrent cases, felony conviction level, and offense type. This discrepancy can likely be attributed to fundamental differences between the distribution of these additional factors in the Black/African-American subpopulation and the White subpopulation and further highlights the necessity of this logistic model.

Members of the Hispanic group who received an adjudication in Juvenile Court were sentenced to DYS at a rate 1.47 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 1.12, 1.92), indicating that we can conclude with high confidence that members of the Hispanic subpopulation were sentenced to DYS at a statistically significantly higher rate than their White counterparts. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-4.

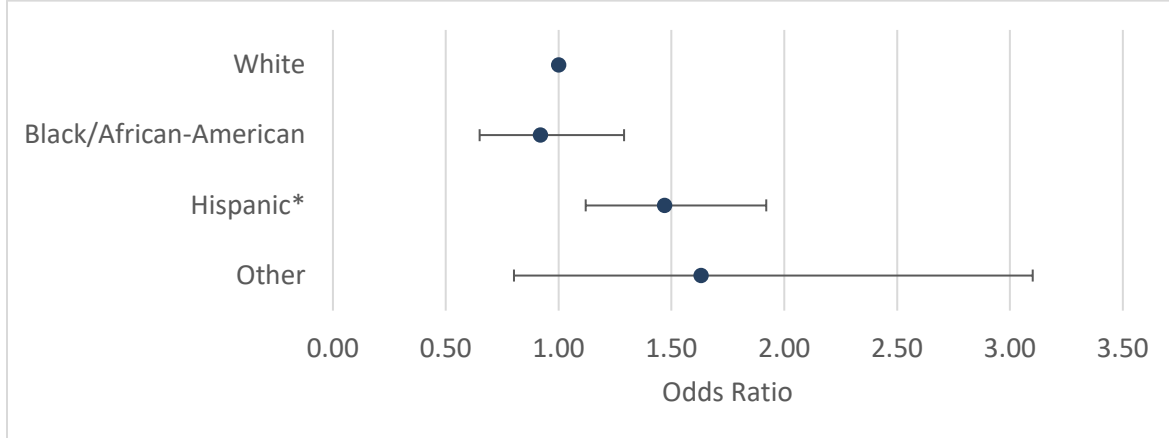
Table 5-4. Division of Youth Services sentences for all adjudications in Juvenile Court by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No DYS Sentence	DYS Sentence	Significant Difference from Reference
White	1,658 (43%)	92%	8%	Reference
Black	624 (16%)	85%	15%	No
Hispanic*	1,435 (37%)	86%	14%	Yes
Other	123 (3%)	89%	11%	No
Total	3,840 (100%)	88%	12%	--

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.*

Figure 5-4. Odds ratio of receiving a Division of Youth Services sentence for all adjudications in Juvenile Court by race/ethnicity with 95% confidence intervals



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

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

Summary: Additional analyses. Because of the disparities in initial sentences for Black/African American and Hispanic cases, compared to Whites, additional analyses were undertaken to examine the impact of concurrent cases and prior cases, including crime of violence cases, on initial sentences since these variables are very likely to influence the case decision making process. However, when controlling for concurrent cases and prior history (including crime of violence cases), Hispanics were more likely than Whites to receive a DOC sentence while Black/African Americans were no more likely to receive a DOC sentence. Additionally, Black/African Americans and Hispanics—adult and juveniles--were still more less likely to receive a deferred judgment when compared to Whites. A deferred judgment is an opportunity to avoid a criminal record. Finally, controlling for the factors described above, compared to Whites, Hispanic youth were more likely to receive a sentence to the Division of Youth Services. It is possible that other factors besides concurrent cases and prior history explain the race/ethnicity differences in initial sentences for Black/African American and Hispanic defendants.

Appendix A

NIBRS Group A & B Arrest Crimes

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



Category	Subcategory	NIBRS Offense
		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

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

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. Name, date of birth (DOB), and SID (State Identification number) matched these records 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 model is validated using AUC (Area Under the Curve) which 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. The development model achieved an AUC of .95 and the validation AUC was also .95. 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 2020 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 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.