

## Key Takeaways

### Overall Trends

- **3,552 cases** were sentenced to prison between 2018 and 2023, representing 4.5% of all cases and 17% of felony cases.
- The **rates of prison sentences remained steady** over the period. However, given the decrease in the overall number of cases, the **number of prison sentences decreased** from 2018 to 2023.
- All prison sentences were for a **felony**.
- **Sex offense** and **property** cases were more likely to be sentenced to prison.
- By volume, property cases made up **42%** of all prison sentences.
- 60% of cases were sentenced to **3 years or less**; 76% were sentenced to **5 years or less**.
- **Sex offense** and **person** cases received longer sentences and more life sentences.
- **55** cases received an indeterminate sentence.

### Demographic Trends

- Individuals who are Black are **over-represented in the justice system**—and are **disproportionately represented in those sentenced to prison**, compared to the population of JD1.
- After **accounting for** charge level, charge type, age, criminal history, gender, and sentence quarter, defendants who are White, Hispanic, and Black received **similar sentence lengths**.
- Overall, defendants who are Black and male had **higher charge levels** than defendants who are White and Hispanic and female.
- A greater proportion of individuals who are Black were **sentenced to life** (99+ years) compared to individuals who are White and Hispanic.

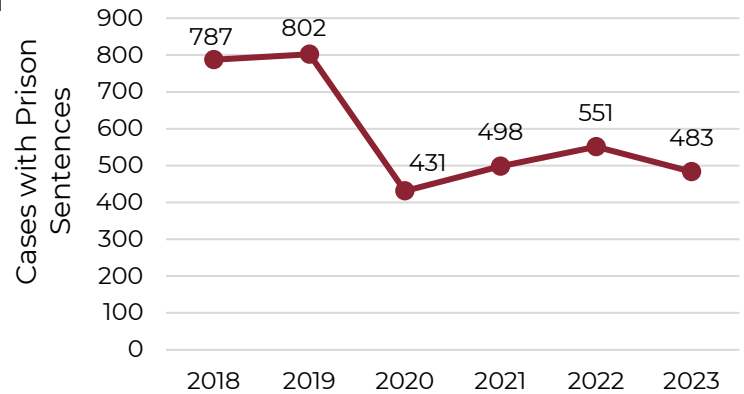
# Overall Trends

## Rates of Prison Sentences

- Of the 79,573 cases sentenced between 2018 and 2023, **4.5% were sentenced to prison.**
- Rates of prison sentences, overall (3.7% - 4.8%) and for felony cases (14.6% - 17.7%), **remained steady over the period.**
- However, given the decrease in the overall number of cases, the **number of prison sentences decreased**, with the primary decrease seen between 2019 and 2020.

**79,573 total cases** sentenced  
 ↓  
**21,151 felony cases** sentenced  
 ↓  
**3,552 cases (17%)** sentenced to prison.

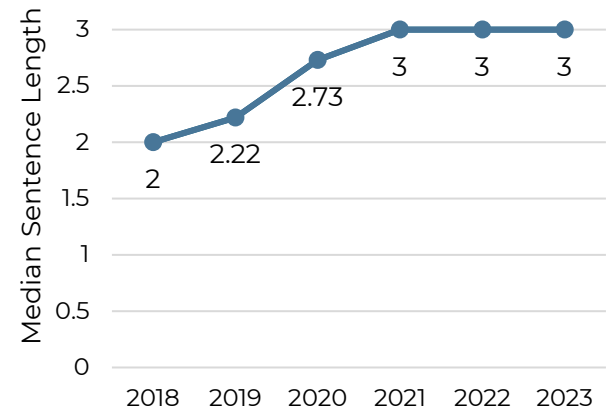
**The number of prison sentences decreased from 2018 to 2023**



## Length of Prison Sentences

- 60%** of all cases were sentenced to **3 years or less.**
- 5%** of cases were sentenced to **over 20 years.**
- 55 were indeterminate sentences (see last section).
- The median sentence **length increased by one year** over the period.
- The number of **life (99+ years)** sentences was low but increased over time, ranging between 5 (0.6%) and 12 (1.6%) each year.

Years	< 2 years	2 – 3 years	More than 3 – 5	More than 5 – 10	More than 10 – 20	More than 20 – 98	99 years	100+ years
Number of Cases	1,035	1,091	532	493	180	118	20	28
Percent of Cases	29%	31%	15%	14%	5%	3%	0.6%	0.8%



### **28 cases sentenced to 100+ years were primarily multiple, consecutive life sentences.**

- All were person or sex offense cases, including 11 Murder 1 and 6 Sexual Assault of a Child.
- Often these cases had additional years for adjacent crimes such as Aggravated Robbery, Murder 1 Attempt or Conspiracy, and Felony Menacing.
- These cases included a larger proportion of defendants who are Black (14%) and 18–25 years old (32%) compared to the full sample.

# Prison Sentences Across Charge Types

- All prison sentences were for a **felony**.
- Overall, **sex offense cases** and **property cases** were more likely to receive a prison sentence.

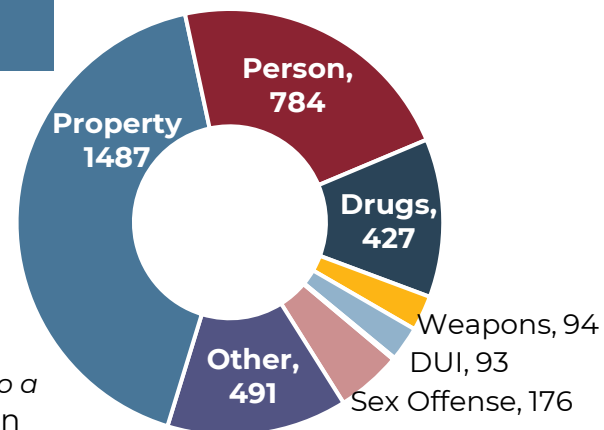
## Sex offenses and property cases were more often sentenced to prison.

Charge Type	All Cases Sentenced	Felonies	Prison	Percentage of All Cases Sentenced to Prison	Percent of Felonies Sentenced to Prison
Sex Offenses	1,042	827	181	<b>17%</b>	<b>21%</b>
Property	13,144	8,833	1,487	<b>11%</b>	17%
Weapons	989	395	94	10%	<b>24%</b>
Other	5,990	2,272	491	8%	22%
Drugs	5,400	3,772	427	8%	11%
Person	13,558	4,402	779	6%	18%
DUI	9,276	618	93	1%	15%
<b>All Cases</b>	<b>79,573</b>	<b>21,151</b>	<b>3,552</b>	<b>4.5%</b>	<b>17%</b>

- The following top charges had high rates of prison sentences:
  - Murder 2 (6 of 6; 100%)
  - Murder 1 (76 of 89; 85%)
  - Vehicular Homicide (15 of 22; 68%)
  - Murder 1 Attempt/Conspiracy (113 of 174; 65%)
  - Kidnapping 1 (13 of 20; 65%)
  - Murder 2 Attempt/Conspiracy (15 of 28; 54%)

## Prison Sentences: By Volume

- By volume, property cases made up **42%** of all prison sentences.
- The most common charges for prison cases included:
  - Property: Motor Vehicle Theft/Chop Shop, ID Theft
  - Person: Assault 2, Attempted Murder 1, and Assault 1
  - Other: Escape or Aiding Escape (*\*these were primarily sentenced in 2018 and 2019 before the charge was reduced to a misdemeanor*), Introduction of Contraband in a Detention Facility, and Witness or Victim Bribing/Tampering.



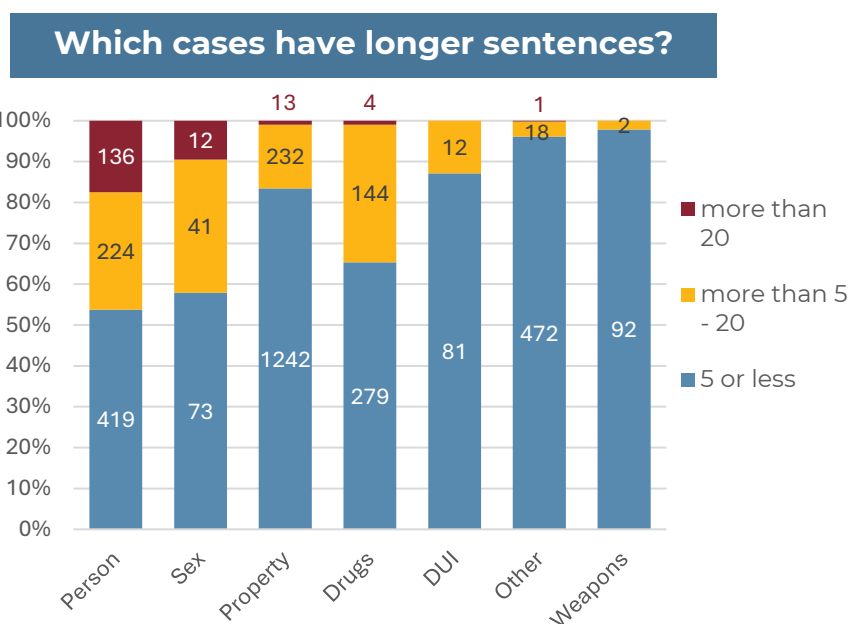
## Zoom In: Property Cases

- Of the 1,487 property cases sentenced to prison, most were for:
  - Motor Vehicle Theft/Chop Shop (31%)
  - ID Theft (17%)
  - Burglary 2 (14%)
- The median sentence length for property cases was **2.5 years**.
- Aggravated Robbery and Burglary 1 had the longest median sentence lengths.

Charge	Cases Sentenced to Prison	Median Sentence Length
Motor Vehicle Theft/Chop Shop	463	2
ID Theft	250	2.5
Burglary 2	210	4
Aggravated Robbery	105	5
Burglary 1	57	5.5

# Sentence Length Varied by Charge and Violent Crime

- Most sentences over 20 years and 99+ years were:
  - **Person** and **sex offense** cases
  - **Felony 1** and **Felony 2**
- Cases with 2 or more **Crimes of Violence** (53 cases) were assumed to have consecutive sentences, increasing the average sentence length.
  - 6% of **person** cases had 2+ crimes of violence.
  - Most frequent charges were Assault 1 and Homicide.



Charge Type	Number of Cases	Sentence Length (Years)		
		Median	Average	Standard Deviation
<b>Person</b>	741	5	9.8	13.3
<b>Sex Offenses</b>	117	4	5.9	5.3
Drugs	426	4	5	4.4
DUI	93	4	3.8	1.5
Property	1487	2.5	3.6	4.7
Other	491	1.5	2	1.8
Weapons	94	1.5	1.9	1.4

Note: 48 sentences with 99+ years were omitted from this table.

## Zoom In: First and Second Degree Murder

- **76** individuals were sentenced to prison for First Degree Murder.
  - 33 defendants received at least one **life** sentence.
- **6** individuals were sentenced to prison for Second Degree Murder.
- **13** individuals charged with First Degree Murder were **not** sentenced to prison.
  - 9 were sentenced to youth corrections.
  - 4 received probation as stipulation for pleading guilty to another felony: Manslaughter, Accessory to a Crime, Aggravated Robbery, or Tampering with Evidence.

### Sentence lengths for 1<sup>st</sup> Degree Murder were longer and more variable than 2<sup>nd</sup> Degree.

Charge	Number of Cases	Sentence Length	
		Average	Median
Murder 1 <sup>st</sup> Degree	76	104	47
Murder 2 <sup>nd</sup> Degree	6	33.8	30.5

# Race & Sentence Length

## The 79,573 cases in the sample were:

**62%** White (49,518)      **22%** Hispanic (17,765)  
**6%** Black (5,118)      **8%** Another race/ethnicity (6,039)

## The 3,552 cases sentence to prison were:

**60%** White (2,117)      **27%** Hispanic (961)  
**9%** Black (316)      **4%** Another race/ethnicity (152)

Individuals who are Black make up **1.6% of the population** in JD1, but **9%** of the individuals sentenced to prison.

Individuals who are Black are **over-represented in the justice system**—and are **disproportionately represented in those sentenced to prison**, compared to the population of JD1.

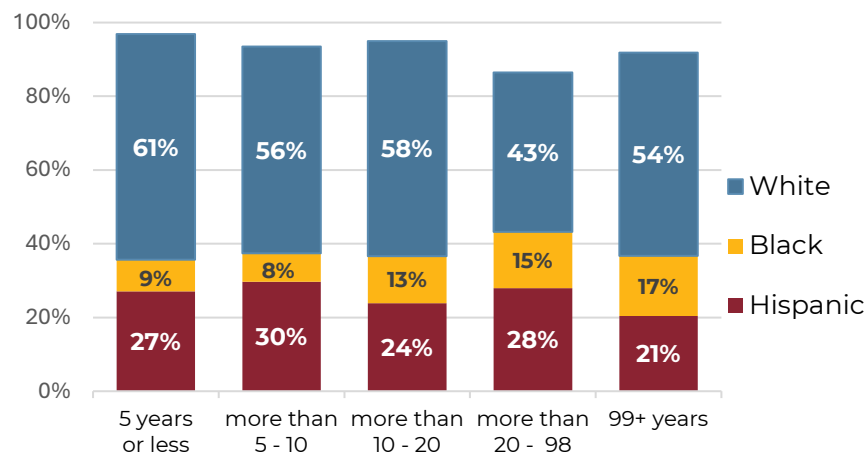
Data from our [2023 analysis](#) showed that the predicted probabilities of an incarcerative sentence were similar for individuals who are White, Hispanic, and Black: after controlling for individual and case characteristics, there was **no disparity in how individuals who are Black were being sentenced**. In this analysis, we look closer at the length of prison sentences imposed.

## How does racial makeup change across sentence length?

The proportion of defendants who are Black **increased** with sentence length, while the proportions of defendants who are Hispanic and White **decreased** with length.

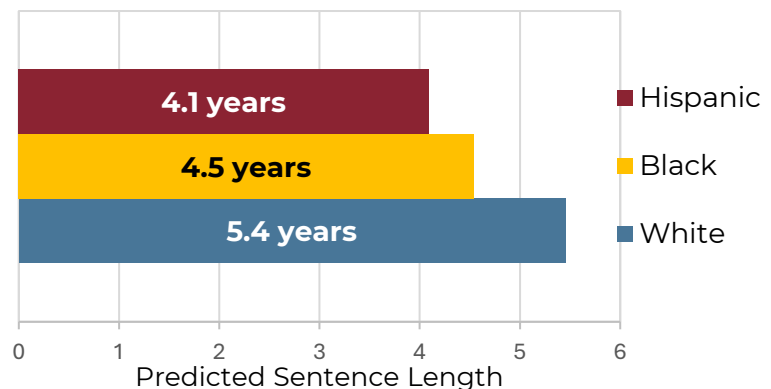
For example,

- Of the 118 cases with 21-98 year sentences, 15% involved defendants who are Black.
- Of the 48 cases with 99+ year sentences, 17% involved defendants who are Black.



## Accounting for charge level and type, age, criminal history, gender, and time.

- Holding these characteristics **equal**, at the **average**, the predicted sentence length was:
  - **4.1 years** for defendants who are Hispanic
  - **4.5 years** for defendants who are Black
  - **5.4 years** for defendants who are White<sup>1</sup>



<sup>1</sup> When life sentences (99+ years) were excluded, predicted sentences lengths were: **3.67** years for defendants who are Hispanic, **3.54** years for defendants who are Black, and **3.58** years for defendants who are White.

What might influence this pattern?

Defendants who are Black had **higher charge levels**.

- **High charges.** Felony 1 and 2 were more common for defendants who are Black (14% vs. 6% for defendants who are White). Whereas F5, F6, and DF4 were more common for defendants who are White (22% vs. 28% for defendants who are Black).
- **Gender.** There were a higher proportion of defendants who are Black who were male (91% vs. 86% defendants who are White and Hispanic). Defendants who are male tended to have higher charge levels (when compared to defendants who are female).
- **Life Sentences.** A higher proportion of defendants who are Black were sentenced to 99+ years (2.6%) compared to defendants who are White (1.3%) or Hispanic (1.1%).

### Zoom In: Identity Theft

Data from our [2023 analysis](#) showed that individuals who are Hispanic were more likely to receive an incarcerative sentence than individuals who are White or Black for property cases, including identity theft.

- In this analysis:
  - 250 **identity theft cases** received prison sentences, averaging 3 years (median 2.5 years).
  - A larger proportion of ID theft cases were defendants who are White (66%), compared to the overall prison sample.
- Controlling for individual and case factors, predicted lengths were similar:
  - **2.9 years** for defendants who are Black
  - **2.8 years** for defendants who are White
  - **2.7 years** for defendants who are Hispanic

## Age & Sentence Length

The prison sample was

**18%** 18-25 years old      **40%** 26-35 years old      **42%** 36+ years old

- **18-25-year-old** defendants got slightly longer sentences overall.
- **Eight minors** were sent to prison, all with over 20 years, most with 30-40 years for Murder 1.
- However, **no difference** sentence length was found between age groups after controlling for other factors.

Age	0 – 5 years		More than 5 – 20		More than 20 – 98		99+ years		Total Cases
Under 18					7	88%	1	13%	8
18-25	457	71%	138	22%	30	5%	15	2%	640
26-35	1072	78%	255	18%	39	3%	15	1%	1381
36+	1128	77%	280	19%	42	3%	17	1%	1467

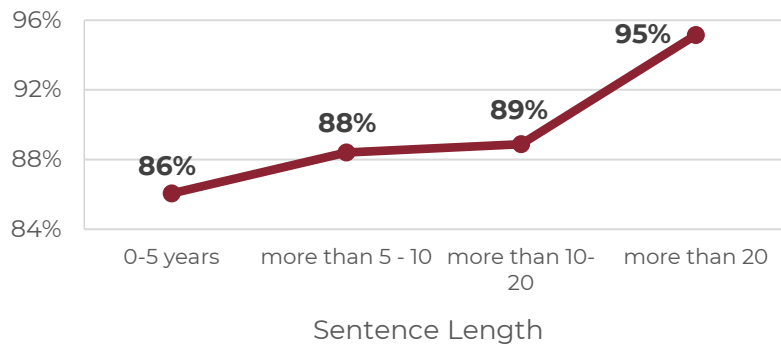
## Gender & Sentence Length

The prison sample was

**87% male**

- Overall, defendants who were male received **longer sentences**.
- However, after **controlling** for charge level and type, age, criminal history, race, and sentence quarter, sentence length was similar, with predicted lengths of
  - **5.5 years** for defendants who were female
  - **5.0 years** for defendants who were male <sup>2</sup>

The percentage of men increases with sentence length



	< 3 years	3 – 5 years	More than 5 – 10 years	More than 10 – 20 years	More than 20 – 98 years	99+ years	Total
female	309	59	57	20	5	3	453
	15%	11%	12%	11%	4%	6%	13%
male	1801	470	435	160	111	45	3022
	85%	89%	88%	89%	96%	94%	87%

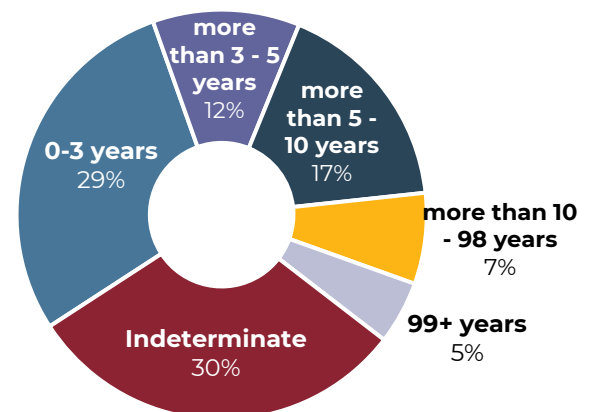
## Sex Offenses & Indeterminate Cases

- 181 sex offense cases were sentenced to prison.
- Most cases received a sentence of 10 years or less.
- **30%** of cases included an indeterminate sentence.<sup>3</sup>

The **55** cases with an indeterminate sentence were mostly:

- Defendants who were **White** (62%)
- 36+ years old (60%)
- Had no criminal history (64%)
- All defendants were **male**

Sentences for Sex Offense Cases



<sup>2</sup> When life sentences (99+ years) were excluded, predicted sentences lengths were: **3.7 years** for defendants who were female and **3.1 years** for defendants who were male.

<sup>3</sup> Under current Colorado law, a person convicted of certain sex offenses is subject to an indeterminate prison sentence (the sentence has no mandatory release date).

## Methods

We examined cases sentenced from January 1, 2018 to December 31, 2023. We conducted all analyses at the case level, examining only the first set of charges and associated sentences imposed for a case. Cases were excluded if: the case ID or any charge ID was missing; cases had a sentencing date that was more than the median (260 days) after the latest disposition date; or if the defendant was deceased. Each case was considered independently; we were not able to consider cases for the same individual that were sentenced with close frequency.

The top sentence was identified for each case, as defined in the [data dashboard](#). Prison sentences included sentences noted as any of the following: Department of Corrections, Women's Corrections, parole, life, or years to life in prison.

We excluded sentences with a suspended modifier. If there were a mixture of sentences marked as "active" and "void," we only considered "active" sentences. However, if all sentences were marked as "void," we considered this to be a clerical error, therefore we considered those sentences to be "active."

Total sentencing length was calculated as the longest sentence imposed (assuming concurrent sentences). However, for cases with two or more crimes of violence (as defined in the [data dashboard](#), excluding robbery and second-degree assault), sentence length was added across all charges (assuming consecutive sentences). Life sentences were assumed to have a length of 99 years. All cases with an indeterminate sentence were analyzed separately. Because sentencing lengths were skewed, we primarily present medians and note when outlier values are excluded in calculations.

Cases were categorized according to the top charge as: person, sex offense, property, drug, driving under the influence (DUI), traffic, weapons, or other—as defined in the [data dashboard](#).

Aligned with the [data dashboard](#), we combined information on race and ethnicity and leveraged census data to help better identify individuals who are Hispanic. To avoid grouping individuals with diverse identities, we excluded individuals identified as another race/ethnicity (143, 4.1%) from the racial disparity analysis. Judicial District 1 population demographics were pulled from 2022 Census data (<https://www.census.gov/data/tables/time-series/demo/popest/2020s-counties-detail.html>).

Predicted sentence lengths were calculated using negative binomial regression modeling, which estimated sentence length differences while holding all other variables constant. Control variables included: charge level, charge type, criminal history, gender, age, and sentence quarter.

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*You can learn more about the Colorado Prosecutorial Dashboards project on our [website](#), or contact Lauren Gase at [lauren.gase@ucdenver.edu](mailto:lauren.gase@ucdenver.edu).*