

SUMMARY: Report on the C.L.E.A.R. Act Calendar Year 2021

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 2021.

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 2021.

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 2021, the Colorado population of those ages 10 and above was 5,137,783.

The adult population was comprised as follows:

- White 70%;
- Black/African American 4%;
- Hispanic 20%; 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 50.6% of the state population and females made up 49.4%.

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 2021, Hispanics represented 21% of the Colorado population, but only 5% of court cases statewide were classified as Hispanic in ICON. In addition, the arrest data contain misclassifications of race and ethnicity, and both random and possibly 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 157,105 arrests/summonses that occurred in 2021 were analyzed for this report. Drug offenses accounted for 8% of all arrests/summonses while Violent crimes accounted for 16% of arrests/summonses, Property offenses accounted for 15% of arrests/summonses, and the remaining 61% of arrests/summonses fell into the Other crime category. Black/African Americans represented 4% of the state population in 2021, but accounted for 11% of arrests/summonses. Males represented about 50.6% 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 104,279 case filings in county, district, and juvenile courts combined found that while Black/African Americans represented 4% of the state population and 11% of the arrests/summonses in 2021, they accounted for 13% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% Black/African American juveniles in the population. Hispanic adults made up 20% of the adult population but had 32% of district court filings in 2021. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 24% of filings were females and 76% were males. Females were slightly more likely than men to be involved in Property crimes (28% compared to 25%, respectively) and slightly less likely to be involved in Violent offenses (38% compared to 40%, respectively). In 2021, less than 1% of cases completed a trial in county, district court or 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 (i.e. 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, 43% of cases in county court were dismissed, as were 21% of cases in district court and 30% of cases in juvenile court. One-quarter (25%) of county court cases were convicted as charged, 23% of cases in district court were convicted as charged, and 40% in juvenile court were adjudicated as charged. Nearly one-quarter (24%) of county court cases were convicted of a different charge, 48% of district court cases were convicted of a different charge, and 24% 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 (36% compared to 40% overall), and were more likely to have a case falling into the not yet resolved/case closed category (7% compared to 6% 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 2021, 27% of county court cases, 42% of district court cases, and 34% of juvenile court cases had other, concurrent cases mentioned in minute orders or sentencing notes. Finally, in addition to concurrent cases affecting the sentencing outcome of a case, criminal/juvenile history may also influence the initial sentence.

In county court, women were more likely than men to receive a deferred judgment (35% compared to 24%, respectively). Men were more likely than women to receive a jail sentence (23% for men compared to 14% for women), and men were more likely to be granted an initial sentence to probation (32% compared to 26% 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 a little over a half (52%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 17% of Drug cases, 19% of Other cases, 15% of Property cases, and 19% of Violent cases received a sentence to the Department of Corrections. Initial sentences for Black/African Americans (20%) and Hispanics (18%) were to the Department of Corrections, compared to 16% of Whites. Deferred judgments were initially granted in 11% of district court cases overall, and were most likely to be imposed in Violent cases (15%) and least likely to be imposed in Drug cases (6%). 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 (54% compared to 33% 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 2021 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 2021, 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, 29% of county court cases receiving a probation/deferred judgment in 2021 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 (25% compared to 30%, respectively).

In district court, 41% of cases were revoked. In general, Property cases, across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Females in adult district court were less likely to get revoked (39%) compared to males (41%). Men and women with Property cases were most likely, compared to those with other crime types, to get revoked (43% and 50% respectively, compared to 41% overall).

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2021 were revoked; 25% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=8). Females were revoked at a rate of 20% compared to 24% for males. Comparing across crime types, females with Violent crimes were most likely to be revoked (24%) and males with Property cases were most likely to be revoked (28%).

Parole Board data. The Parole Board conducted 18,830 parole application hearings in 2021. 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 2021, 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 2021, Black/African Americans represented 4% of the adult state population but accounted for 11% of arrests/summonses, and 13% of adult district court filings. Hispanic adults represented 20% of the population, 29% of arrests/summonses, and 32% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% of Black/African American juveniles in the population; Hispanic youth were 32% of the population and 35% 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 18% 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 25% 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, 41% of adult district court cases that had an initial sentence to probation/deferred were revoked. Generally, across race/ethnicity groups, Property cases, compared to the other offense categories, were the most likely to be revoked. Black/African Americans and Hispanics with Property cases were revoked at a rate of 47% and 49%, respectively. In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2021 were revoked; 25% of Black/African Americans with Drug offenses were revoked but the number of cases was small (n=8).

Finally, the Parole Board conducted 15,219 parole application hearings in 2021. In terms of gender, 11% were women and 89% were men. Of those application hearings, 49% involved White individuals, while 15% were Black/African American, and 31% were Hispanic. In 10,018 discretionary hearings in 2021, 54% of offenders were deferred and 46% 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 2021, 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 2021, Hispanics represented 21% 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 2021 for residents ages 10 and over was 5,137,783. Adults make up 89% of the population and juveniles 10-17 are 11% 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, 2021

Race/ Ethnicity	Overall Population	Overall Percent	Adult Population	Adult Percent	Juvenile Population	Juvenile Percent
Total	5,137,783	100%	4,554,671	100%	583,112	100%
Black	204,419	4%	180,625	4%	23,794	4%
Hispanic	1,077,818	21%	892,387	20%	185,431	32%
Other	323,581	6%	276,289	6%	47,292	8%
White	3,531,965	69%	3,205,370	70%	326,595	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, 2021 and December 31, 2021 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 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). There were 157,105 NIBRS incidents analyzed for calendar year 2021 (Table 1-2).

Table 1-2. Arrests by type, 2021

Arrest Type	Percent	Total
Custody/warrant	31%	48,412
On-view/probable cause	32%	50,245
Summons	37%	58,448
Total	100%	157,105

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, 2021

Court	Percent	Total
Adult District	41%	42,590
County	55%	56,985
Juvenile	5%	4,704
Total	100%	104,279

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 104,279 **cases, not individuals**. Individuals may have multiple, concurrent cases, and cases typically have multiple charges. This study found that in 2021, 27% of county court cases, 42% of district court cases, and 34% 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 another concurrent case. The **Dismissed/Not Guilty** category in the tables that follow means that charges were either dismissed or resulted in a finding of 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, 251 cases in the charges data and 90 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 2021.

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 2021.

Table 2-1 shows the distribution of the 157,105 arrests/summons captured in NIBRS for calendar year 2021, with 16% classified as violent crime, 15% as property crime, 8% as drug crime, and the majority (61%) as some other type of crime.

Table 2-1. Arrests/summons by offense, 2021

Offense	Percent	Total
Drugs	8%	13,154
Other	61%	95,164
Property	15%	23,087
Violent	16%	25,700
Total	100%	157,105

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 2021, but accounted for 11% of arrests/summons. Hispanics represented 21% of the state population and accounted for 29% of arrests. The Other race/ethnicity category represented 6% of the state population and 2% of arrests, while Whites, who represented 69% of the state population, account for 57% of arrests/summons.

Table 2-2. Arrests/summons by race/ethnicity, 2021

Race/Ethnicity	Percent	Total
Black	11%	17,452
Hispanic*	29%	46,043
Other	2%	3,516
White	57%	90,094
Total	100%	157,105

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 36% of those juvenile arrests were for violent crimes, compared to 26% of adult arrests. Juveniles accounted for 2% 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 (8%) and Property offenses for juveniles (13%) (Table 2-5).

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

Age Group	Offense	Percent	Total
Adult		96%	48,471
	Drugs	9%	4,356
	Other	49%	23,595
	Property	16%	7,700
	Violent	26%	12,820
Juvenile		4%	1,774
	Drugs	6%	115
	Other	40%	714
	Property	18%	311
	Violent	36%	634
Total		100%	50,245

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		98%	42,271
	Drugs	5%	2,206
	Other	73%	34,303
	Property	9%	4,242
	Violent	14%	6,520
Juvenile		2%	1,141
	Drugs	3%	31
	Other	59%	674
	Property	11%	125
	Violent	27%	311
Total		100%	48,412

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%	52,164
	Drugs	10%	5,431
	Other	63%	32,612
	Property	19%	9,871
	Violent	8%	4,250
Juvenile		11%	6,284
	Drugs	16%	1,015
	Other	52%	3,266
	Property	13%	838
	Violent	19%	1,165
Total		100%	58,448

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 9% of probable cause arrests were for Drug related offenses, 49% were for Other offenses, 16% for Property offenses, and 26% 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 2021: 12% of Drug arrests were Black/African Americans, 11% of arrests for Other offenses were Black/African Americans, 14% of Property arrests were Black/African Americans, and 18% of Violent arrests were Black/African Americans. Probable cause arrests among Hispanic/Latinos were around 1.6 times higher than their proportion in the adult population (20%), where they made up approximately 32% 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		9%	4,356
	Black	12%	540
	Hispanic*	33%	1,424
	Other	2%	68
	White	53%	2,324
Other		49%	23,595
	Black	11%	2,542
	Hispanic*	32%	7,611
	Other	2%	476
	White	55%	12,966
Property		16%	7,700
	Black	14%	1,083
	Hispanic*	33%	2,515
	Other	1%	94
	White	52%	4,008
Violent		26%	12,820
	Black	18%	2,312
	Hispanic*	31%	3,963
	Other	2%	318
	White	49%	6,227
Total		100%	48,471

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 73% of the arrests where a person was taken into custody for a warrant, while Violent offenses make up 14%, 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 1.6 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 (6%), but 9% for Other and Property offenses, and 14% for Violent offenses.

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

Offense	Race/ Ethnicity	Percent	Total
Drugs		5%	2,206
	Black	6%	138
	Hispanic*	31%	676
	Other	2%	40
	White	61%	1,352
Other		73%	34,303
	Black	9%	2,990
	Hispanic*	31%	10,595
	Other	3%	872
	White	58%	19,846
Property		9%	4,242
	Black	9%	369
	Hispanic*	29%	1,211
	Other	2%	83
	White	61%	2,579
Violent		14%	6,520
	Black	14%	907
	Hispanic*	29%	1,922
	Other	3%	212
	White	53%	3,479
Total		100%	47,271

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 (63%), followed by Property (19%), Drugs (10%), 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 10% of other crime, and 10% of property crime, and 18% of a 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		10%	5,431
	Black	8%	408
	Hispanic*	28%	1,539
	Other	1%	62
	White	63%	3,422
Other		63%	32,612
	Black	10%	3,310
	Hispanic*	24%	7,730
	Other	2%	804
	White	64%	20,768
Property		19%	9,871
	Black	10%	984
	Hispanic*	27%	2,697
	Other	2%	218
	White	61%	5,972
Violent		8%	4,250
	Black	18%	753
	Hispanic*	25%	1,067
	Other	3%	108
	White	55%	2,322
Total		100%	52,164

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. Forty percent (40%) of these juvenile arrests involved an offense that fell into the Other category, 36% of these types of arrests involved a violent offense, 18% involved a property offense and 6% involved a drug offense. Black/African Americans made up 21% of Violent crime warrant arrests and Hispanics made up 38%, 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 summons were less likely to be issued for Violent offenses (19%) compared to Other (52%) and Property (13%), or Drugs (16%). Of those summonses issued for Violent crimes, 16% 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		6%	115
	Black	7%	8
	Hispanic*	30%	35
	Other	3%	3
	White	60%	69
Other		40%	714
	Black	18%	129
	Hispanic*	40%	284
	Other	1%	6
	White	41%	295
Property		18%	311
	Black	18%	56
	Hispanic*	40%	125
	Other	2%	5
	White	40%	125
Violent		36%	634
	Black	21%	130
	Hispanic*	38%	240
	Other	1%	5
	White	41%	259
Total		100%	1,774

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%	31
	Black	6%	2
	Hispanic*	26%	8
	Other	3%	1
	White	65%	20
Other		59%	674
	Black	12%	84
	Hispanic*	39%	260
	Other	2%	14
	White	47%	316
Property		11%	125
	Black	15%	19
	Hispanic*	35%	44
	Other	1%	1
	White	49%	61
Violent		27%	311
	Black	18%	56
	Hispanic*	39%	121
	Other	2%	7
	White	41%	127
Total		100%	1,141

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		16%	1,015
	Black	6%	63
	Hispanic*	31%	312
	Other	2%	22
	White	61%	618
Other		52%	3,266
	Black	8%	276
	Hispanic*	32%	1,059
	Other	2%	54
	White	57%	1,877
Property		13%	838
	Black	12%	101
	Hispanic*	28%	231
	Other	2%	18
	White	58%	488
Violent		19%	1,165
	Black	16%	192
	Hispanic*	32%	374
	Other	2%	25
	White	49%	574
Total		100%	6,284

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 22-27% of arrests and 28-39% of summonses (depending on the crime category) and men comprised the remainder. Overall, women were generally more likely to be 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		9%	4,471
	Female	25%	1,134
	Male	75%	3,337
Other		48%	24,309
	Female	24%	5,798
	Male	76%	18,511
Property		16%	8,011
	Female	26%	2,048
	Male	74%	5,963
Violent		27%	13,454
	Female	23%	3,138
	Male	77%	10,316
Total		100%	50,245

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%	2,237
	Female	26%	584
	Male	74%	1,653
Other		72%	34,977
	Female	25%	8,657
	Male	75%	26,320
Property		9%	4,367
	Female	27%	1,170
	Male	73%	3,197
Violent		14%	6,831
	Female	22%	1,482
	Male	78%	5,349
Total		100%	48,412

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		11%	6,446
	Female	33%	2,116
	Male	67%	4,330
Other		61%	35,878
	Female	28%	10,084
	Male	72%	25,792
	Unknown	<1%	2
Property		18%	10,709
	Female	39%	4,145
	Male	61%	6,564
Violent		9%	5,415
	Female	33%	1,782
	Male	67%	3,633
Total		100%	58,448

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

Summary: Law enforcement data. In 2021, law enforcement made or issued over 157,105 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 2021, arrests/summonses for Drug offenses accounted for 8% of all arrests/summonses while Violent crimes accounted for 16% of arrests/summonses, Property offenses accounted for 15% of arrests/summonses, and the remainder of arrests/summonses (61%) fell into the Other crime category. Black/African Americans represented 4% of the state's population in 2021 but accounted for 11% of arrests/summonses. Hispanics represented 21% of the population and 29% of arrests/summonses. Males represented about 50% 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 2021 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 2021, 27% of county court cases, 42% of district court cases, and 34% 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, 251 cases in the charges data and 90 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 104,279 case filings in county, adult district, and juvenile courts combined for calendar year 2021. While Black/African Americans represented 4% of the state population and 11% of the arrests/summonses in 2021, they accounted for 10% of court filings. Hispanics represented 21% of the population, 29% of arrests/summonses, and 31% 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, 2021

Race/Ethnicity	Percent	Total
Black	10%	10,664
Hispanic*	31%	31,970
Other	3%	3,447
White	56%	58,198
Total	100%	104,279

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 Violent charges comprised the largest category at 40% of the charges filed. The race/ethnicity distribution is generally consistent across crime types, with Black/African Americans comprising about 10% of filings, Hispanics approximately 31% of filings, White 56% of filings, and Other around 3% of filings.

Table 3-2. Most serious filing charge by race/ethnicity, 2021

Offense	Race/Ethnicity	Percent	Total
Drugs		12%	12,031
	Black	8%	975
	Hispanic*	31%	3,752
	Other	3%	384
	White	58%	6,920
Other		23%	23,852
	Black	9%	2,196
	Hispanic*	32%	7,694
	Other	4%	871
	White	55%	13,091
Property		26%	27,091
	Black	10%	2,720
	Hispanic*	29%	7,891
	Other	3%	715
	White	58%	15,765
Violent		40%	41,305
	Black	12%	4,773
	Hispanic*	31%	12,633
	Other	4%	1,477
	White	54%	22,422
Total		100%	104,279

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, 24% of filings were females and 76% were males. Females were slightly more likely than males to be involved in Property crimes (28% compared to 25%, respectively) and Drug crimes (14% compared to 11%, respectively) and slightly less to be involved in Violent offenses (38% compared to 40%, respectively).

Table 3-3. Most serious filing charge by gender

Gender	Offense	Percent	Total
Female		24%	25,447
	Drugs	14%	3,495
	Other	20%	5,149
	Property	28%	7,116
	Violent	38%	9,687
Male		76%	78,832
	Drugs	11%	8,536
	Other	24%	18,703
	Property	25%	19,975
	Violent	40%	31,618
Total		100%	104,279

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. 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 2021, with 55% 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 13% in adult district court and 16% in juvenile court. Hispanics represented 30% of county court filings, 32% of district court filings, and 35% of juvenile court filings in 2021. 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		41%	42,590
	Black	13%	5,340
	Hispanic*	32%	13,439
	Other	3%	1,354
	White	53%	22,457
County		55%	56,985
	Black	8%	4,589
	Hispanic*	30%	16,888
	Other	3%	1,912
	White	59%	33,596
Juvenile		5%	4,704
	Black	16%	735
	Hispanic*	35%	1,643
	Other	4%	181
	White	46%	2,145
Total		100%	104,279

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 (31%) comprised the largest categories of cases in adult district court. Almost half (46%) of county court cases were Violent offenses (primarily misdemeanor assault). Violent offenses (47%) comprised the largest percent of cases filed in juvenile court, followed by Property crimes which made up nearly one-third (29%) 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 (20%) or juvenile court (23%).

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

Court	Offense	Percent	Total
Adult District		41%	42,590
	Drugs	11%	4,562
	Other	21%	9,092
	Property	37%	15,779
	Violent	31%	13,157
County		55%	56,985
	Drugs	13%	7,227
	Other	24%	13,860
	Property	17%	9,951
	Violent	46%	25,947
Juvenile		5%	4,704
	Drugs	5%	242
	Other	19%	900
	Property	29%	1,361
	Violent	47%	2,201
Total		100%	104,279

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. Excludes Denver County Court cases.

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

Court	Gender	Percent	Total
Adult District		41%	42,590
	Female	20%	8,562
	Male	80%	34,028
County		55%	56,985
	Female	28%	15,826
	Male	72%	41,159
Juvenile		5%	4,704
	Female	23%	1,059
	Male	77%	3,645
Total		100%	104,279

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. Excludes Denver County Court cases.

Trials

Table 3-7 shows how 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 40% of completed trials (707 of the 41,305 trials).

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

Court	Completed Trial	Percent	Total
Adult District		41%	42,590
	No	99%	41,956
	Yes	1%	634
County		55%	56,985
	No	99%	56,552
	Yes	1%	433
Juvenile		5%	4,704
	No	99%	4,670
	Yes	1%	34
Total		100%	104,279

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		12%	12,031
	No	100%	11,971
	Yes	<1%	60
Other		23%	23,852
	No	99%	23,633
	Yes	1%	219
Property		26%	27,091
	No	100%	26,976
	Yes	<1%	115
Violent		40%	41,305
	No	98%	40,598
	Yes	2%	707
Total		100%	104,279

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 104,279 case filings in county, district, and juvenile courts. Black/African Americans individuals represented 4% of the state population, 11% of the arrests/summons in 2021, and 13% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% Black/African American juveniles in the population. Hispanic adults made up 20% of the adult population but had 32% of district court filings in 2021. The race/ethnicity distribution across the four crime categories was relatively consistent. In terms of gender, 24% of filings were females and 76% 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 2021. 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 2021. 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 25% of cases were convicted as charged, almost a quarter (24%) were convicted of another crime, and 43% of cases were dismissed. Black/African-Americans were convicted in 44% of cases (23% as charged, 21% other crime), Hispanic/Latino defendants were convicted in 52% of cases (25% as charged, 27% other crime), and White defendants were convicted in 49% of cases (26% as charged, 23% 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		23%	21%	46%	11%	4,589
	Drugs	23%	25%	40%	12%	429
	Other	25%	26%	33%	16%	1,011
	Property	21%	18%	49%	12%	790
	Violent	23%	18%	51%	8%	2,359
Hispanic*		25%	27%	40%	8%	16,888
	Drugs	23%	28%	38%	11%	2,103
	Other	26%	33%	32%	10%	4,493
	Property	26%	23%	41%	10%	2,571
	Violent	25%	24%	45%	6%	7,721
Other		25%	21%	45%	10%	1,912
	Drugs	24%	23%	38%	15%	151
	Other	30%	23%	36%	11%	518
	Property	26%	18%	43%	13%	287
	Violent	21%	21%	51%	7%	956
White		26%	23%	44%	7%	33,596
	Drugs	24%	26%	40%	10%	4,544
	Other	27%	29%	36%	8%	7,838
	Property	25%	18%	47%	9%	6,303
	Violent	25%	21%	49%	5%	14,911
Total		25%	24%	43%	8%	56,985

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 2021. In adult district court (Table 3-10), 48% were convicted of another crime, 23% were convicted as charged, 21% 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 67% of cases (22% as charged, 45% other crime), Hispanic/Latino defendants were convicted in 72% of cases (22% as charged, 50% other crime), and White defendants were convicted in 73% of cases (25% as charged, 48% 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		22%	45%	24%	9%	5,340
	Drugs	14%	59%	20%	7%	531
	Other	27%	31%	33%	9%	1,061
	Property	21%	47%	21%	11%	1,700
	Violent	22%	47%	23%	8%	2,048
Hispanic*		22%	50%	19%	9%	13,439
	Drugs	12%	59%	16%	13%	1,567
	Other	30%	37%	24%	9%	2,833
	Property	20%	54%	18%	8%	4,890
	Violent	22%	51%	18%	8%	4,149
Other		19%	47%	22%	12%	1,354
	Drugs	7%	56%	19%	18%	227
	Other	25%	36%	24%	15%	320
	Property	22%	46%	21%	11%	367
	Violent	20%	50%	22%	8%	440
White		25%	48%	21%	6%	22,457
	Drugs	16%	60%	17%	7%	2,237
	Other	30%	35%	28%	8%	4,878
	Property	23%	51%	20%	6%	8,822
	Violent	26%	48%	21%	5%	6,520
Total		23%	48%	21%	8%	42,590

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 40% of cases defendants were convicted as charged, 24% were convicted of a different crime, and in 30% of cases all charges were dismissed. Black/African Americans were somewhat less likely to be convicted as charged (36% compared to 40% overall), and Black/African Americans were more likely to have a case falling into the not yet resolved/case closed category (7% compared to 6% 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		36%	24%	33%	7%	735
	Drugs	40%	27%	20%	13%	15
	Other	56%	15%	29%	1%	124
	Property	27%	24%	39%	10%	230
	Violent	35%	26%	32%	7%	366
Hispanic*		39%	27%	28%	5%	1,643
	Drugs	34%	29%	35%	1%	82
	Other	49%	23%	24%	4%	368
	Property	37%	25%	32%	6%	430
	Violent	37%	30%	27%	6%	763
Other		36%	24%	31%	8%	181
	Drugs	83%	0%	17%	0%	6
	Other	36%	21%	27%	15%	33
	Property	36%	26%	30%	8%	61
	Violent	33%	25%	36%	6%	81
White		42%	22%	31%	5%	2,145
	Drugs	58%	11%	28%	4%	139
	Other	49%	17%	29%	6%	375
	Property	39%	23%	33%	5%	640
	Violent	39%	25%	31%	5%	991
Total		40%	24%	30%	6%	4,704

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, 43% of cases in county court were dismissed, as were 21% of cases in district court and 30% of cases in juvenile court. One-fourth (25%) of defendants in county court cases were convicted as charged, 23% were convicted as charged in district court, and 40% in juvenile court. Almost one-quarter (24%) of county court cases were convicted of a different charge, 48% of district court cases, and 24% 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, 2021 and Dec 31, 2021, 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 90 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. As previously mentioned, in 2021, 27% of county court cases, 42% of district court cases, and 34% 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 2021. Probation was the most common sentence (30%), followed by Deferred judgment (27%) and Jail (21%). Although Community Service was only used in 3% of cases overall, 11% 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)	2,524	8,786	4,808	10,548	26,666
Community Corrections	<1%	0%	<1%	0%	<1%
Community Service	11%	4%	2%	<1%	3%
Deferred	20%	18%	28%	35%	27%
Fines/fees	19%	20%	18%	5%	13%
Jail	21%	21%	26%	18%	21%
Probation/Intensive Supervision	26%	31%	17%	37%	30%
Unsupervised Probation	3%	6%	8%	4%	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.

Table 3-13 reflects initial county court sentences by gender. Women were more likely than men to receive a deferred judgment in county court (35% compared to 24%, respectively). Men were more likely than women to receive a jail sentence (23% for men compared to 14% for women), and men were more likely to be granted an initial sentence to probation (32% compared to 26% for women).

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

Sentence	Female	Male	Total
(N)	7,160	19,506	26,666
Community Corrections	0%	<1%	<1%
Community Service	3%	3%	3%
Deferred	35%	24%	27%
Fines/fees	15%	13%	13%
Jail	14%	23%	21%
Probation/Intensive Supervision	26%	32%	30%
Unsupervised Probation	6%	5%	5%
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 (39% compared to 27% 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)	1,871	8,173	822	15,800	26,666
Community Corrections	0%	<1%	0%	<1%	<1%
Community Service	3%	3%	2%	3%	3%
Deferred	27%	24%	39%	28%	27%
Fines/fees	11%	13%	13%	14%	13%
Jail	25%	23%	17%	20%	21%
Probation/Intensive Supervision	29%	32%	25%	30%	30%
Unsupervised Probation	6%	5%	4%	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.

The following four tables show the initial county court sentence for each of the four offense categories, by race/ethnicity. Table 3-15 shows initial sentences for county court Drug cases. The sentence type with the most disparate outcomes were probation/intensive supervision which was given in 19% of convictions involving Black/African- Americans, 24% of cases involving Hispanics, and 28% of cases with White defendants.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	137	689	51	1,647	2,524
Community Corrections	0%	<1%	0%	0%	<1%
Community Service	13%	12%	8%	11%	11%
Deferred	22%	19%	43%	20%	20%
Fines/fees	20%	20%	16%	18%	19%
Jail	23%	21%	20%	20%	21%
Probation/Intensive Supervision	19%	24%	14%	28%	26%
Unsupervised Probation	4%	3%	0%	4%	3%
Total	100%	100%	100%	100%	100%

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. 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 (29% compared to 21% 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)	544	2,889	294	5,059	8,786
Community Service	5%	4%	3%	4%	4%
Deferred	16%	15%	31%	19%	18%
Fines/fees	14%	19%	21%	21%	20%
Jail	29%	24%	13%	20%	21%
Probation/Intensive Supervision	29%	31%	26%	31%	31%
Unsupervised Probation	7%	6%	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.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	332	1,377	143	2,956	4,808
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	1%	3%	1%	2%	2%
Deferred	30%	26%	43%	28%	28%
Fines/fees	13%	16%	17%	19%	18%
Jail	34%	27%	22%	25%	26%
Probation/Intensive Supervision	14%	19%	10%	17%	17%
Unsupervised Probation	8%	8%	7%	8%	8%
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)	858	3,218	334	6,138	10,548
Community Service	<1%	<1%	<1%	1%	<1%
Deferred	34%	31%	43%	37%	35%
Fines/fees	6%	4%	3%	5%	5%
Jail	19%	21%	19%	17%	18%
Probation/Intensive Supervision	37%	39%	32%	36%	37%
Unsupervised Probation	4%	4%	3%	4%	4%
Total	100%	100%	100%	100%	100%

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. 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 2021. Probation was the most frequently occurring initial sentence, happening 50% overall and 52% of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 17% of Drug cases, 19% of Other cases, 15% 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)	4,310	6,486	11,416	9,584	31,796
Community Corrections	7%	8%	9%	4%	7%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	6%	7%	12%	15%	11%
Dept of Corrections	17%	19%	15%	19%	17%
Division of Youth Services	0%	0%	0%	<1%	<1%
Fines/fees	2%	2%	1%	<1%	1%
Jail	15%	15%	13%	10%	13%
Probation/Intensive Supervision	52%	49%	50%	51%	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.

Table 3-20 shows the initial district court sentence by gender. Women were more likely to receive a deferred judgment compared to men (16% versus 10%, respectively), and more likely to be granted probation (56% compared to 49% for men). Women were less likely to receive a jail sentence (11% compared to 13%), and also considerably less likely to receive a prison sentence compared to men (9% compared to 19%).

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

Sentence	Female	Male	Total
(N)	6,411	25,385	31,796
Community Corrections	6%	7%	7%
Community Service	<1%	<1%	<1%
Deferred	16%	10%	11%
Dept of Corrections	9%	19%	17%
Division of Youth Services	0%	<1%	<1%
Fines/fees	2%	1%	1%
Jail	11%	13%	13%
Probation/Intensive Supervision	56%	49%	50%
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 18% of initial sentences for Hispanic cases were to prison, a slightly higher proportion compared to the other race/ethnicity groups.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	3,769	9,837	855	17,335	31,796
Community Corrections	5%	7%	4%	8%	7%
Community Service	<1%	<1%	<1%	<1%	<1%
Deferred	10%	10%	19%	11%	11%
Dept of Corrections	20%	18%	17%	16%	17%
Division of Youth Services	<1%	<1%	0%	0%	<1%
Fines/fees	1%	1%	1%	1%	1%
Jail	12%	13%	11%	13%	13%
Probation/Intensive Supervision	51%	51%	48%	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.

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)	493	1,327	138	2,352	4,310
Community Corrections	6%	7%	2%	8%	7%
Community Service	<1%	<1%	1%	<1%	<1%
Deferred	5%	7%	22%	5%	6%
Dept of Corrections	18%	20%	9%	16%	17%
Fines/fees	1%	2%	1%	2%	2%
Jail	18%	14%	7%	16%	15%
Probation/Intensive Supervision	51%	50%	58%	53%	52%
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.

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)	680	2,092	163	3,551	6,486
Community Corrections	5%	8%	6%	9%	8%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	7%	6%	11%	7%	7%
Dept of Corrections	23%	20%	25%	17%	19%
Fines/fees	1%	2%	3%	2%	2%
Jail	14%	15%	15%	15%	15%
Probation/Intensive Supervision	49%	48%	41%	49%	49%
Youthful Offender System	0%	<1%	0%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

*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)	1,167	3,476	243	6,530	11,416
Community Corrections	7%	9%	7%	10%	9%
Community Service	<1%	<1%	0%	<1%	<1%
Deferred	13%	10%	23%	12%	12%
Dept of Corrections	14%	14%	13%	16%	15%
Fines/fees	<1%	1%	1%	1%	1%
Jail	11%	14%	9%	13%	13%
Probation/Intensive Supervision	55%	52%	48%	49%	50%
Youthful Offender System	<1%	<1%	0%	<1%	<1%
Total	100%	100%	100%	100%	100%

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

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

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)	1,429	2,942	311	4,902	9,584
Community Corrections	4%	4%	3%	5%	4%
Community Service	0%	<1%	<1%	<1%	<1%
Deferred	11%	13%	18%	16%	15%
Dept of Corrections	25%	21%	19%	16%	19%
Division of Youth Services	<1%	<1%	0%	0%	<1%
Fines/fees	<1%	<1%	<1%	1%	<1%
Jail	9%	9%	12%	10%	10%
Probation/Intensive Supervision	49%	52%	48%	52%	51%
Youthful Offender System	2%	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 2021, 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 33% of cases were granted a deferred judgment. Drug cases were more likely than other offenses to receive a deferred judgment (54%) in juvenile court. Initial sentences to the Division of Youth Services were more likely for Violent (13%) and Property (10%) cases.

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

Sentence	Drugs	Other	Property	Violent	Total
(N)	140	666	843	1,321	2,970
Community Corrections	0%	0%	0%	<1%	<1%
Community Service	0%	<1%	<1%	<1%	<1%
Deferred	54%	34%	30%	33%	33%
Dept of Corrections	0%	<1%	0%	0%	<1%
Division of Youth Services	1%	9%	10%	13%	11%
Fines/fees	4%	3%	4%	2%	3%
Jail	1%	1%	3%	1%	2%
Juvenile Detention	1%	1%	1%	1%	1%
Probation/Intensive Supervision	38%	52%	52%	50%	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 32%, respectively), and less likely to receive a sentence to the Division of Youth Services (6% compared to 12%).

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

Sentence	Female	Male	Total
(N)	627	2,343	2,970
Community Corrections	0%	<1%	<1%
Community Service	<1%	<1%	<1%
Deferred	39%	32%	33%
Dept of Corrections	0%	<1%	<1%
Division of Youth Services	6%	12%	11%
Fines/fees	4%	2%	3%
Jail	2%	2%	2%
Juvenile Detention	1%	1%	1%
Probation/Intensive Supervision	48%	51%	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 (47%) or White (41%). Black/African Americans were more likely to receive an initial sentence to the Division of Youth Services (20% compared to 11% overall).

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	521	1,058	124	1,267	2,970
Community Corrections	0%	0%	1%	<1%	<1%
Community Service	0%	<1%	0%	<1%	<1%
Deferred	20%	30%	47%	41%	33%
Dept of Corrections	0%	0%	0%	<1%	<1%
Division of Youth Services	20%	9%	10%	8%	11%
Fines/fees	4%	3%	3%	2%	3%
Jail	1%	2%	1%	2%	2%
Juvenile Detention	<1%	1%	0%	1%	1%
Probation/Intensive Supervision	54%	55%	38%	46%	50%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

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

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

The following four tables show initial 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. Additionally, Black/African Americans were more likely to receive an initial DYS sentence across all crime types.

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

Sentence	Black	Hispanic*	Other	White	Total
(N)	9	46	5	80	140
Deferred	22%	52%	60%	57%	54%
Division of Youth Services	0%	2%	0%	1%	1%
Fines/fees	0%	4%	0%	5%	4%
Jail	0%	2%	0%	1%	1%
Juvenile Detention	11%	0%	0%	1%	1%
Probation/Intensive Supervision	67%	39%	40%	34%	38%
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)	118	264	36	248	666
Community Service	0%	0%	0%	<1%	<1%
Deferred	21%	29%	47%	44%	34%
Department of Corrections	0%	0%	0%	<1%	<1%
Division of Youth Services	18%	6%	14%	6%	9%
Fines/fees	7%	2%	0%	2%	3%
Jail	0%	2%	3%	2%	1%
Juvenile Detention	0%	2%	0%	1%	1%
Probation/Intensive Supervision	54%	60%	36%	44%	52%
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)	149	284	34	376	843
Community Service	0%	<1%	0%	0%	<1%
Deferred	15%	28%	38%	37%	30%
Division of Youth Services	17%	9%	6%	9%	10%
Fines/fees	4%	4%	9%	3%	4%
Jail	1%	3%	0%	3%	3%
Juvenile Detention	0%	1%	0%	1%	1%
Probation/Intensive Supervision	62%	55%	47%	47%	52%
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)	245	464	49	563	1,321
Community Corrections	0%	0%	2%	<1%	<1%
Community Service	0%	<1%	0%	0%	<1%
Deferred	22%	30%	51%	39%	33%
Division of Youth Services	24%	12%	12%	9%	13%
Fines/fees	4%	2%	2%	2%	2%
Jail	2%	1%	0%	1%	1%
Juvenile Detention	0%	1%	0%	1%	1%
Probation/Intensive Supervision	49%	53%	33%	48%	50%
Youthful Offender System	0%	<1%	0%	0%	<1%
Total	100%	100%	100%	100%	100%

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

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

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 2021, 27% of county court cases, 42% of district court cases, and 34% 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 (35% compared to 24%, respectively). Men were more likely than women to receive a jail sentence (23% for men compared to 14% for women), and men were more likely to be granted an initial sentence to probation (32% compared to 26% 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 (52%) of the time for Drug cases. The second most frequently occurring sentence in district court was a prison sentence: 17% of Drug cases, 19% of Other cases, 15% 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 (18%) were to the Department of Corrections, a higher proportion compared to the other race/ethnicity groups. Deferred judgments were initially granted in 11% of district court cases overall, and were most likely to be imposed in Violent cases (15%) and least likely to be imposed in Drug cases (6%).

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 (54%) 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 2021 to probation or a deferred judgment that received a revocation are included in the analyses presented here. Those sentenced near the end of 2021 may not have had enough time to get revoked. **Note that these are cases, not individuals** and, as previously mentioned, 27% of county court cases, 42% of district court cases, and 34% 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 2021* reports that in 2021, 13% of adult state probation terminations were the result of a revocation. The revocations presented here may not result in termination from probation supervision. In 2021, across county, adult district, and juvenile district courts, 78% of cases were reinstated, 22% were not reinstated, and for the remaining 0.1% 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, 29% of cases receiving a probation/deferred judgment in 2021 were revoked. Black/African Americans were more likely to be revoked compared to the overall revocation rate (34% compared to 29% overall). Black/African Americans were most likely to be revoked for Drugs (51%), Hispanic/Latinos were most likely to be revoked for Drugs (50%), Whites were most likely to be revoked for Drugs (51%), and people in the Other racial category were most likely to be revoked for Violent crimes (31%).

Table 3-34 reflects county court revocations by gender. Overall, females in county court were less likely to get revoked than males (25% compared to 30%, respectively). Compared with the other offense types, men with Drug cases were most likely to get revoked (50%).

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		66%	34%	1,161
	Drugs	49%	51%	61
	Other	72%	28%	281
	Property	70%	30%	173
	Violent	64%	36%	646
Hispanic*		71%	29%	4,987
	Drugs	50%	50%	316
	Other	79%	21%	1,528
	Property	70%	30%	742
	Violent	68%	32%	2,401
Other		77%	23%	559
	Drugs	76%	24%	29
	Other	84%	16%	184
	Property	84%	16%	86
	Violent	69%	31%	260
White		72%	28%	9,975
	Drugs	49%	51%	846
	Other	79%	21%	2,807
	Property	73%	27%	1,586
	Violent	72%	28%	4,736
Total		71%	29%	16,682

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		75%	25%	4,828
	Drugs	51%	49%	447
	Other	81%	19%	1,268
	Property	76%	24%	858
	Violent	75%	25%	2,255
Male		70%	30%	11,854
	Drugs	50%	50%	805
	Other	78%	22%	3,532
	Property	71%	29%	1,729
	Violent	68%	32%	5,788
Total		71%	29%	16,682

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 (41%, Table 3-35) compared to county court (29%, Table 3-33) in 2021. Those in the Other race/ethnicity category were least likely to be revoked (29%) compared to the other race/ethnicity categories. Table 3-36 shows that women in adult district court were less likely to get revoked (39%) than men at (41%). Men with Property cases (50%) and women with Drug and Property cases were the most likely to get revoked (43%).

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%	2,313
	Drugs	57%	43%	276
	Other	64%	36%	384
	Property	53%	47%	791
	Violent	60%	40%	862
Hispanic*		58%	42%	5,951
	Drugs	59%	41%	754
	Other	61%	39%	1,132
	Property	51%	49%	2,162
	Violent	63%	37%	1,903
Other		71%	29%	573
	Drugs	82%	18%	110
	Other	72%	28%	85
	Property	67%	33%	172
	Violent	69%	31%	206
White		60%	40%	10,678
	Drugs	54%	46%	1,377
	Other	67%	33%	2,009
	Property	52%	48%	3,951
	Violent	68%	32%	3,341
Total		59%	41%	19,515

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		61%	39%	4,653
	Drugs	57%	43%	779
	Other	63%	37%	716
	Property	57%	43%	2,030
	Violent	68%	32%	1,128
Male		59%	41%	14,862
	Drugs	57%	43%	1,738
	Other	65%	35%	2,894
	Property	50%	50%	5,046
	Violent	65%	35%	5,184
Total		59%	41%	19,515

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, 24% of cases sentenced to probation/deferred judgment in 2021 were revoked (Table 3-37). Black/African American and Hispanic juveniles were more likely to get revoked (30% and 23% 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 24% 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		70%	30%	386
	Drugs	75%	25%	8
	Other	70%	30%	89
	Property	74%	26%	115
	Violent	67%	33%	174
Hispanic*		77%	23%	895
	Drugs	83%	17%	42
	Other	78%	22%	234
	Property	71%	29%	234
	Violent	79%	21%	385
Other		82%	18%	105
	Drugs	60%	40	5
	Other	77%	23%	30
	Property	90%	10%	29
	Violent	83%	17%	41
White		78%	22%	1,099
	Drugs	85%	15%	73
	Other	78%	22%	217
	Property	75%	25%	316
	Violent	79%	21%	493
Total		76%	24%	2,485

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%	546
	Drugs	92%	8%	38
	Other	81%	19%	99
	Property	82%	18%	133
	Violent	76%	24%	276
Male		76%	24%	1,939
	Drugs	79%	21%	90
	Other	76%	24%	471
	Property	72%	28%	561
	Violent	77%	23%	817
Total		76%	24%	2,485

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 2021 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, 27% of county court cases, 42% of district court cases, and 34% 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 2021, 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 0.1% the outcome was unclear.

Overall, 29% of county court cases receiving a probation/deferred judgment in 2021 were revoked. Black/African Americans were revoked at a rate of 34% compared to 29% overall. Females in county court were less likely to get revoked than males (25% compared to 30%, respectively).

In district court, 41% of cases were revoked. Property cases across race/ethnicity groups, compared to the other offense categories, were the most likely to be revoked. Females were less likely to get revoked at a rate of (39%) compared to (41%) males.

In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2021 were revoked. Black/African American were most likely to be revoked (30% compared to 24% overall). Females were revoked at a rate of 20% compared to 24% for males.

Court processing summary. In 2021, Black/African Americans represented 4% of the adult state population but accounted for 10% of court cases filed and 13% of adult district court filings. Hispanic adults represented 20% of the population and 32% of district court filings. In juvenile court, Black/African Americans represented 16% of cases, compared to 4% of Black/African American juveniles in the population; Hispanic youth were 32% of the population and 35% 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 18% of initial sentences for Hispanics were to the Department of Corrections, a slightly higher proportion compared to other race/ethnicity groups. When the offense was violent, Black/African Americans were sentenced to prison in 25% 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, 41% of adult district court cases that had an initial sentence to probation/deferred were revoked. Across race/ethnicity groups, Property cases were generally the most likely to be revoked. Black/African Americans and Hispanics with Drug cases were revoked at a rate of 43% and 41%, respectively. In juvenile court, 24% of cases sentenced to probation/deferred judgment in 2021 were revoked; Black/African Americans were revoked at 30%.

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 2021. As shown in Table 4-1, women were involved in 11% of Parole Board application hearings. Table 4-2 depicts that nearly half (49%) 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 2021*

Gender	%	N
Female	11%	1,697
Male	89%	13,522
Total	100%	15,219

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2021, including those tabled and those taken to the full Board.

Table 4-2. Parole Board Application Hearings conducted, by race/ethnicity, CY 2021*

Race/ethnicity	%	N
Asian American	<1%	139
Black	15%	2,349
Hawaiian/Pacific Islander	<1%	20
Hispanic	31%	4,683
Native American	4%	601
Other	<1%	27
Unknown	<1%	11
White	49%	7,389
Total	100%	15,219

Data Source: Colorado Department of Corrections, Parole Board.

*Includes all Application Hearings conducted during the calendar year 2021, 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 2021, 54% of inmates were deferred and 46% were released. Females were more likely to be released (52%) than males (46%).

Table 4-3. Parole Board Application Hearings Decisions, by gender CY 2021*

Gender	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Female	48%	559	52%	610	100%	1,169
Male	55%	4,892	46%	3,957	100%	8,849
Total	54%	5,451	46%	4,567	100%	10,018

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 2021*

Race/Ethnicity	Defer		Discretionary Release		Total	
	%	N	%	N	%	N
Asian American	63%	60	38%	36	100%	96
Black	57%	846	43%	646	100%	1,492
Hawaiian/Pacific Islander	57%	8	43%	6	100%	14
Hispanic	55%	1,727	45%	1,416	100%	3,143
Native American	57%	226	43%	170	100%	396
Other	56%	9	44%	7	100%	16
Unknown	60%	6	40%	4	100%	10
White	53%	2,569	47%	2,282	100%	4,851
Total	54%	5,451	46%	4,567	100%	10,018

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 15,219 parole application hearings in 2021. In terms of gender, 11% were women and 89% were men. Of those application hearings, 49% 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 10,018 discretionary hearings in 2021, 54% of offenders were deferred and 46% 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 2021 were examined (Table 5-1). Whites accounted for 54% 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 31% of the time, and Blacks receiving a DOC sentence 32% 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 2021, members of the Black/African-American group who received felony convictions were sentenced to DOC at a rate 1.13 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 1.01, 1.26). Members of the Hispanic group who received felony convictions were sentenced to DOC at a rate 1.20 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 1.11, 1.29). 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.

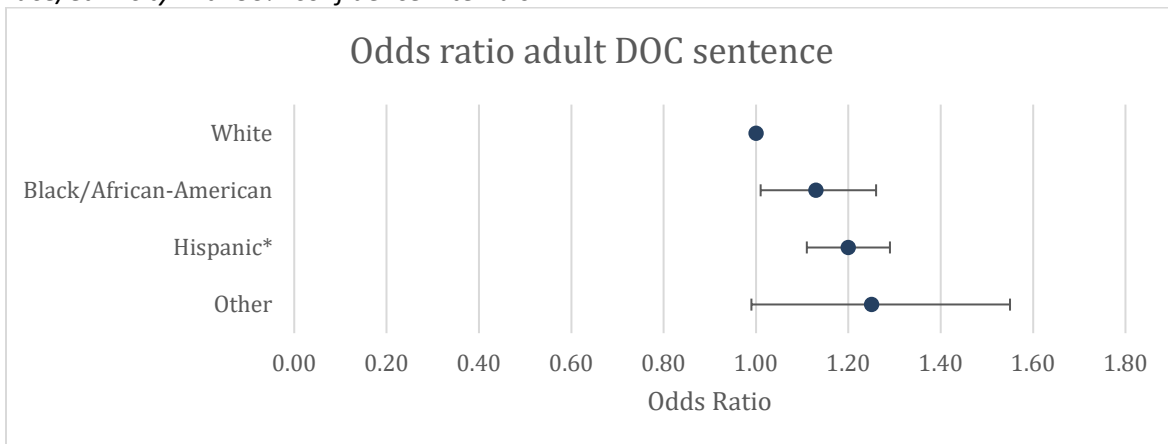
Table 5-1. DOC Sentences for felony convictions by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No DOC Sentence	DOC Sentence	Significant Difference from Reference
White	10,193 (54%)	72%	28%	Reference
Black	2,349 (12%)	68%	32%	Yes
Hispanic*	5,769 (31%)	69%	31%	Yes
Other	495 (3%)	72%	28%	No
Total	18,806 (100%)	71%	29%	--

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 2021 were examined (Table 5-2). As can be seen in Table 5-2, Whites accounted for 55% of all such convictions, Blacks/African-Americans accounted for 12%, and Hispanics accounted for 31%. Of those convictions, Whites received deferred sentences 11% of the time, while Blacks/African-Americans and Hispanics received equal deferred sentences 10% 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 2021, when controlling for criminal history and offense characteristics, members of the Black/African-American group received deferred sentences at a rate 0.84 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.74, 0.96). When controlling for criminal history

and offense characteristics members of the Hispanic group received deferred sentences at a rate 0.85 times that of their White counterparts, and the 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 0.74, 0.94). 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 2021. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-2.

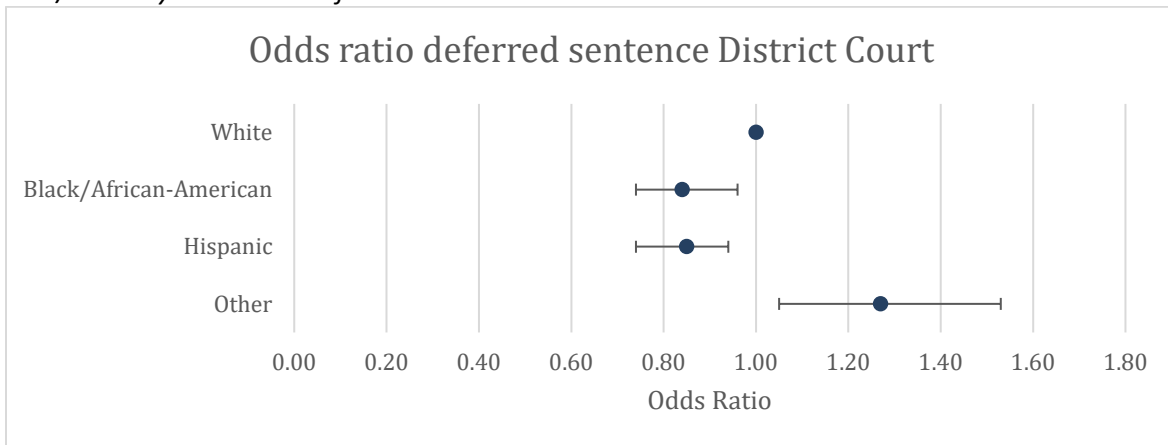
Table 5-2. Deferred sentence for all convictions in Adult District Court by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No Deferred Sentence	Deferred Sentence	Significant Difference from Reference
White	17,335 (55%)	89%	11%	Reference
Black	3,769 (12%)	90%	10%	Yes
Hispanic*	9,837 (31%)	90%	10%	Yes
Other	855 (3%)	81%	19%	Yes
Total	31,796 (100%)	89%	11%	--

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 2021 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 18% and 36% of adjudications in juvenile court, respectively. While the White subpopulation received deferred sentences 41% 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 2021, when controlling for criminal history and offense characteristics, members of the Black/African-American group who received an adjudication in juvenile court were given a deferred sentence at a rate 0.53 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.40, 0.70). Members of the Hispanic group who received an adjudication in juvenile court were given a deferred sentence at a rate 0.64 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 0.52, 0.78). 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 2021. The estimated odds-ratios and corresponding confidence intervals for each racial group are plotted in Figure 5-3.

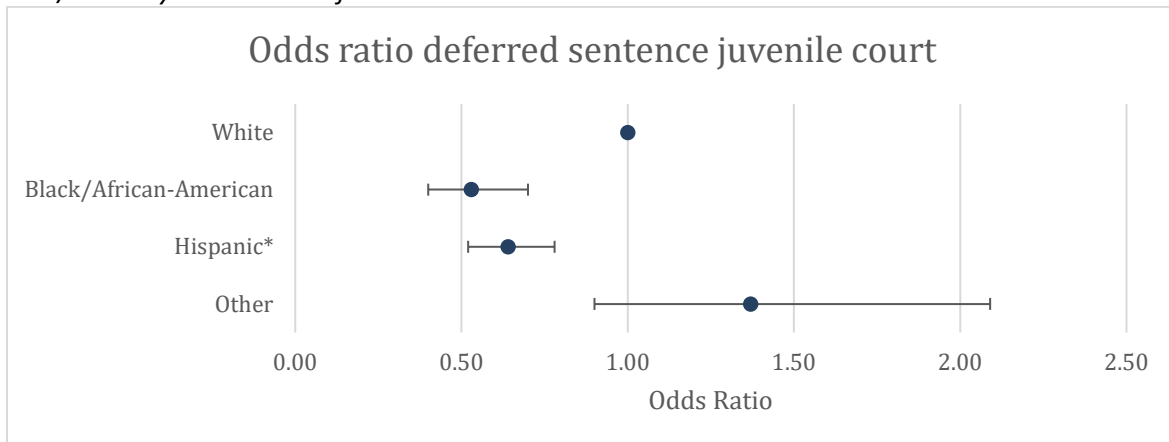
Table 5-3. Deferred sentence for all adjudications in Juvenile Court by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No Deferred Sentence	Deferred Sentence	Significant Difference from Reference
White	1,267 (43%)	59%	41%	Reference
Black	521 (18%)	80%	20%	Yes
Hispanic*	1,058 (36%)	70%	30%	Yes
Other	124 (4%)	53%	47%	No
Total	2,970 (100%)	67%	33%	--

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 2021 (Table 5-4). The White subpopulation accounted for 43% of adjudications in Juvenile Court, whereas the Black/African-American and Hispanic subpopulations accounted for 18% and 36% 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 20% and 9% 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 2021, when controlling for criminal history and offense characteristics, members of the Black/African-American group who received an adjudication in Juvenile Court were sentenced to DYS at a rate 1.4 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Black/African-American to White was calculated as (CI: 0.98, 1.99), 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 1.06 times that of their White counterparts. The 95% confidence interval for the odds-ratio of Hispanic to White was calculated as (CI: 0.76, 1.47), 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.

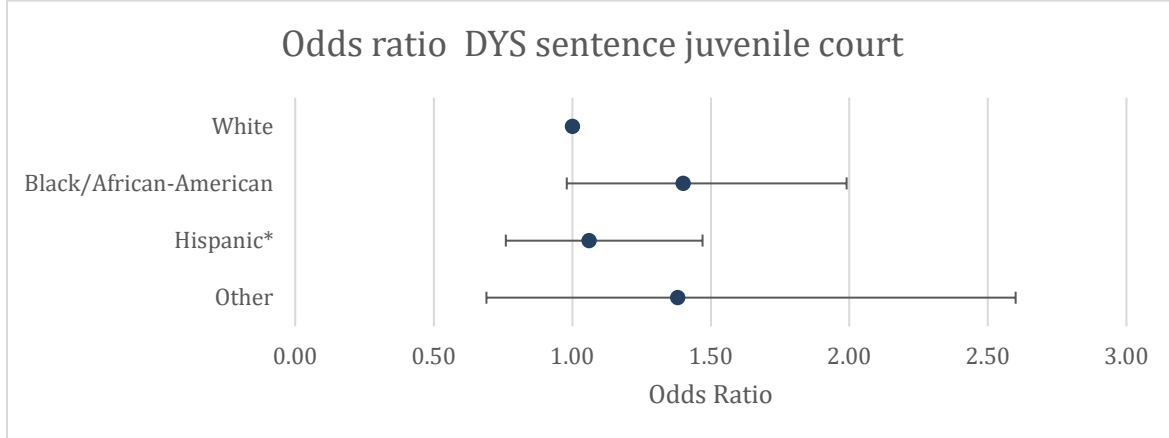
Table 5-4. Division of Youth Services sentences for all adjudications in Juvenile Court by race/ethnicity

Race/Ethnicity	Total N (Percent of N)	No DYS Sentence	DYS Sentence	Significant Difference from Reference
White	1,267 (43%)	92%	8%	Reference
Black	521 (18%)	80%	20%	No
Hispanic*	1,058 (36%)	91%	9%	No
Other	124 (4%)	90%	10%	No
Total	2,970 (100%)	89%	11%	--

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



Category	Subcategory	NIBRS Offense
		Credit Card/ATM Fraud
		Embezzlement
		Extortion
		False Pretenses
		Impersonation
		Wire Fraud
	Motor Vehicle Theft	
		Motor Vehicle Theft
	Theft	
		Other Larceny
		Pocket Picking
		Purse Snatching
		Shop Lifting
		Stolen Property
		Theft from Building
		Theft from Coin-Operated
		Theft from Motor Vehicle
		Theft of Motor Vehicle Parts
Violent		
	Agg Assault	
		Aggravated 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 2021 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.