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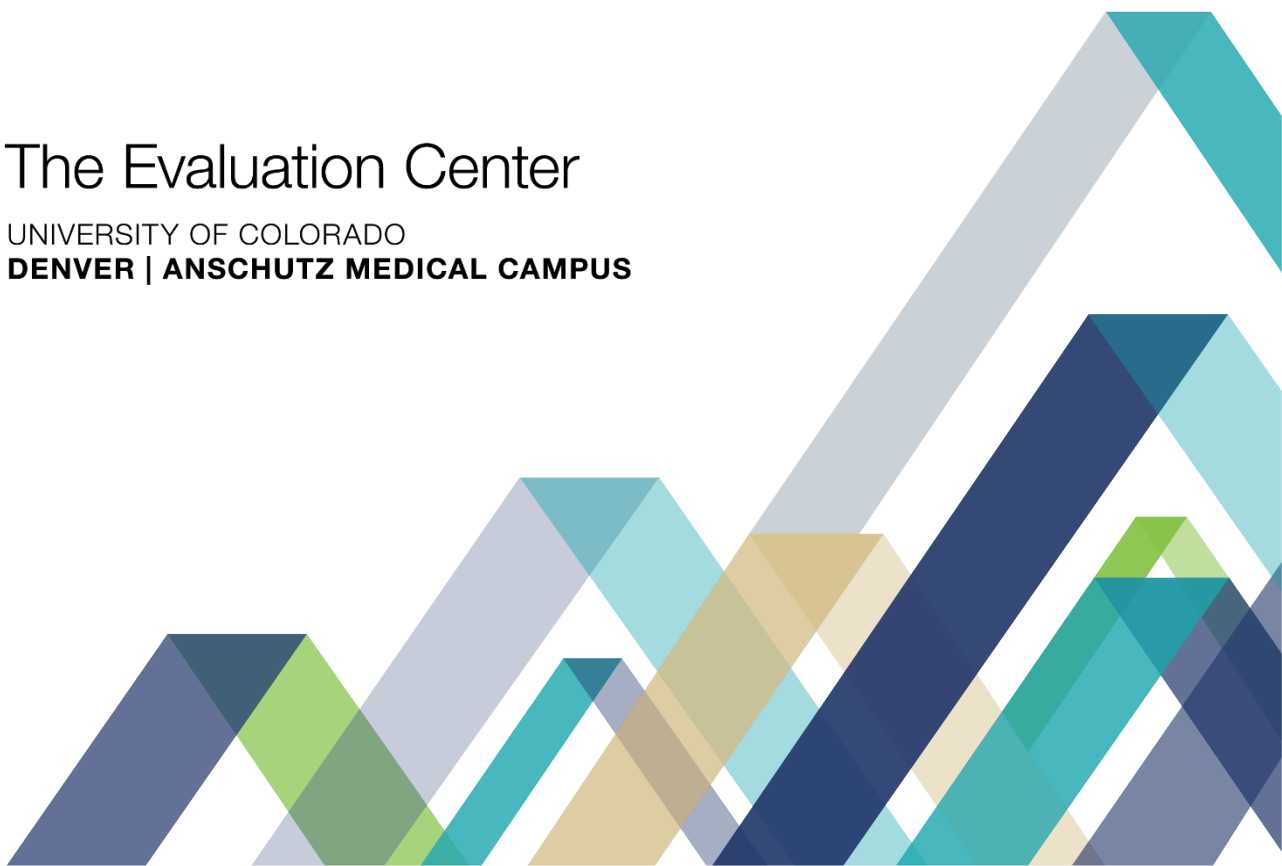
Bond Racial Equity Project

Analysis of 2022-2023 Data on Bond Recommendations and Bond Imposed in the 1st and 18th Judicial Districts



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SUMMARY

To inform the development of a tool to support racial equity, this analysis examined bonds requested by district attorneys' (DAs) offices and ordered by judges in the 1st and 18th Judicial Districts (JDs), leveraging data from pretrial services (for initial bond hearing in 2023 in JD1)¹ and the courts (for initial bond hearings in 2022 and 2023 in JD1 and JD18). There was a specific focus on understanding the extent of variation in bond requested and bond ordered for similarly situated defendants.

We identified the following key findings:

DA Bond Requests in JD1 in 2023

- About half of DA bond requests were cash only, and about half were personal recognizance (PR).
- After controlling for defendant gender, age, charge level, charge type, and risk level, the predicted probability of a PR bond request in 2023 in JD1 was similar for defendants who are White, Black, and Hispanic.
- Bond requests aligned with the district's "hold or release" model. When the matrix recommended cash only, cash only was frequently requested. However, when the matrix recommended PR, PR was requested only about half of the time. There were lower levels of alignment between office recommendations and DA requests for lower-level felony and misdemeanor cases and for cases with defendants with high assessed risk.

Bonds Ordered in JD18 in 2022-2023

- Judges ordered cash/surety for 58% of cases and PR for 31% of cases; no bond and cash only were less frequently ordered.
- After controlling for defendant gender, age, charge level, and charge type, the predicted probability of a PR bond was lower for individuals who are Black. It is unclear to what extent these disparities would remain if risk level was considered.

Bonds Ordered in JD1 in 2022-2023

- Judges ordered PR bonds for 44% of cases, cash/surety bonds for 29% of cases, and cash only bonds for 19% of cases; it was less common for no bond to be ordered.
- After controlling for defendant gender, age, charge level, and charge type, the predicted probability of a PR bond was similar across racial groups.

Alignment Between Bonds Requested and Ordered in JD1 in 2023

- Bond types ordered were aligned with the bond type requested 63% of the time. PR bonds were ordered for nearly all cases the DA requested it for; however, when the DA requested cash only, 56% of the time, judges ordered cash/surety.

¹ Pretrial data were not available for JD18. Therefore, this analysis could not examine DA bond requests or the extent of alignment between bond requested and ordered in JD18.

JD1 and JD18 can use findings and lessons learned to inform the development of the tool. Results can serve as a baseline to help assess the impact of the tool and change over time. As a part of continued study, the following pieces can be explored:

- In JD18, the level of racial disparities in DA bond requests; the extent to which disparities in bond ordered remain after controlling for defendant risk level; and the extent of alignment between bonds requested and ordered.
- In both JDs, changes over time in bond requests and bonds ordered after implementation of the tool.
- Baseline (JD18) and shifts (JD1) in the level of adherence to bond guidance as well as reasons for deviation from bond guidance.
- The reasons why DAs assess individuals who are Black to be of higher risk and the extent to which individuals who are Black are appropriately/inappropriately being charged with more serious crimes.

INTRODUCTION

The fair and just treatment of all communities at each stage of the criminal justice process is of significant importance. Central to this discourse is recognizing the discretionary power prosecutors wield in shaping the outcomes of criminal cases. With funding from the 2023 Edward Byrne Memorial Justice Assistance Grant Program (JAG), the 1st and 18th Judicial Districts (JDs) are working to develop a tool to help better identify and address potential racial disparities in the criminal justice system with a focus on initial bond setting and pretrial detention.

When a prosecutor is preparing to argue bond, they consider factors including a pretrial risk assessment, criminal history, the charges, the strength of the evidence, input from victims, and the guidance from the elected District Attorney (DA). They then make a recommendation to the judge, who sets the bond after hearing input from the defense. The tool aims to help mitigate potential racial disparities in this process by a) supporting a more rigorous assessment of factors driving prosecutors' decisions; b) triaging cases based on offense type/level; and c) asking prosecutors to answer equity-focused questions that acknowledge systemic drivers of racial disparities.

Previous analyses of the extent of racial disparities in pretrial detention in the 1st and 18th JDs are limited. Current [data dashboards](#) from 2019-2024 show higher rates of pretrial detention for individuals who are Black or Hispanic, when compared to individuals who are White. However, due to data limitations, this indicator includes only pretrial detention for individuals convicted of a crime, using time-served sentencing information. Moreover, the data that are presented represent raw rates: any differences we see could be due to individual or case characteristics.

The goal of this analysis was to dig deeper, to provide more detailed information that JD1 and JD18 can use as they develop the racial equity tool. We sought to better understand bond recommendations made by prosecutors and bonds imposed by judges and examine the extent of racial/ethnic differences after accounting for individual and case characteristics. JD1 and JD18 can use findings and lessons learned to inform the development of the tool. Results can serve as a baseline to help assess the tool's impact and change over time.

ANALYSIS FOCUS

This analysis focused on bonds requested and ordered at each case’s initial advisement hearing. The analysis questions were:

- 1) What bonds were requested? To what extent was there variation in bond requested for similarly situated defendants?
- 2) To what extent did the bond type requested align with office guidance?
- 3) What bonds were ordered? To what extent was there variation in bond ordered for similarly situated defendants?
- 4) To what extent did the ordered bond type agree with the requested bond type?

To examine these questions, we used two datasets: First, data collected by Jefferson County Pretrial Services (JD1) for advisement hearings in 2023. Second, administrative data from the Colorado Judicial Branch (JD1 and JD18) for advisement hearings in 2022 and 2023. Information and results from these datasets are not directly comparable, as they include different variables and slightly different cases (see Exhibit 1).

Exhibit 1. Comparison of data sources

PRETRIAL DATA JD1 2023	COURT DATA JD1 & JD18 2022-2023
Different Variables Available	
Includes DA request and judge order	<u>Only</u> includes judge order
Includes self-reported race and law enforcement identified race	<u>Only</u> includes law enforcement identified race
Includes assessed risk level	
Slightly Different Cases	
Includes old cases with a hearing on advisement during the period	Includes more Gilpin cases (for JD1)
Includes cases where no charges were filed	

All analyses were conducted at the case level by identifying and classifying a top charge for each case. Analysis samples were as follows:

- JD1 Pretrial Data:
4,407 cases
- JD1 Court Data:
8,658 cases
- JD18 Court Data:
11,030 cases

Additional details about case and defendant characteristics are provided in [Appendix A](#). For detailed information on sample construction, variable construction, analysis methods, and limitations, see the [Methods](#) section.

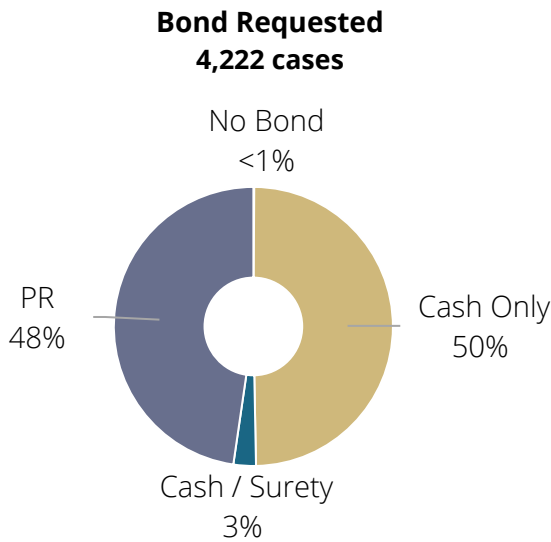
FINDINGS

WHAT BONDS WERE REQUESTED?

JD1 PRETRIAL DATA (2023)

Among the 4,407 cases in JD1 in 2023, about half of DA bond requests were cash only, and about half were personal recognizance (PR) bonds (Exhibit 2).

Exhibit 2. Bond type requested in JD1 in 2023.



Percentages exclude 185 cases with a missing bond type requested (4% of cases).

As seen in Exhibit 3, bond requests were related to the charge level. Deputy DAs requested cash only bonds for over half of F1-6 cases. The first charge in order of decreasing seriousness to receive more requests for PR than cash only bond was DF4 (54% PR requests compared to 45% cash only bond).

Bond requests on misdemeanors favored PR over cash only. DAs requested PR bonds for 63% of M1-2 or DM1-2 cases, which represented 48% of all cases.

Exhibit 3. Bond type requested in JD1 in 2023, by charge level.

Charge Level	Number of Cases	Bond Request		
		Cash Only	Cash / Surety	PR
	4,222	2,095 (50%)	110 (3%)	2,012 (48%)
F1	12 (<1%)	58%	0%	0%
F2	31 (1%)	97%	0%	3%
F3	228 (5%)	84%	2%	14%

Charge Level	Number of Cases	Bond Request		
		Cash Only	Cash / Surety	PR
F4	557 (13%)	69%	6%	26%
DF1	48 (1%)	90%	8%	2%
DF2	35 (1%)	86%	6%	9%
DF3	26 (1%)	81%	4%	15%
F5	462 (11%)	66%	2%	32%
F6	336 (8%)	52%	5%	43%
DF4	229 (5%)	45%	1%	54%
M1	1,336 (32%)	32%	2%	66%
M2	485 (11%)	40%	2%	59%

These charge levels represent about 90% of all cases.

Bond type requested was missing for 4% of cases.

5 requests were made for no bond on F1 cases.

As seen in Exhibit 4, bond type requested was related to the assessed risk level. DAs requested cash only bonds for 30% of cases with the lowest risk level. The share of cases with cash only bond requests increased with each higher risk level, topping out at 70%.

Exhibit 4. Bond type requested in JD1 in 2023, by risk level.

Risk Level	Number of Cases	Bond Request		
		Cash Only	Cash / Surety	PR
	4,222	2,095 (50%)	110 (3%)	2,012 (48%)
1 Low	1,331 (32%)	30%	1%	68%
Low	487 (12%)	39%	1%	59%
2 Low	606 (14%)	48%	4%	48%
3 High	447 (11%)	63%	3%	34%
High	645 (15%)	67%	4%	29%
4 High	706 (17%)	70%	3%	27%

“Low” and “High” are results of the screening assessment tool (CPAT-R-SV).

Bond type requested was missing for 4% of cases.

5 requests were made for no bond.

TO WHAT EXTENT WAS THERE VARIATION IN BOND REQUESTED FOR SIMILARLY SITUATED DEFENDANTS?

JD1 PRETRIAL DATA (2023)

Age. As shown in Exhibit 5, bond requests were similar by defendant age.

Gender. DAs requested cash only bonds more frequently for cases with a male defendant. These represent raw rates; differences in bonds requested for males and females could be due to differences in individual or case characteristics. For example, in the full sample, we saw that:

- Males had more cases with higher charges: 24% of males had F1-4 or DF1-3 cases compared to 18% of females.
- A larger share of males had high assessed risk: 44% compared to 38% of females.

Race/Ethnicity. DAs requested cash only bonds more frequently for cases of defendants who are Black than those who are White or Hispanic. These represent raw rates; differences in bonds requested for individuals of different race/ethnicities could be due to individual or case characteristics. For example, in the full sample, we saw that:

- Defendants who are Black had higher assessed risk: 49% of defendants who are Black were classified as high risk, compared to 45% of defendants who are Hispanic and 40% of defendants who are White.
- Charges were slightly higher on cases of defendants who are Black: 25% of cases were F1-4 or DF1-3, compared to 23% of cases for defendants who are White and 22% of cases for defendants who are Hispanic.
- There were more males among defendants who are Black: 85% were male compared to about 75% among defendants who are White or Hispanic.

Exhibit 5. Bonds requested in JD1 in 2023, by age, gender, and race/ethnicity.

	Number of Cases	Bond Requested	
		Cash Only	PR
	4,222	2,095 (50%)	2,012 (48%)
Age (years)			
18-25	625 (15%)	46%	51%
26-35	1,503 (36%)	50%	48%
36 and over	2,094 (50%)	51%	47%
Gender			
Male	3,208 (76%)	55%	43%
Female	1,007 (24%)	34%	63%
Race/Ethnicity			
White	2,107 (50%)	47%	49%

	Number of Cases	Bond Requested	
		Cash Only	PR
Hispanic	1,435 (34%)	51%	47%
Black	331 (8%)	54%	43%
All others	349 (8%)	53%	45%

Bond type requested was missing for 4% of cases.

5 requests were made for no bond; 110 were made for cash/surety.

There were fewer than 20 (<1%) defendants who are non-binary.

We examined the extent of racial disparities after accounting for differences in individual and case characteristics. We saw that—after controlling for defendant gender, age, charge level, charge type, and risk level—the predicted probability of a PR bond request was similar for defendants who are Black, White, and Hispanic (Exhibit 6). One reason for these similarities may be JD1’s use of standardized bond guidance, which was rolled out in 2021 (discussed in the next section).

Exhibit 6. Predicted probabilities of DA requests for PR bond, after controlling for individual and case characteristics, JD1, 2023.

Defendant Race/Ethnicity	Predicted Probability of a PR Bond
White	49.9%
Hispanic	48.4%
Black	49.0%

Model specifications: outcome (cash only or PR bond); race (White, Hispanic, or Black); gender (male or female); 3,759 cases.

Results illustrate that the differences in defendant risk level—the fact that individuals who are Black and Hispanic were assessed to be of higher risk—was the primary factor driving the racial differences in the raw results that are shown in Exhibit 5.

TO WHAT EXTENT DID THE BOND TYPE REQUESTED ALIGN WITH OFFICE GUIDANCE?

JD1 PRETRIAL DATA (2023)

According to office guidance, JD1 uses a “hold or release” model with a bond matrix to guide recommendations. The approach has a presumption of release with a non-monetary bond unless (1) the defendant is at risk of flight from prosecution, (2) is a threat to another person, or (3) no other condition of release can reasonably mitigate the risk. The office requests conditions on a bond that mitigate risks, such as pretrial supervision, monitored sobriety, GPS monitoring, mandatory protection orders, not possessing weapons, or surrendering passports.

We classified expected recommendations for the 4,222 cases for which a requested bond type was available and determined that the guidance recommended:

- Cash only bonds for 501 cases (12%)
- PR bonds, with or without pretrial supervision, for 3,453 cases (82%)

We could not determine the recommendation for 6% of cases, because the dataset did not have all the information needed to determine a recommendation, such as information on prior offenses.

As shown in Exhibit 7, of the 3,954 cases where we could determine guidance, the prosecutor’s recommendation for bond aligned with the guidance in 59% of cases.

When the matrix recommended cash only, DAs frequently requested cash only. However, when the matrix recommended a PR bond, the prosecutor recommended a PR bond only 55% of the time. There are many valid reasons for asking for a cash only bond, for example, victim input, evidence of threats to community safety, outstanding warrants, escalation of criminal behavior, or a high likelihood the defendant will abscond.

Exhibit 7. Comparison of the guidance tool recommendation and the DA bond request, JD1, 2023.

		Bond Matrix Recommendation		
		Cash Only n=501	PR n=3,453	Undetermined n=268
Bond Type Requested by the DA	No bond n=5	5 1%	0	0
	Cash Only n=2,095	429 86%	1,459 42%	207 77%
	Cash / Surety n=110	18 4%	85 3%	7 3%
	PR n=2,012	49 10%	1,909 55%	54 20%

Excludes 185 cases missing bond type requested (4% of all cases).

122 cases with petty offenses lower than PO1 were assumed to have a PR matrix recommendation.

As shown in Exhibit 8 (next page), there were greater levels of alignment between matrix recommendations and bond type requested for F2-3 (VRA or sex) or DF1 cases.

There were lower levels of alignment for

- Lower-level felony and misdemeanor cases. Of the 1,124 misdemeanor cases (not DUI, DV, sex, or VRA cases) for which the matrix recommended a PR bond, DAs requested a cash only bond on 40% of cases.
- Cases with defendants with high assessed risk.

There were slightly lower levels of alignment on cases of defendants who are Black. Of the cases where we could determine guidance, 55% of cases' bond requests and bond guidance aligned for defendants who are Black (compared to 60% for defendants who are White).

Exhibit 8. Alignment between bond guidance and the DA bond request in JD1 in 2023, by charge level.

Risk Level	Charge Levels										
	Other Public Safety Crimes	F1	F2, F3 (VRA, sex), DF1	F4, F5, F6 (VRA, sex)	F2, F3, DF2	F4, F5, F6	DF3, DF4	Misdo (DV, sex or VRA)	Misdo DUI	Misdo	PO1, Traffic
Total	52	12	246	620	47	498	251	841	128	1,124	37
Misaligned	18 (35%)	5 (42%)	36 (15%)	270 (44%)	24 (51%)	313 (63%)	123 (49%)	231 (27%)	51 (40%)	477 (42%)	19 (51%)
1 Low	*	*			*						*
Low	*	*			*						*
2 Low		*									*
3 High	*	*			*			*	*		*
High	*	*			*			*	*		*
4 High	*	N/A							*		*

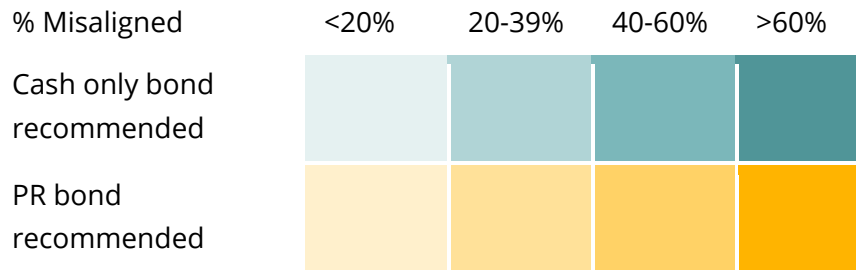
*Indicates fewer than 10 total cases.

N/A indicates no total cases.

Cells with a white fill have an undetermined recommendation.

Excludes 185 cases missing bond request data, 122 cases with petty offenses and 244 cases with an undetermined charge category.

The darker the shade, the greater the misalignment between guidance and request.



WHAT BONDS WERE ORDERED?

JD18 COURT DATA (2022-2023)

Of the 11,030 cases in JD18, judges ordered cash/surety for 58% of cases and PR for 31% of cases; no bond and cash only were less frequently ordered (Exhibit 9). These patterns were fairly consistent between 2022 and 2023, with fewer orders for no bond in 2023 (9% compared to 12%) and fewer cash/surety bonds in 2023 (56% compared to 59%).

Judges mostly ordered bonds for an amount between \$1,000 and \$4,999. Cash/surety bonds in this amount accounted for bonds ordered in 28% of all cases.

Exhibit 9. Ordered bond types and amounts in JD18, 2022-2023.

Amount Ordered	Number of Cases	Bond Ordered			
		No Bond *	Cash Only	Cash/Surety	PR
	6,498	1,134 (10%)	106 (1%)	6,392 (58%)	3,398 (31%)
\$0-499	177 (3%)		42%	2%	
\$500-999	585 (9%)		6%	9%	
\$1,000-4,999	3,085 (47%)		19%	48%	
\$5,000-9,999	836 (13%)		6%	13%	
\$10,000-20,000	489 (8%)		8%	8%	
Over \$20,000	1,326 (20%)		20%	20%	

Amount ordered was only considered for cash only and cash/surety bonds.

* Court data regarding no-bond holds is heavily influenced by cases that start with a no-bond hold (e.g. sexual assault or domestic violence cases). To allow the court to issue a protection order, individuals are kept on a no-bond hold until the individual is advised and has a bond set by a judicial officer (generally within 24-48 hours). Current Colorado law requires a bond in all cases, including homicides. However, due to data limitations, we cannot exclude these cases from this analysis.

Mandatory protection order was the most frequently ordered condition (Exhibit 10). Bond condition data is difficult to interpret from court data; please keep [limitations](#) in mind when interpreting data.

Exhibit 10. Ordered bond conditions, overall and by bond type in JD18, 2022-2023.

Bond Condition	Number of Cases	Bond Ordered		
		Cash Only	Cash/Surety	PR
	9,896	106 (1%)	6,392 (58%)	3,398 (31%)
Mandatory protection order	4,562 (46%)	45%	45%	49%
Pretrial supervision	1,974 (20%)	20%	19%	21%
Monitored sobriety	896 (9%)	11%	7%	12%
No new law violation	565 (6%)	4%	6%	6%
Do not leave the state	534 (5%)	4%	5%	6%
Appear at future court dates	453 (5%)	0%	5%	5%
No/relinquish weapons	506 (5%)	4%	3%	10%
GPS monitoring	390 (4%)	5%	5%	2%
Waiver of extradition	319 (3%)	5%	3%	3%
No alcohol or drugs	310 (3%)	2%	3%	3%
Unspecified conditions	400 (4%)	8%	4%	5%
No conditions	4,535 (46%)	42%	49%	41%

Bond conditions were only considered for cash only, cash/surety, and PR bonds.

Bond type column percentages do not add to 100% as there can be more than one condition ordered.

Only conditions imposed in more than 2% of cases are included. Other conditions include: no driving without valid license and insurance, complying with supervision on another case, mental health screening, electronic monitoring, SCRAM, do not return to a location, and urinalysis.

“Mandatory protection order” includes conditions reinforcing orders already in effect and on other cases.

“Unspecified conditions” are listed when the field refers to conditions in minute orders, bond sheets, standard orders, or original terms and conditions.

As seen in Exhibit 11, the bond ordered was related to the charge level. No bond was most common for F1 cases. Judges ordered cash/surety bonds more than two-thirds of the time for nearly all types of felony cases. For M1 cases, which represented 33% of all cases, judges ordered PR bond 51% of the time.

Judges ordered bond amounts over \$20,000 for 51% of F1-4 or DF1-3 cases. Judges ordered bond amounts of \$1,000-4,999 for more than 60% of F5-6 of DF4, M1-2 or DM1-2, and M3 or M cases (64%, 62%, and 72% respectively).

Exhibit 11. Bond type ordered by charge level in JD18, 2022-2023.

Charge Level	Number of Cases	Bond Ordered			
		No Bond	Cash Only	Cash / Surety	PR
	11,030	1,134 (10%)	106 (1%)	6,392 (58%)	3,398 (31%)
F1	42 (<1%)	62%	7%	31%	0%
F2	178 (2%)	20%	2%	76%	2%
F3	651 (6%)	29%	<1%	67%	4%
F4	1,436 (13%)	20%	1%	70%	9%
DF1	180 (2%)	5%	0%	93%	2%
DF2	85 (1%)	2%	0%	95%	2%
DF3	20 (<1%)	0%	0%	90%	10%
F5	1,527 (14%)	15%	1%	75%	9%
F6	609 (6%)	7%	1%	79%	12%
DF4	286 (3%)	1%	1%	83%	14%
M1	3,637 (33%)	7%	1%	41%	51%
M2	932 (8%)	3%	1%	47%	48%

These charge levels represent 87% of all cases.

TO WHAT EXTENT WAS THERE VARIATION IN BONDS ORDERED FOR SIMILARLY SITUATED DEFENDANTS?

JD18 COURT DATA (2022-2023)

Age. As shown in Exhibit 12, bonds ordered were similar by defendant age.

Gender. Judges less frequently ordered PR bonds for cases with a male defendant. These represent raw rates; differences in bonds ordered for males and females could be due to differences in individual or case characteristics. For example, we saw that:

- Males more frequently had cases with higher charges: 26% of males had a F1-4 or DF1-3 case, compared to 15% of females.

Race/Ethnicity. Judges more frequently ordered no bond and less frequently ordered PR bonds for cases of defendants who are Black. With regard to bond amount, judges more frequently set bond amounts at over \$20,000 for defendants who are Black (30%) or Hispanic (24%), compared to defendants who are White (15%). These represent raw rates; differences in bonds ordered for individuals of different races/ethnicities could be due to individual or case characteristics. For example, we saw that:

- Charges were higher on cases of defendants who are Black or Hispanic: 30% of cases of defendants who are Black and 28% of cases of defendants who are Hispanic had F1-4 or DF1-3 cases, compared to 19% of cases of defendants who are White. Defendants who are White had more M1-2 or DM1-2 cases (51% of their cases) than defendants who are Hispanic (40%) or Black (43%).
- There were more males among defendants who are Black (80%) or Hispanic (79%), compared to 74% of defendants who are White.

Exhibit 12. Bonds ordered by age, gender, and race/ethnicity in JD18, 2022-2023.

	Number of Cases	Bond Ordered			
		No Bond	Cash Only	Cash / Surety	PR
	11,030	1,134 (10%)	106 (1%)	6,392 (58%)	3,398 (31%)
Age (years)					
18-25	2,114 (19%)	10%	1%	56%	33%
26-35	4,129 (37%)	11%	1%	59%	29%
36 and over	4,771 (43%)	10%	1%	58%	31%
Gender					
Male	8,395 (76%)	12%	1%	61%	26%
Female	2,635 (24%)	6%	1%	49%	45%

Race/Ethnicity	Number of Cases	Bond Ordered			
		No Bond	Cash Only	Cash / Surety	PR
White	6,132 (56%)	8%	1%	57%	34%
Hispanic	2,039 (18%)	12%	1%	58%	29%
Black	2,380 (22%)	15%	1%	61%	23%
All others	479 (4%)	10%	1%	54%	34%

There were fewer than 20 (<1%) defendants under 18 years old.

We examined the extent of racial disparities after accounting for differences in individual and case characteristics. We saw that—after controlling for defendant gender, age, charge level, and charge type—the predicted probability of a PR bond remained lower for individuals who are Black (Exhibit 13). These results do not take the assessed risk level into account, as information on risk level was not available in the dataset.

Exhibit 13. Predicted probabilities of ordered bonds, after controlling for individual and case characteristics, in JD18, 2022-2023.

Defendant Race/Ethnicity	Predicted Probabilities of Bond Ordered		
	No bond	Cash/Surety	PR
White	9.0%	58.8%	32.2%
Hispanic	10.8%	56.9%	32.4%
Black	12.7%	61.1%	26.2%

Model specifications: outcome (no bond, cash/surety, or PR bond); race (White, Hispanic, or Black); 10,452 cases

WHAT BONDS WERE ORDERED?

JD1 COURT DATA (2022-2023)

Of the 8,658 cases in JD1, judges ordered PR bonds for 44% of cases, cash/surety bonds for 29% of cases, and cash only bonds for 19% of cases (Exhibit 14). These patterns differed slightly between 2022 and 2023, with fewer cash only bonds in 2023 (16% compared to 22%), more cash/surety bonds in 2023 (31% compared to 28%), and more PR bonds in 2023 (46% compared to 43%).

Cash only or cash/surety bonds at amounts below \$1,000 were rarely ordered.

Exhibit 14. Ordered bond types and amounts in JD1, 2022-2023.

Amount ordered	Number of Cases	Bond Ordered			
		No Bond *	Cash Only	Cash/Surety	PR
	4,173	634 (7%)	1,658 (19%)	2,515 (29%)	3,851 (44%)
\$0-499	61 (2%)		3%	<1%	
\$500-999	81 (2%)		3%	1%	
\$1,000-4,999	1,260 (30%)		21%	36%	
\$5,000-9,999	1,168 (28%)		26%	29%	
\$10,000-20,000	990 (24%)		25%	23%	
Over \$20,000	613 (15%)		21%	10%	

Amount ordered was only considered for cash only and cash/surety bonds.

* Court data regarding no-bond holds is heavily influenced by cases that start with a no-bond hold (e.g. sexual assault or domestic violence cases). To allow the court to issue a protection order, individuals are kept on a no-bond hold until the individual is advised and has a bond set by a judicial officer (generally within 24-48 hours). Current Colorado law requires a bond in all cases, including homicides. However, due to data limitations, we cannot exclude these cases from this analysis.

Pretrial supervision, prohibition of weapons, monitored sobriety, and no alcohol or drugs were frequently ordered conditions (Exhibit 15). Bond condition data is difficult to interpret from court data; please keep [limitations](#) in mind when interpreting data.

Exhibit 15. Ordered bond conditions, overall and by bond type in JD1, 2022-2023.

Bond Condition	Number of Cases	Bond Ordered		
		Cash Only	Cash/Surety	PR
	8,024	1,658 (19%)	2,515 (29%)	3,851 (44%)
Pretrial supervision	5,637 (70%)	68%	75%	68%
No/relinquish weapons	4,919 (61%)	62%	64%	59%
Monitored sobriety	4,868 (61%)	61%	68%	56%
No alcohol or drugs	4,308 (54%)	56%	59%	49%
Mandatory protection order	3,421 (43%)	33%	32%	54%
Comply with supervision	979 (12%)	16%	15%	8%
Do not return (to a location)	866 (11%)	11%	15%	8%
GPS monitoring	589 (7%)	15%	8%	4%
No driving without valid license/insurance	527 (7%)	8%	8%	5%
SCRAM	449 (6%)	4%	6%	6%
Mental health screening	223 (3%)	2%	3%	3%
Unspecified conditions	105 (1%)	3%	<1%	1%
No conditions	515 (6%)	10%	8%	4%

Bond conditions were only considered for cash only, cash/surety, and PR bonds.

Bond type column percentages do not add to 100% as there can be more than one condition ordered.

Only conditions imposed in more than 2% of cases are included. Other conditions include: urinalysis, electronic monitoring, no new law violations, appear at future court dates, sign a waiver of extradition, and do not leave the state.

“Mandatory protection order” includes conditions reinforcing orders already in effect and on other cases.

“Unspecified conditions” are listed when the field refers to conditions in minute orders, bond sheets, standard orders, or original terms and conditions.

As seen in Exhibit 16, the bond ordered was related to the charge level. Judges ordered cash only or cash/surety bonds more than two-thirds of the time for most types of felony cases. PR was ordered for over half of DF4, M1, and M2 cases. For M1 cases, which represented 33% of all cases, judges ordered PR bonds 64% of the time.

For F1-4 or DF1-3 cases, judges ordered bond amounts over \$5,000-9,999 25% of the time, \$10,000-20,000 32% of the time, and over \$20,000 for 31% of the time. For F5-6 or DF4 cases, judges ordered bond amounts of \$1,000-4,999 38% of the time, \$5,000-9,999 33% of the time, and \$10,000-20,000 24% of the time.

Exhibit 16. Bond type ordered by charge level in JD1, 2022-2023.

Charge Level	Number of Cases	Bond Ordered			
		No Bond	Cash Only	Cash/Surety	PR
	8,658	634 (7%)	1,658 (19%)	2,515 (29%)	3,851 (44%)
F1	30 (<1%)	73%	27%	0%	0%
F2	102 (1%)	15%	67%	16%	3%
F3	585 (7%)	16%	36%	35%	12%
F4	1,327 (15%)	7%	26%	41%	25%
DF1	149 (2%)	0%	66%	30%	3%
DF2	106 (1%)	0%	38%	48%	14%
DF3	49 (1%)	0%	27%	43%	31%
F5	1,073 (12%)	5%	26%	41%	28%
F6	798 (9%)	2%	21%	38%	39%
DF4	361 (4%)	0%	9%	36%	55%
M1	2,884 (33%)	10%	9%	17%	64%
M2	543 (6%)	9%	11%	17%	64%

These charge levels represent 93% of cases.

TO WHAT EXTENT WAS THERE VARIATION IN BONDS ORDERED FOR SIMILARLY SITUATED DEFENDANTS?

JD1 COURT DATA (2022-2023)

Age. As shown in Exhibit 17, bonds ordered were similar by defendant age.

Gender. Judges less frequently ordered PR bonds for cases with a male defendant. These represent raw rates; differences in bonds ordered for males and females could be due to differences in individual or case characteristics. For example, we saw that:

- Male defendants more frequently had cases with higher charges (29% of males had a F1-4 or DF1-3 case compared to 20% of females).

Race/Ethnicity. Judges less frequently ordered PR bonds were defendants who are Black. With regard to bond amount, judges more frequently ordered bonds over \$20,000 for defendants who are Black (18%) or Hispanic (16%), compared to 13% for defendants who are White. These represent raw rates; differences in bonds ordered for individuals of different race/ethnicities could be due to individual or case characteristics. For example, we saw that:

- Charges were higher on cases of defendants who are Black or Hispanic: 30% of cases of defendants who are Black or Hispanic had F1-4 or DF1-3 cases, compared to 25% of cases of defendants who are White. Defendants who are White had more M1-2 or DM1-2 cases (47%) compared to Hispanic and Black (37% and 42%, respectively).
- There were more males among defendants who are Black (about 84% compared to 75% of defendants who are White or Hispanic).

Exhibit 17. Bonds ordered in JD1 in 2022-2023, by age, gender, and race/ethnicity.

	Number of Cases	Bond Ordered			
		No Bond	Cash Only	Cash / Surety	PR
	8,658	634 (7%)	1,658 (19%)	2,515 (29%)	3,851 (44%)
Age (Years)					
18-25	1,457 (17%)	7%	18%	27%	48%
26-35	3,167 (37%)	7%	20%	30%	43%
36 and over	4,028 (47%)	7%	19%	29%	45%
Gender					
Male	6,560 (76%)	8%	22%	31%	39%
Female	2,098 (24%)	4%	11%	24%	60%

Race/Ethnicity	Number of Cases	Bond Ordered			
		No Bond	Cash Only	Cash / Surety	PR
White	5,531 (64%)	7%	18%	28%	46%
Hispanic	2,058 (24%)	7%	21%	30%	41%
Black	850 (10%)	8%	20%	33%	40%
All others	219 (3%)	10%	18%	25%	47%

There were fewer than 20 (<1%) defendants under 18 years old.

We examined the extent of racial disparities after accounting for differences in individual and case characteristics. We saw that—after controlling for defendant gender, age, charge level, and charge type—the predicted probability of a PR bond was similar across racial groups (Exhibit 18). These results do not take the assessed risk level into account, as information on risk level was not available in the dataset.

Exhibit 18. Predicted probabilities of ordered bonds, after controlling for individual and case characteristics, in JD1, 2022-2023.

Defendant Race/Ethnicity	Predicted Probabilities of Bond Ordered			
	No bond	Cash Only	Cash/Surety	PR
White	7.2%	19.0%	28.8%	45.0%
Hispanic	7.9%	20.0%	28.7%	43.4%
Black	6.6%	18.6%	32.1%	42.7%

Model specifications: outcome (no bond, cash only, cash/surety, or PR); race (White, Hispanic, or Black); 8,439 cases

JD1 PRETRIAL DATA (2023)

We completed a similar analysis using the pretrial data to examine the extent of racial disparity in bonds ordered after accounting for differences in individual and case characteristics. As discussed [above](#), it is important to keep in mind that cases and variables differ between the 2023 JD1 Court and Pretrial data; likewise, outcomes of the data differed, in part due inability in the court data to distinguish cases that start with a no-bond hold until the individual is advised and has a bond set by a judicial officer. Bond ordered for 2023 were as follows:

- Court data: 7% no bond; 19% cash only; 29% cash/surety; 44% PR
- Pretrial data: <1% no bond; 17% cash only; 32% cash/surety; 50% PR

Using the pretrial data (which allowed us to control for risk level), results were similar in magnitude to results from the court data. After controlling for defendant gender, age, charge level, charge type, and risk level, the predicted probability of a PR bond was similar across racial groups (Exhibit 19).

Exhibit 19. Predicted probabilities of ordered bonds, after controlling for individual and case characteristics, JD1 in 2023.

Defendant Race/Ethnicity	Predicted Probabilities of Bond Ordered		
	Cash Only	Cash/Surety	PR
White	16.7%	31.7%	51.6%
Hispanic	17.7%	33.2%	49.1%
Black	15.1%	33.1%	51.8%

Model specifications: outcome (cash only, cash/surety, or PR); race (White, Hispanic, or Black); 4,015 cases.

TO WHAT EXTENT DID THE REQUESTED AND ORDERED BOND TYPE ALIGN?

JD1 PRETRIAL DATA (2023)

Bond types ordered by judges were aligned with the bond type requested by the DA 63% of the time. As shown in Exhibit 20, PR bonds were ordered for nearly all cases the DA requested it for. However, when the DA requested cash only, judges ordered cash/surety 56% of the time.

Exhibit 20. Comparison of the DA bond request and the ordered bond, JD1 in 2023.

		Bond Type Requested by the DA		
		Cash Only n=2,091	Cash/Surety n=110	PR n=2,010
Bond Type Ordered	Cash Only n=716	692 33%	2 2%	21 1%
	Cash / Surety n=1,364	1,161 56%	89 81%	113 6%
	PR n=2,126	233 11%	19 17%	1,874 93%

Excludes 185 cases missing bond type requested (4% of all cases) and 6 cases missing ordered bond type. The DA requested no bond for 5 cases and no bond was ordered for 3 of them (60%).

This pattern of cash only requests that result in a judge order of cash/surety held across many types of cases, for example:

- F1-4 or DF1-3 charge cases: when the DA requested a cash only bond, the court ordered cash/surety 53% of the time.
- Person charge cases: when the DA requested a cash only bond, the court ordered cash/surety 51% of the time.
- Property charge cases: when the DA requested a cash only bond, the court ordered cash/surety 59% of the time.

METHODS

DATA SOURCES AND ANALYTIC SAMPLE

PRETRIAL JD1 2023

Data provided by Jefferson County Justice Services (Pretrial data) included cases in JD1 with an initial advisement hearing in 2023. There were 5,208 cases. We removed cases:

- Which had no advisement hearing prior to bond set (<1%)
- Which had no charges filed as of the bond advisement hearing date (6%)
- Missing defendant race/ethnicity (<1%)
- Missing requested bond and ordered bond data (2%)
- Missing charge level or charge type for all charges (<1%)
- Missing pretrial risk assessment results (8%)

The resulting sample of pretrial JD1 2023 was 4,407 cases.

COURT JD1 AND JD18 2022-2023

Data provided by the Colorado Judicial Branch (Court data) included cases in JD1 and JD18 with the initial bond ordered in 2022 or 2023. There were 49,201 cases (21,644 for JD1 and 27,557 for JD18). We removed cases that:

- Were not a criminal felony, misdemeanor, juvenile delinquency, or traffic case (1%)
- Listed businesses, not people, as defendants (<1%)

There were 48,493 remaining cases (21,463 for JD1 and 27,030 for JD18). This sample included cases with an initial bond ordered without an advisement hearing (e.g., bonds set on warrant or summons cases). To remove these cases, we only included cases with a record of a “hearing on advisement” court event with a status of “held” within 45 days of the date the bond was ordered. This resulted in a sample of 19,809 cases (8,704 for JD1 and 11,105 for JD18). We then removed cases:

- Which had no charges filed as of the bond advisement hearing date (<1%)
- Which had a bond type of “appeal” (<1%)
- Missing defendant race/ethnicity (<1%)
- Missing defendant age (<1%)
- Missing defendant gender (1%)
- Missing charge information, charge level, or charge type for all charges (<1%)

The resulting sample for JD1 was 8,658 cases and for JD18 was 11,030 cases.

VARIABLE CONSTRUCTION

Top Charge: We retained one record per case that reflected the top charge. To determine the top charge, we used a two-step process. First, we ranked all charges based on felony/misdemeanor class (including both drug and non-drug felonies and misdemeanors in a single scale). If there was a tie, we then ranked within the felony/misdemeanor class by charge type based on the order listed below.

Charge Type: Cases were classified by their top charge into the following categories: person, sex, property, drug, driving under the influence (DUI), traffic, weapons, or other.

Charge Class: Charge class represents the most serious filed charge, which we categorized as follows: a) felony 1-4 or drug felony 1-3, b) felony 5-6 or drug felony 4, c) misdemeanor 1-2 or drug misdemeanor 1-2, d) misdemeanor 3 and unclassified misdemeanors, or e) traffic misdemeanor 1-2 and petty offenses.

Age: We used the following categories for the age at the time the bond was ordered: under 18, 18-25, 26-35, and over 35 years old.

Race/Ethnicity: Pretrial data included self-reported race/ethnicity as well as race/ethnicity determined by law enforcement. Court data only included race/ethnicity determined by law enforcement. For pretrial, we used the defendant's self-report race, unless that data were missing, and then we used the law enforcement reported data.

Because we believe that Hispanic individuals are systematically miscategorized by law enforcement as White, we used the defendant's last name to help better identify their ethnicity for law enforcement reported values. Based on procedures employed by the Colorado Department of Public Safety in their CLEAR Act reporting, we recategorized any individual as Hispanic who met the following criteria: 1) their race was identified as "White," "other," or their race was missing and 2) the 2010 census file (surnames occurring 100 or more times) identified their surname as having 85% or more individuals with that surname as "Hispanic or Latino".

Gender: Pretrial data included self-reported pronouns (she, he, or they) as well as gender determined by law enforcement (male or female). Court data only included gender determined by law enforcement. For pretrial, we used the defendant's self-reported gender, unless that data were missing, and then we used the law enforcement reported data.

Risk Level: Pretrial data included risk assessment results from the full assessment tool (CPAT or CPAT-R, both on a 4-point scale) and the shortened screening version (CPAT-R-SV, results are "Low" or "High"). We used results from the full assessment tool unless that result was missing or only the shortened screening version was used, then we used results from the shortened screening version.

Bond type: Bond types requested and ordered were collapsed into categories as follows: a) no bond (no bond); b) cash only (cash, cash only, cash or property, cash only/no surety, and property); c)

cash/surety (cash or surety, cash and surety, cash/surety/property, and surety); or d) PR (personal recognizance, PR with cosigner, C/P/S – parent co-sign).

Bond amount ordered: Bond amounts for bond types of cash only or cash/surety were grouped as follows: a) up to \$499, b) \$500-999, c) \$1,000-4,999, d) \$5,000-9,999, e) \$10,000-20,000, or f) over \$20,000.

Bond conditions ordered: Pretrial data included a set of variables indicating whether each of six bond conditions were ordered (pretrial supervision, compliance with supervision in another case, monitored sobriety, urinalysis, electronic monitoring, and GPS). Court data included bond conditions documented in a text field. We completed a content analysis to identify common patterns of free text entry and identified the categories where the condition was ordered for more than 2% of cases. We also note “unspecified conditions” (when the field referred to conditions in minute orders, bond sheets, standard orders, or original terms and conditions, which we did not have access to). If the field was blank, we assumed no conditions were ordered at that bond hearing.

Bond matrix recommendation: We used charge information (charge level and classifications of charges as Victim Rights Act, sex offense, or domestic violence) and defendant risk level to determine the matrix recommendation. Sometimes, the matrix relies on information unavailable to us, for example, “DUI 4th prior within 5 years or DUI 2nd prior within 12 months.” In these cases, we classified the recommendation as “undetermined.” For cases with a most serious charge lower than PO1, we assumed PR.

ANALYSIS PROCEDURES

Analyses were conducted in Stata 18.0 (Statacorps, 2023). Descriptive analyses were conducted to describe cases, defendants, requested bond types, and ordered bond types. Bivariate analyses examined the associations between defendant characteristics, case characteristics, and outcomes.

We used binary logistic regression to examine the association between race and the outcome (bond type requested, bond type ordered), when the outcome was limited to two response options. We used a generalized ordinal logistic regression to examine the association between race and the outcome when the outcome included more than two ordered response options. We selected a generalized ordinal logistic model because the likelihood-ratio test suggested that the proportional odds assumption was violated in the ordinal model. We included gender, age, charge class, charge type, and assessed risk level (as available) as covariates and included a cluster adjustment for repeated observations. To support interpretation, we used the margins command to calculate mean predicted probabilities using the sample values of the other predictor variables.

LIMITATIONS

Data used for this project is collected for administrative purposes, which leads to several limitations. First, neither the pretrial nor court data included all the variables of interest. In particular:

- The court data did not include any information on the requested bond; therefore, we could only examine bonds requested for the 2023 cases in JD1 (using pretrial data).
- The court data did not include pretrial risk assessment data. Risk level is likely correlated with both race and bond ordered; therefore, without this information our estimates likely suffer from omitted variables bias and overestimate the extent of racial disparity.
- The pretrial data did not include the requested bond amount or conditions. This limited our ability to examine the alignment between requested and ordered bonds.

Second, there are potential data entry errors, many of which we could not assess the extent of. In addition, data were missing for many variables of interest. In particular:

- In the court data, bond posted date, type, and amount were missing for 53% of JD1 cases and 60% of JD18 cases; therefore, planned analyses of whether bonds were posted (an associated disparities in this area) could not be completed.
- In the court data, a high proportion of bond conditions were blank, especially for JD18. Results, which suggest that 46% of cases in JD18 did not have any imposed conditions (likely a large underestimate), should be interpreted cautiously.
- The pretrial data had missing data in bond type requested, providing an incomplete picture of bond requests.

Third, we were able to ascertain that the court data included a significantly larger number of cases than we would expect, given the pretrial data sample size. We were able to exclude cases where a hearing on advisement was not held; however, our methodology may still include cases we did not intend and may have excluded cases that should have been retained. It remains unclear why bond ordered results in JD1 for 2023 differ between the two datasets.

Fourth, defendant race/ethnicity is reported to the DA's office by law enforcement agencies. Law enforcement currently captures this data through various mechanisms: (1) by linking to prior criminal history records, (2) by scanning a Colorado ID or driver's license, (3) through fingerprint technology, or (4) based on the officer's "perceived demographic information of the person contacted" (as required by HB21-1250). Officer assumptions have the potential to lead to inaccurate or inconsistent data. We were able to a) address this issue for JD1 based on self-reported race/ethnicity in the pretrial data and b) attempt to correct potential under-identification of Hispanic individuals using census data; however, inaccuracies are likely still present.

Fifth, we were not able to examine outcomes for all racial/ethnic groups. We excluded races/ethnicities which represented less than 3% of the overall defendant population.

Sixth, given that cases and variables differ between the court and pretrial data, estimates from the two data sets cannot be directly compared.

Finally, while we have considered several individual and case factors in the analyses, it is not possible to consider all the unique aspects of a case that inform recommendations and decisions, including victim requests, criminal history, protective factors, and concurrent cases.

APPENDIX A: CASE AND DEFENDANT CHARACTERISTICS

	JD1 (Pretrial Data) 2023	JD1 (Court Data) 2022-2023	JD18 (Court Data) 2022-2023
Number of Cases	4,407	8,658	11,030
Charges Per Case (median [range])	2 [13]	3 [37]	2 [65]
Charge Level	22% F1-4 or DF1-3 24% F5-6 or DF4 48% M1-2 or DM1-2	27% F1-4 or DF1-3 26% F5-6 or DF4 44% M1-2 or DM1-2	23% F1-4 or DF1-3 22% F5-6 or DF4 47% M1-2 or DM1-2
Case Type	47% Person 23% Property 14% Drug	49% Person 26% Property 12% Drug	48% Person 23% Property 10% Drug
Number of Individuals	3,825	6,899	9,035
Race	50% White 34% Hispanic 8% Black	64% White 24% Hispanic 10% Black	56% White 18% Hispanic 22% Black
Gender	76% Male	76% Male	76% Male



MISSION

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