ACLU of Colorado
Analysis of Court Watch Project Data

Fall 2019 - Spring 2020

a report by QuantJusticeLabs

EXECUTIVE SUMMARY

This project provides initial exploratory insights into case demographics, charges, and bail decisions in Denver and Aurora courtrooms. This analysis was completed for the ACLU of Colorado in partnership with QuantJusticeLabs. Data for this project comes from a 90 day court watch project completed by ACLU volunteers collecting data on 1,638 cases between September and November of 2019 in the Aurora Municipal Court, Denver Municipal Court, and Denver County Court. Race and gender categorizations are based on the observation of the volunteer in the courtroom. The authors acknowledge the insufficiency of these categorizations to capture the full range of identity and experience, but believe that the insights gathered provide valuable metrics to reflect on the efficacy and equity of these three Colorado Courts.

- **Rates of PR bond, presence of counsel, and guilty pleas varied by court:** The Denver County Court set PR for 80% of cases where a bond decision was reached, the Denver Municipal Court for 71%, the Aurora Municipal Court for 51%. In the Aurora Municipal Court, 65% of all individuals were represented by counsel, compared to 90% in the Denver Municipal Court and 70% in the Denver County Court. 262 individuals entered a guilty plea. In the Aurora Municipal Court, 42% of individuals pled guilty, relative to 16%in the Denver Municipal Court and 5.4% in the Denver Court Court.

- **Prosecution requests influence judge decisions on cash bail:** In cases where the prosecution sought cash bail, the judge agreed and set cash bail 61% of the time and disagreed and set PR in 39% of the cases. In cases where the prosecution pursued PR, the judge agreed and set PR 90% of the time and disagreed and set cash bail in 10%. Overall, the judge agreed with the prosecution in 85% of cases. Prosecutor request influence judge decision even after controlling for race, gender, presence of counsel, and charge type.

- **Most common bond arguments & conditions:** The most common arguments made by the prosecution for cash bond were that the defendant had an extensive criminal history and that the charges against the defendant were violent. The most common arguments made by the defense against cash bond were that the defendant had strong ties to the community; the defendant needed release for school, work, or family; and the defendant could not afford bond. The most common court set condition of bond was a protection order, followed by enhanced intensive supervision, no guns, and sobriety. GPS tracking, regular supervision, and ad-min only were the least frequent conditions of bond.

- **Race demographics varied by court:** White and Asian individuals comprised a similar share of cases in each jurisdiction. Black individuals made up about 40% of cases in Aurora and 30% of cases in Denver. Hispanic individuals comprised a larger proportion of cases in Denver (28% in municipal court, 24% in county court) than in Aurora (15%)

- **Modeling bail decisions:** Prosecutors were more likely to ask for cash bond for black defendants, even after controlling for presence of counsel, gender, and charge type (p<0.05). Without controlling for prosecutor request, judges were also more likely to set cash bond for black defendants. But after controlling for prosecutor request, the effect was no longer significant. Both prosecutors and judges were more likely to pursue cash bail for violent offenses, even after controlling for other characteristics. Both prosecutors and judges were less likely to pursue cash bond for women, relative to men, after controlling for race, presence of counsel, and charge type.

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ABOUT THE PROJECT

DATA

The data under study in this project was collected by ACLU volunteers as part of a 90 day court watch project in the Aurora Municipal Court, the Denver Municipal Court, and the Denver County Court. The data contains 1638 observations of case proceedings. Data collected includes location, judge last name, defense attorney last name, prosecutor last name, defendant full name, defendant gender, defendant race, defendant estimated age, defendant veteran status, case start and end time, case numbers, charges, result, sentence, defense and prosecutor bond request and amount, court set bond and amount, defense and prosecutor requested release conditions, and court set release conditions.

METHODS

The following are methodological decisions made in the course of the analysis. They are a mix of best practice and discretion, but are pertinent to interpretation of the results.

- **Categorization of charges:** Charges were recorded as freeform text –– as such they were unstandardized, complex, and messy. Researchers made judgement calls to categorize the charges based on terms entered by the data collectors. Charges were categorized according to the most severe charge levied against the defendant. This method, while imperfect, is generally correct and useful for broad trends. Charges which contained the words assault or rape and charges which were indicated as involving domestic violence were categorized as "Assault/Violent Offense/DV". Charges which contained the names of drugs or the term "substance" were categorized as "Drug Offense". Charges which contained the words alcohol, petty, shoplifting, theft, trespass, mischief, panhandling, disturb, park violation, disorderly conduct, and curfew were categorized as "Poverty Related/Petty". Charges which contained words including license, DUR, probation, court order, violation were categorized as "Violation of Court Restrictions". Charges which contained the words careless, speeding, no brakes, and insurance were categorized as "Driving Violation". Weapons charges, prostitution, indecent exposure, failure to register as a sex offender were categorized as "Other".

- **Cash or Surety vs. Cash Only:** Cash or Surety (C/S) bonds and Cash Only bonds were treated as equivalent and grouped together as "Cash Bond" for the purpose of analysis.

- **Cases with Two Judges:** For the purpose of calculations accounting for specific judge influence (See Section 1.9), cases with two different judges noted in the record were split into two separate cases, one for each judge.

- **Reporting Model Outputs:** All model are reported using Average Marginal Effects (AME's). AME's quantify the relationship between model factors and the likelihood of a certain outcome occurring. Specifically, they describe the average percentage point increase or decrease in the likelihood of an outcome given that a specific factor is true. For example, we found that being charged with a violent crime has an average marginal effect of -.17 on the likelihood of being released on PR Bond. This means that, on average, the probability that someone who is charged with a violent crime will be released on a PR Bond is .17 less than the probability that a peer who is not charged with a violent crime will be released on a PR Bond. Functionally, we can think of it in terms of people and not probability: if we have 100 defendants who

are accused of a violent crime and 100 defendants who are not, we should expect that 17 fewer of the defendants who were charged with a violent crime will be released on a PR Bond, all other factors being equal.

LIMITATIONS

- **Jail time assigned, served, suspended:** The variable containing specific information about the sentence including jail time assigned, time served, and time suspended was too messy to be cleaned in a consistent manner and a reasonable time span for this project.

- **Money bail amounts:** Similarly, the variable containing information about amounts of money bail contained inconsistent and often contradictory information and so could not be cleaned and used to confidently describe amounts.

To access the code that created all the visualizations, models, and results in this report, check out the project Github repository here.
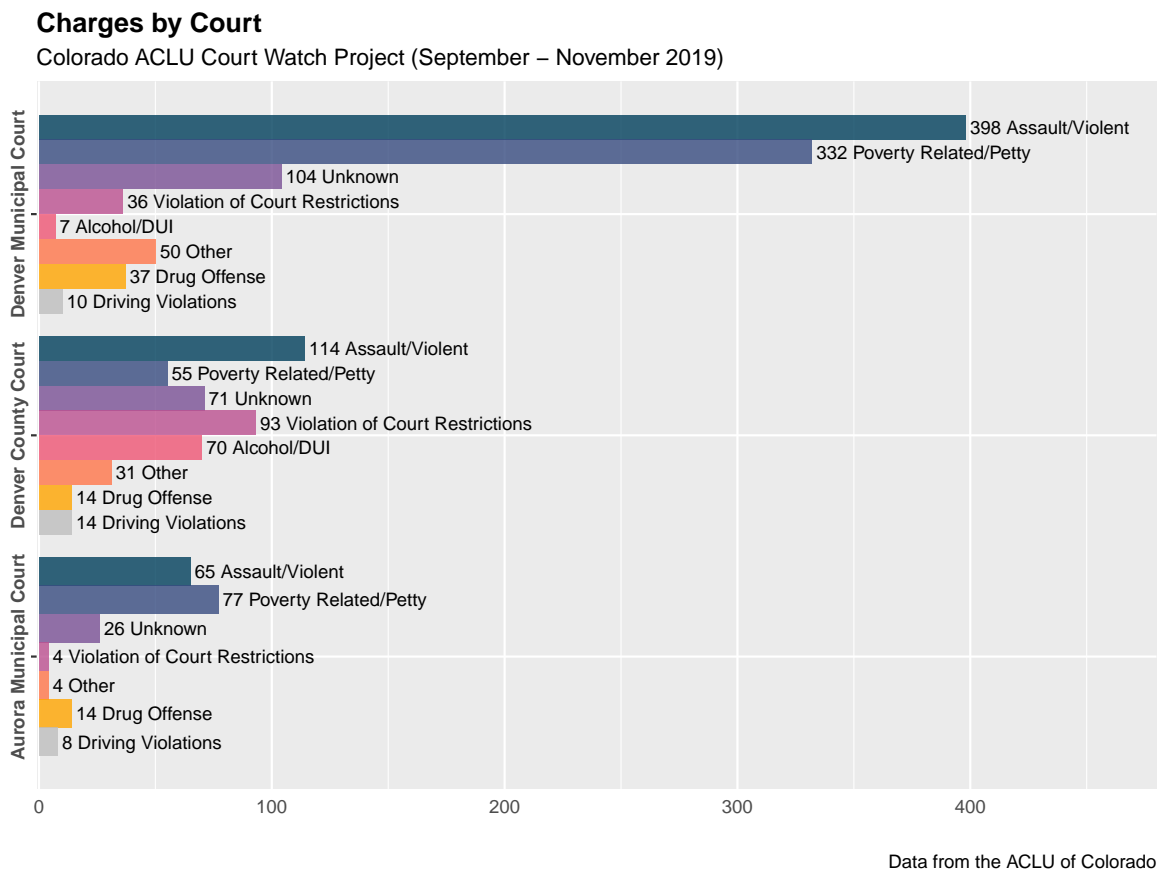
Table 1: Descriptive Statistics of Data Gathered

	Aurora Municipal Court n = 189	Denver County Court n = 435	Denver Municipal Court n = 934
Defendant Race			
Asian	2 (1.1%)	7 (1.6%)	9 (1%)
Black	83 (43.9%)	129 (29.7%)	299 (32%)
Hispanic	28 (14.8%)	125 (28.7%)	229 (24.5%)
Indigenous	1 (0.5%)	1 (0.2%)	19 (2%)
Unknown	5 (2.6%)	6 (1.4%)	7 (0.7%)
White	70 (37%)	167 (38.4%)	371 (39.7%)
Defendant Gender			
Man	135 (71.4%)	354 (81.4%)	711 (76.1%)
Woman	54 (28.6%)	81 (18.6%)	223 (23.9%)
Defendant Estimated Age			
16-24	26 (13.8%)	70 (16.1%)	123 (13.2%)
25-34	76 (40.2%)	179 (41.1%)	372 (39.8%)
35-44	49 (25.9%)	90 (20.7%)	234 (25.1%)
45-54	25 (13.2%)	63 (14.5%)	135 (14.5%)
55+	13 (6.9%)	33 (7.6%)	70 (7.5%)
Defendant Represented By Counsel			
No	66 (34.9%)	104 (23.9%)	71 (7.6%)
Yes	123 (65.1%)	313 (72%)	855 (91.5%)
(Missing)	0 (0%)	18 (4.1%)	8 (0.9%)
Charge Categories			
Assault/Violent Offense/DV	62 (32.8%)	111 (25.5%)	395 (42.3%)
Driving Violations	8 (4.2%)	13 (3%)	10 (1.1%)
Drug Offense	14 (7.4%)	13 (3%)	37 (4%)
DUI	0 (0%)	68 (15.6%)	6 (0.6%)
Other	17 (9%)	64 (14.7%)	76 (8.1%)
Poverty Related/Petty	76 (40.2%)	52 (12%)	325 (34.8%)
Unknown	8 (4.2%)	25 (5.7%)	50 (5.4%)
Violation of Court Restrictions	4 (2.1%)	89 (20.5%)	35 (3.7%)
Charge: Assault/Violent/DV			
No	116 (61.4%)	291 (66.9%)	479 (51.3%)
Yes	62 (32.8%)	105 (24.1%)	378 (40.5%)
(Missing)	11 (5.8%)	39 (9%)	77 (8.2%)
Charge: Drug Related			
No	168 (88.9%)	422 (97%)	894 (95.7%)
Yes	21 (11.1%)	13 (3%)	40 (4.3%)
Prosecutor Sought Cash Bail			
No	149 (78.8%)	360 (82.8%)	753 (80.6%)
Yes	40 (21.2%)	75 (17.2%)	181 (19.4%)
Judge Set Cash Bail			
No	142 (75.1%)	373 (85.7%)	731 (78.3%)
Yes	47 (24.9%)	62 (14.3%)	203 (21.7%)
Case Resolved			
No	95 (50.3%)	360 (82.8%)	742 (79.4%)
Yes	93 (49.2%)	54 (12.4%)	178 (19.1%)
(Missing)	1 (0.5%)	21 (4.8%)	14 (1.5%)
Results			
Dismissal	6 (3.2%)	10 (2.3%)	11 (1.2%)
Guilty plea	82 (43.4%)	23 (5.3%)	151 (16.2%)
Other (please specify)	3 (1.6%)	23 (5.3%)	18 (1.9%)
(Missing)	98 (51.9%)	379 (87.1%)	754 (80.7%)

1 COURT WATCH ANALYSIS

1.1 OFFENSES CHARGED

Overall, 35% of offenses were charged as violent crimes, assault, and domestic violence; 28% were poverty related or petty, 8% constituted violations of court restrictions, and 4% were primarily charged as drug related. Only ten cases overlapped between violent and drug related offenses. Figure 1 displays counts and distributions of offenses charged in the three courts observed. Denver County Court handles more violation of court restriction cases than the other courts whereas Denver Municipal Court hears far more Assault/Violent and Poverty Related/Petty cases than the other two courts. Aurora and Denver Municipal Courts have similar charge distributions – Denver just hears significantly more cases.

Charges by Court
Colorado ACLU Court Watch Project (September – November 2019)

Data from the ACLU of Colorado

Figure 1: Charges made by court, Sep - Nov 2019, ACLU Court Watch Project.

	Aurora Municipal Court	Denver County Court	Denver Municipal Court
Alcohol/DUI	0.00	15.15	0.72
Assault/Violent Offense/DV	32.83	24.68	40.86
Driving Violations	4.04	3.03	1.03
Drug Offense	7.07	3.03	3.80
Other	2.02	6.71	5.13
Poverty Related/Petty	38.89	11.90	34.09
Unknown	13.13	15.37	10.68
Violation of Court Restrictions	2.02	20.13	3.70

1.2 PR RELEASE

Individuals were released on Personal Recognizance (PR) Bonds in 72% of the cases that reported setting bond. Rate of PR Bond release varied significantly across courts with Aurora Municipal Court releasing 51% on Personal Recognizance and Denver County Court releasing 80%. (Figure 2)

Rates of release on PR Bond do not vary significantly between charge types, except for Assault/Violent Crimes which had a PR release rate of 62% as compared to rates of between 78% and 82% for the other charge types.

There was some variation in PR Bond release rates between defendants of different races with 76.6% of White defendants, 69.9% of Hispanic defendants, and 67.9% of Black defendants released on PR Bonds. The sample size combined with the difference between those rates provides enough evidence to suggest that the rates of release on PR Bond are actually different for White individuals as compared to Hispanic and Black individuals.

For more on PR bonds, Section 1.10 gives the results of models of prosecution bond request and judge bond decisions with gender, race, presence of counsel, and charge type as covariates.
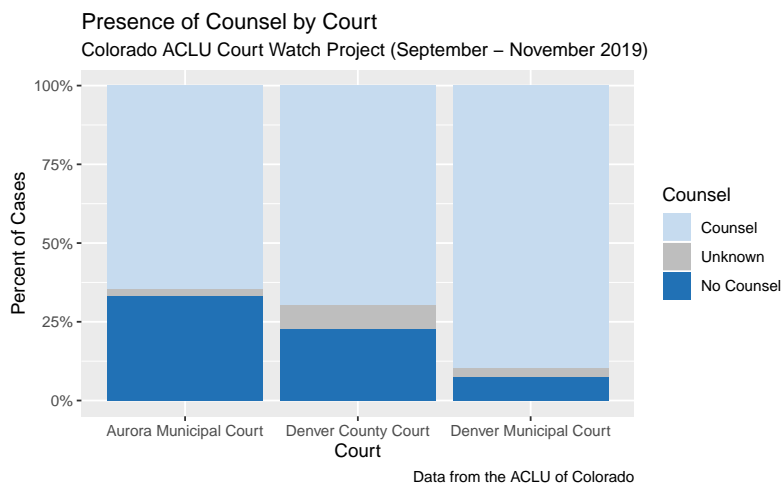

PR Bonds Issued by Court
Colorado ACLU Court Watch Project (Sep – Nov 2019)
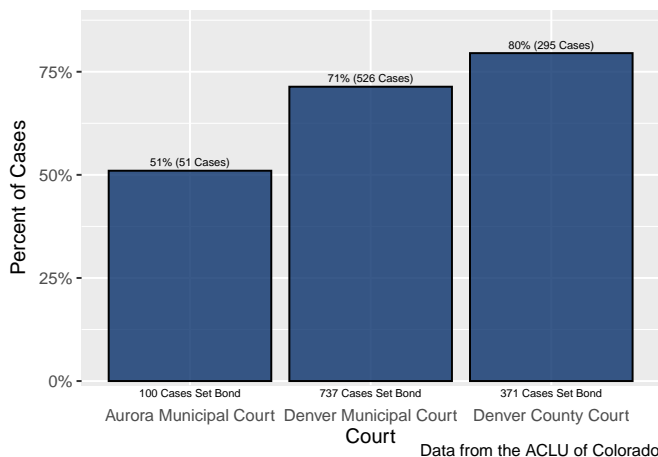
Figure 2: Cases Released on PR by court, September - November 2019, ACLU Court Watch Project.

1.3 COUNSEL

Presence of Counsel by Court
Colorado ACLU Court Watch Project (September – November 2019)

Figure 3: Presence of legal counsel by court, Sep - Nov 2019, ACLU Court Watch Project.

Overall, 84 percent of individuals were represented by counsel. Rate of representation by counsel varied significantly by court. In the Aurora Municipal Court, 65% of individuals were represented by counsel, compared to 90% in the Denver Municipal Court and 70% in the Denver County Court (Figure 3).

Of the 16 percent of cases where the individual entered a guilty plea, 77 percent were represented by counsel.

Representation by counsel is remarkably similar across the racial groups represented in the data, with the overall rate for White, Asian, Black, and Hispanic between 81% and 83% for each category. Indigenous individuals were more likely to be represented by counsel relative to all other groups (95% of cases).

Table 2 gives the request of prosecutors and decision of judges broken out by presence of counsel. In cases

where the individual was represented by counsel, judges set PR in 78% of the time. In cases where the individual was not represented by counsel, judges set PR 89% of the time. This difference may be due to individuals not represented by counsel for minor offenses, where major offenses are more likely to require representation.

Table 2: Bail Request & Decision by Presence of Counsel

	No Counsel	Counsel
Judge Set Cash Bail	10.57%	21.95%
Judge Set PR	89.43%	78.05%
Prosecution Sought Cash	4.07%	21.64%
Prosecution Sought PR	95.93%	78.36%

A similar trend is evident with the pre-trial decision sought by the prosecution (Table 2). Prosecutors pursued PR in 95% of cases where the individual was not represented by counsel, but only pursued PR in 78% of cases where the individual was represented by counsel. Again this is likely due to the difference in likelihood of being represented by charge.

Counsel were least frequently present for cases involving a drug offense or violation of court restrictions (Figure 4). Representation by counsel was similar across poverty related & petty crimes, driving violations, assaults and violent crimes, and alcohol/DUI charges.
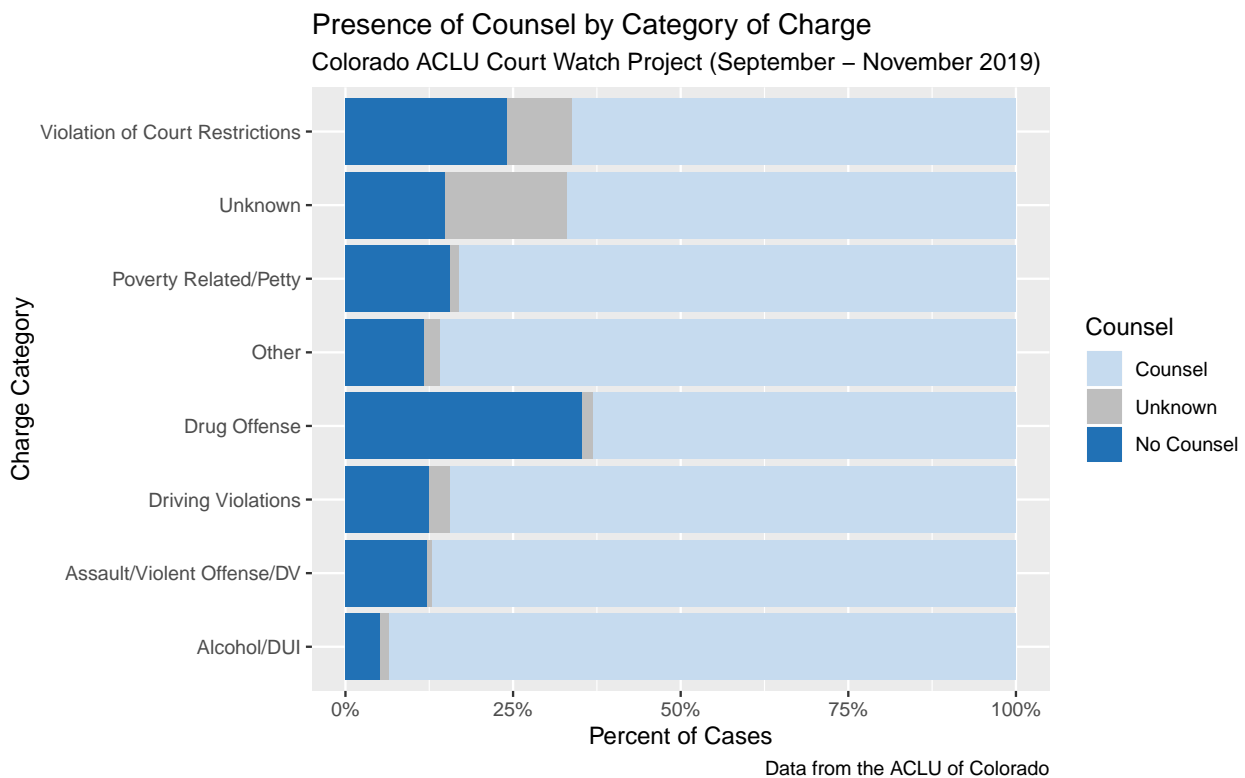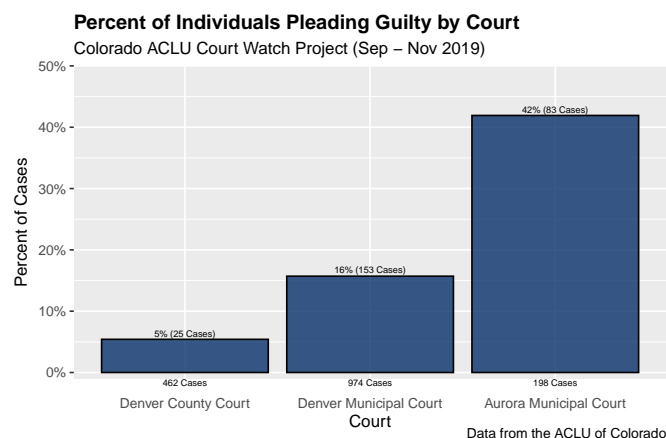

Figure 4: Presence of counsel by category of charge, September - November 2019, ACLU Court Watch Project.
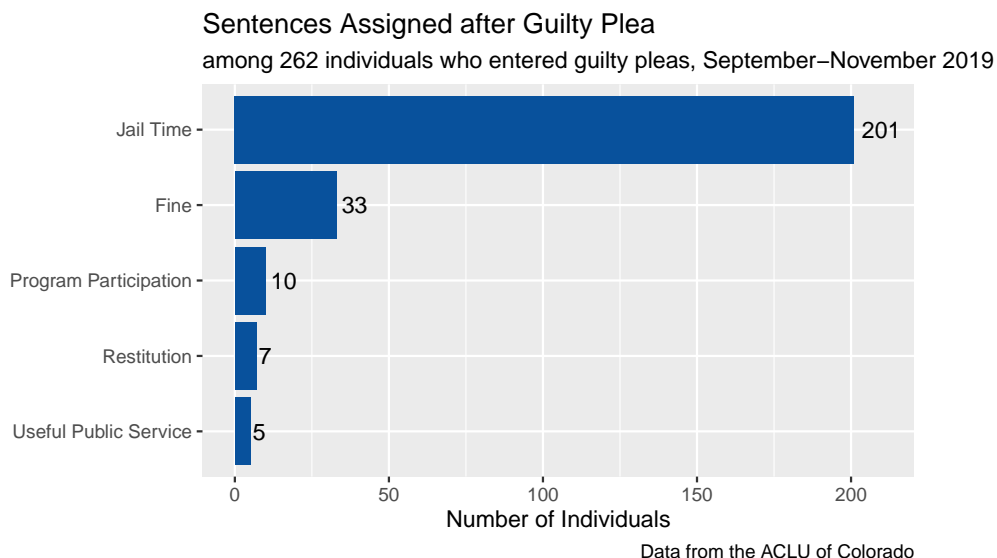
1.4   GUILTY PLEAS & SENTENCING

Of the 1638 individuals in the data, 262 entered a guilty plea. The percent of individuals pleading guilty varied significantly by court. In the Aurora Municipal Court, 42% of individuals pled guilty, relative to 16% in the Denver Municipal Court and 5.4% in the Denver Court Court (Figure 5).

76% of individuals who pled guilty received jail time. Women (vs. men & those gender unknown) were 13.8 percentage points less likely to receive jail time, on average, after controlling for race, representation by counsel, and charge type. The full logistic regression model of whether an individual received jail time is left to the Appendix (Table A3). No other statistically significant effects were detected.

Percent of Individuals Pleading Guilty by Court
Colorado ACLU Court Watch Project (Sep – Nov 2019)

Data from the ACLU of Colorado

Figure 5: Guilty pleas as a % of all cases by court, September - November 2019, ACLU Court Watch Project.

The racial demographics of individuals entering guilty pleas and receiving jail time were similar to those of all individuals in court (Figure 7). Individuals charged with poverty related or other petty offenses were substantially over represented among individuals pleading guilty and among individuals receiving jail time (Figure 8). Individuals charged with assault or other violent crimes were significantly under represented among individuals pleading guilty and individuals receiving jail time. That said, many cases were not yet resolved. As such, we cannot conclude what proportion of individuals accused of violent crimes will receive jail time. The charge distribution of individuals pleading guilty and individuals receiving jail time is remarkably similar.

Sentences Assigned after Guilty Plea
among 262 individuals who entered guilty pleas, September–November 2019

Data from the ACLU of Colorado

Figure 6: Sentences for 262 individuals who entered guilty pleas, September - November 2019, ACLU Court Watch Project.

Race Demographics of Guilty Pleas & Individuals Receiving Jail Time
Colorado ACLU Court Watch Project (September – November 2019)

Data from the ACLU of Colorado
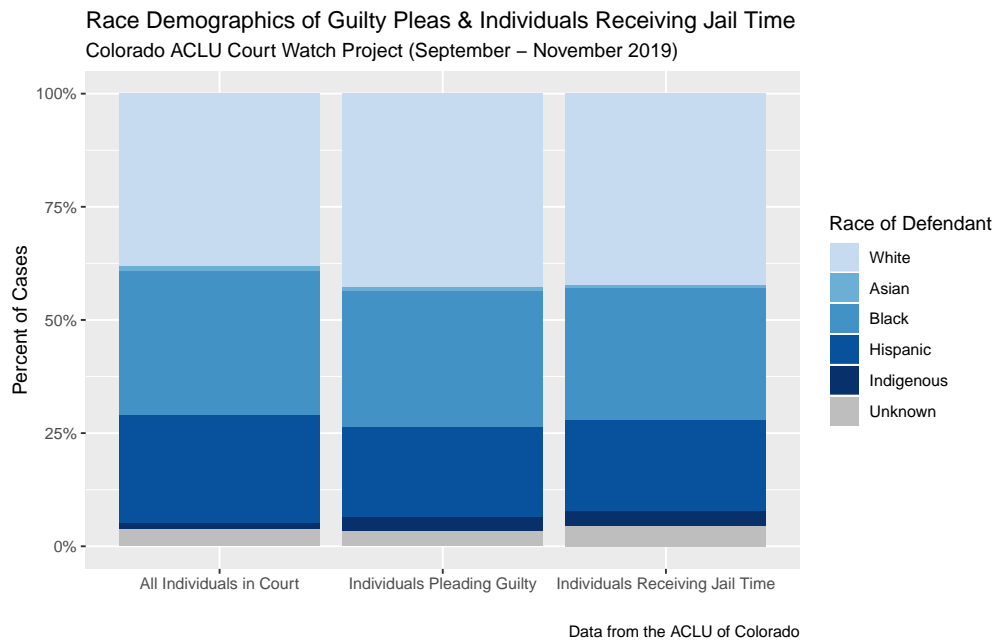
Figure 7: Race demographics of guilty pleas and individuals receiving jail time compared to all individuals in court, September - November 2019, ACLU Court Watch Project.

Charge Categories of Guilty Pleas & Individuals Receiving Jail Time
Colorado ACLU Court Watch Project (September – November 2019)

Data from the ACLU of Colorado
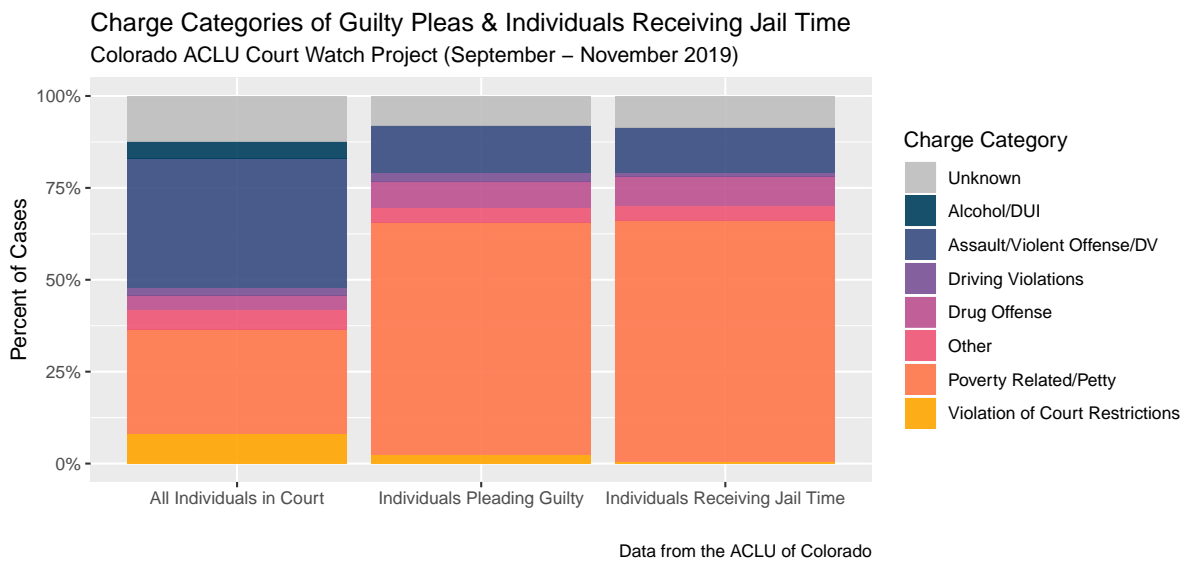
Figure 8: Charge categories of guilty pleas and individuals receiving jail time compared to all individuals in court, September - November 2019, ACLU Court Watch Project.

1.5 JUDGE-DA DYNAMICS

Table 3 shows the concordance and disagreement between prosecutors and judges in pre-trial decision making about bond. In cases where the prosecution sought cash bail, the judge agreed and set cash bail in 61% of cases and disagreed and set PR in 39% percent of cases. In cases where the prosecution pursued PR, the judge agreed and set PR in 90% of cases and disagreed and set cash bail in 10% of cases. Overall, the judge agreed with the prosecution in 85% of cases.

Table 3: Judge-DA Bail Dynamics

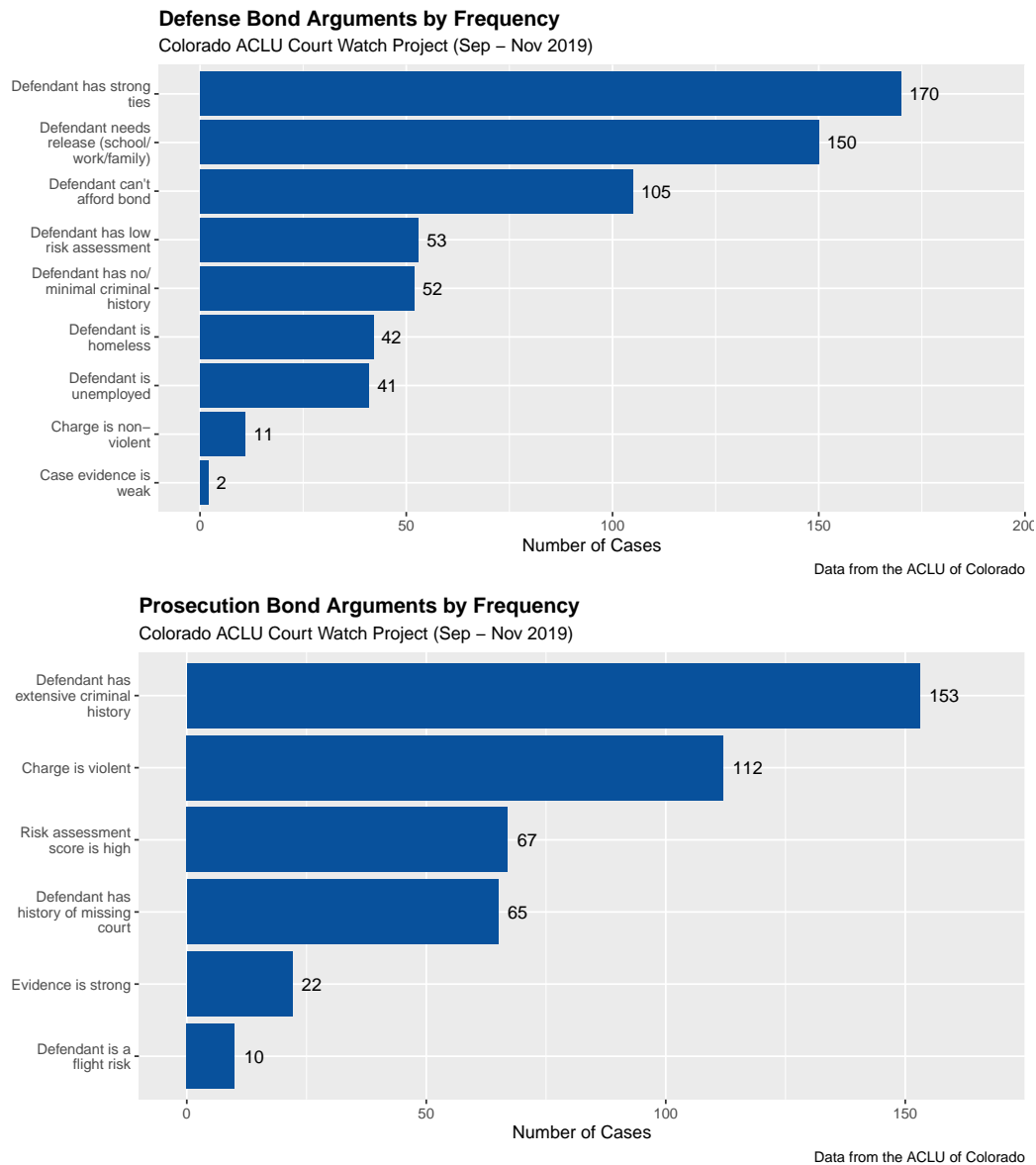|	Prosecution Sought Cash Bail	Prosecution Sought PR
Judge Set Cash Bail	61.40	10.30
Judge Set PR	38.60	89.70

Table 4 gives the results of a logistic regression model of judge-prosecutor agreement on whether to set cash bail. Judges and prosecutors are 8 percentage points more likely to agree on whether cash bail should be set if the individual is not represented by counsel and 7 percentage points more likely to agree if the individual is female relative to male or gender unknown. Judges and prosecutors are 7 percentage points more likely to disagree on whether cash bail should be set if the charge is violence related.

Table 4: Logistic Regression Model of Judge-Prosecutor Alignment

	Factor	AME (95% CI)	P Value
1	Assault/Violent Crime	-0.05 (-0.09 - 0)	0.04
2	Female (vs. Male)	0.06 (0.02 - 0.1)	0.00
3	Asian (vs. White)	0.11 (-0.01 - 0.2)	0.08
4	Black (vs. White)	0.02 (-0.02 - 0.1)	0.37
5	Hispanic (vs. White)	0.01 (-0.03 - 0.1)	0.56
6	Indigenous (vs. White)	0 (-0.18 - 0.2)	0.98
7	Race Unknown (vs. White)	0.06 (-0.09 - 0.2)	0.41
8	No Counsel	0.09 (0.04 - 0.1)	0.00
9	Counsel Status Unknown	0 (-0.18 - 0.2)	0.99
10	Drug Related Crime	0.07 (-0.04 - 0.2)	0.21
11	Poverty Related Crime	0.04 (-0.01 - 0.1)	0.15

1.6 BOND ARGUMENTS & CONDITIONS

Figure 9 gives bond arguments from defense and prosecution by frequency. The most common arguments from the defense against cash bail were that the defendant had strong ties to the communities; needed to be released to get back to school, work or family; and the defendant could not afford bond. The most common arguments from the prosecution were that the defendant had an extensive criminal history; the charge was violent; the risk assessment score was high; and the defendant had a history of missing court.

Defense Bond Arguments by Frequency
Colorado ACLU Court Watch Project (Sep – Nov 2019)

Argument	Number of Cases
Defendant has strong ties	170
Defendant needs release (school/work/family)	150
Defendant can't afford bond	105
Defendant has low risk assessment	53
Defendant has no/minimal criminal history	52
Defendant is homeless	42
Defendant is unemployed	41
Charge is non–violent	11
Case evidence is weak	2

Data from the ACLU of Colorado

Prosecution Bond Arguments by Frequency
Colorado ACLU Court Watch Project (Sep – Nov 2019)

Argument	Number of Cases
Defendant has extensive criminal history	153
Charge is violent	112
Risk assessment score is high	67
Defendant has history of missing court	65
Evidence is strong	22
Defendant is a flight risk	10

Data from the ACLU of Colorado
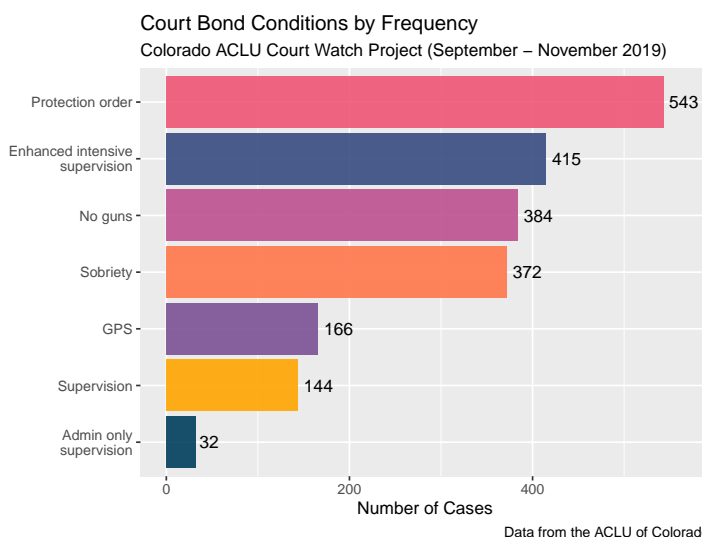
Figure 9: Bond arguments from defense and prosecution by frequency, September - November 2019, ACLU Court Watch Project.

Counsel Requested Bond Conditions by Frequency
Colorado ACLU Court Watch Project (September – November 2019)

Data from the ACLU of Colorado
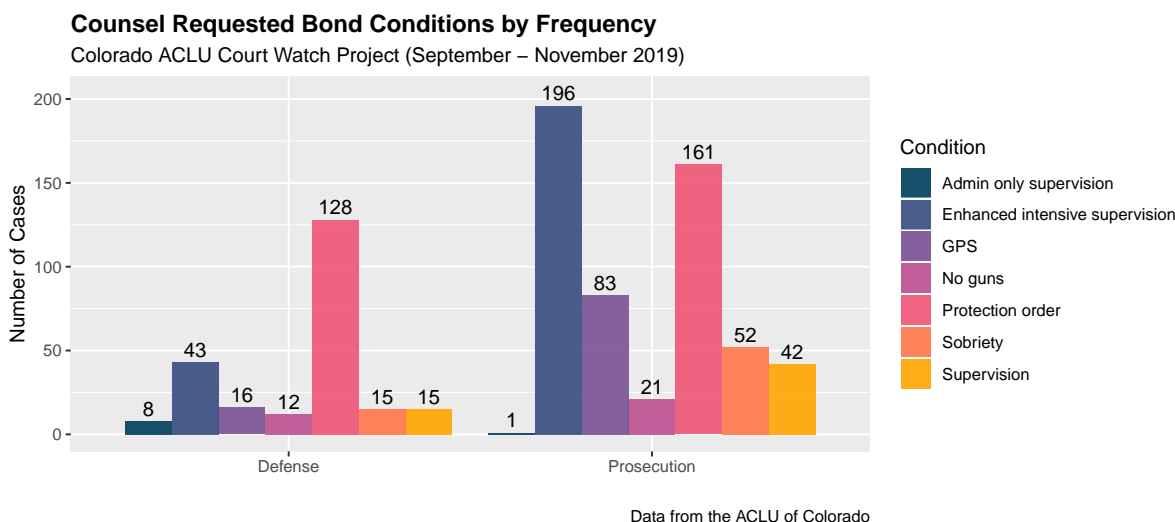
Figure 10: Counsel requested set conditions of bond by frequency, September - November 2019, ACLU Court Watch Project.

Figure 10 shows frequency of bond conditions as requested by counsel. Prosecutors most frequently sought enhanced intensive supervision followed by a protection order, then by GPS tracking. Prosecutors least frequently sought sobriety, regular supervision, and no guns. Defense counsel most frequently asked for a protection order if there were any conditions requested at all, followed by enhanced intensive supervision. All other conditions were rarely requested by defense counsel.

Figure 11 gives the frequency of bond conditions set by the court. The most common court set condition of bond was a protection order, followed by enhanced intensive supervision, no guns, and sobriety. GPS tracking, regular supervision, and admin only were the least frequent conditions of bond. Judges set a "no guns" bond condition far more frequently than prosecutors sought a "no guns" bond condition. Judges also set a sobriety condition more frequently than prosecutors asked for.

Figure 12 shows court set bond conditions by charge type and frequency. For alcohol/DUI charges and driving violations, the most common conditions of bond were sobriety and enhanced intensive supervision.

Court Bond Conditions by Frequency
Colorado ACLU Court Watch Project (September – November 2019)

Data from the ACLU of Colorado

Figure 11: Court set conditions of bond by frequency, September - November 2019, ACLU Court Watch Project.

pervision. For assault, violence, or domestic violence related charges, the most common conditions of bond were protection order and no guns, followed by enhanced intensive supervision and sobriety. For poverty related & petty offenses, the most frequent conditions were protection order and enhanced intensive supervision.

Court Bond Conditions by Charge Type & Frequency
Colorado ACLU Court Watch Project (September – November 2019)
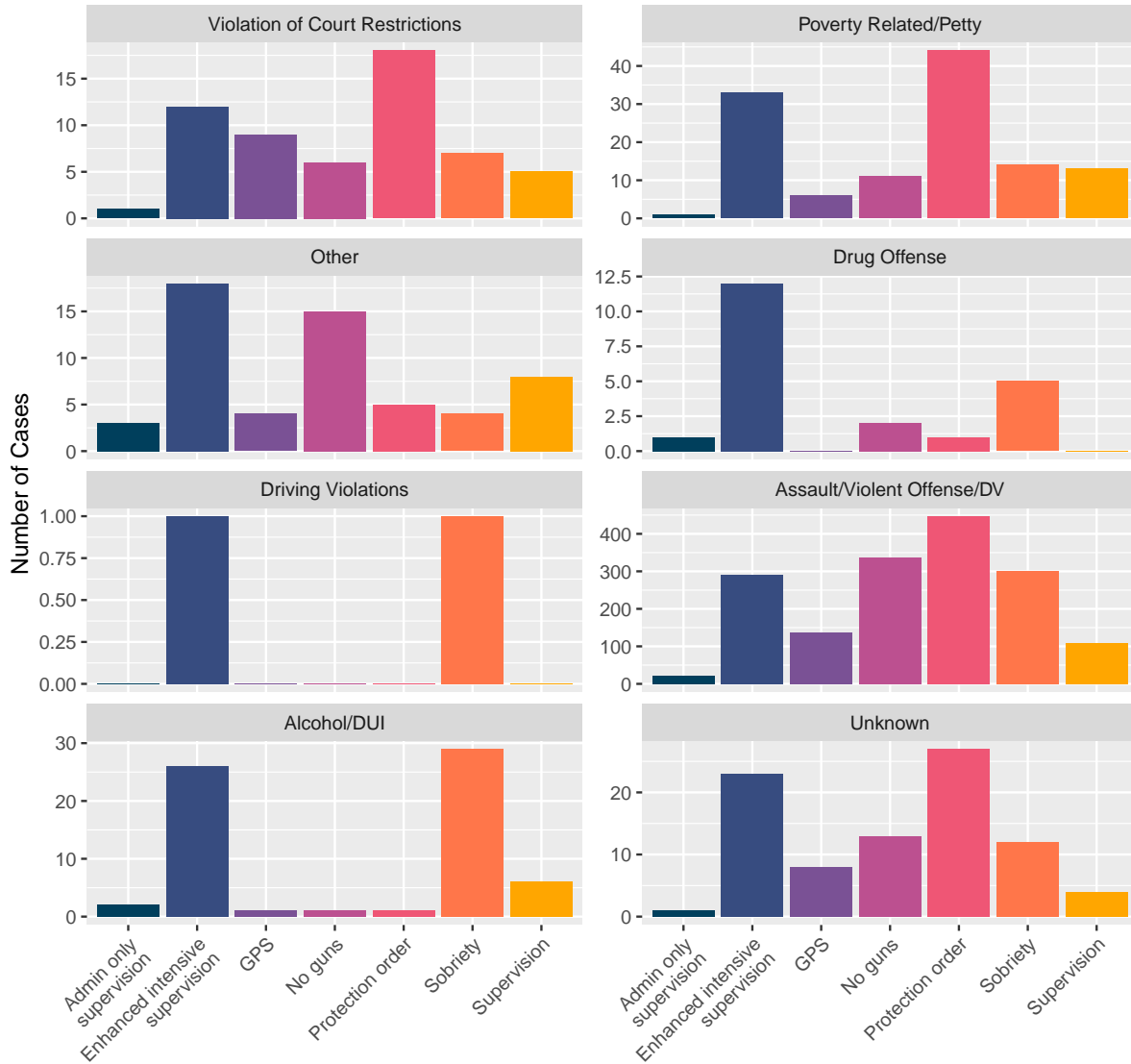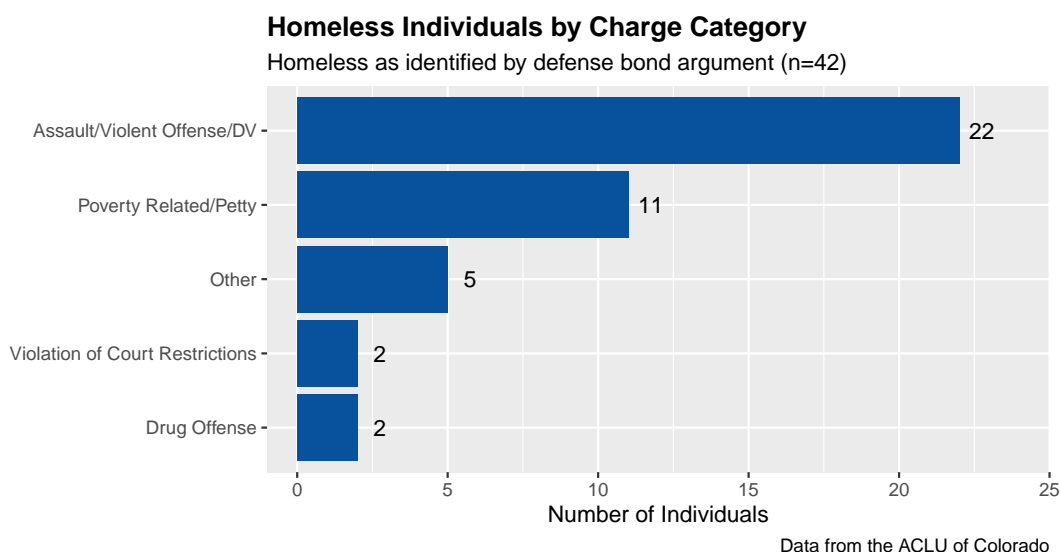

Data from the ACLU of Colorado

Figure 12: Court set conditions of bond by charge type and frequency, September - November 2019, ACLU Court Watch Project.

1.7 HOMELESSNESS

Homelessness is a deeply complex experience - individuals can be unsheltered, sheltered, or in insecure or unstable housing. In this data, individuals were only identified as homeless through bond arguments made by the defense. Thus, the descriptions that follow are a highly incomplete picture of the housing status of individuals involved with the criminal justice system. Defense attorneys may also only note the homelessness of their client if housing status is relevant to the charge at hand. Still, partial information can be useful. Because our identification mechanism is dependent on arguments made by counsel, we assumed that all individuals identified as homeless would have been represented by counsel. However, 3 individuals identified as homeless by defense argument are recorded as having no counsel - it is possible that these three individuals represented themselves.

Homeless Individuals by Charge Category

Homeless as identified by defense bond argument (n=42)

Data from the ACLU of Colorado

Figure 13: Charge category for homeless individuals, September - November 2019, ACLU Court Watch Project.

Figure 13 gives charges by frequency for individuals identified as homeless through bond arguments. Assault or violent charges were by far the most common, followed by poverty related or petty offenses. This likely does not represent the distribution of charges for all homeless individuals and is only representative of homeless individuals identified in the data. Counsel may be more or less likely to note the defendant's homeless status for many reasons not given here.

1.8   JURISDICTIONS

Table 5 gives race demographics for each court by percent of cases during the court watch period. Figure 14 gives race demographics in counts. White and Asian individuals made up a similar share of cases in each jurisdiction. Black individuals comprised about 40 percent of cases in Aurora and 30 percent of cases in Denver. Hispanic individuals made up a bigger proportion of cases in Denver (28% in municipal court, 24% in county court) than in Aurora (15%). A higher proportion of cases in Aurora reported race unknown.

Table 5: Race Demographics by Court

	Aurora Municipal Court	Denver County Court	Denver Municipal Court
White	35.86	38.31	38.50
Asian	1.01	1.52	0.92
Black	41.92	29.00	30.90
Hispanic	14.65	27.71	24.13
Indigenous	0.51	0.22	1.95
Unknown	6.06	3.25	3.59
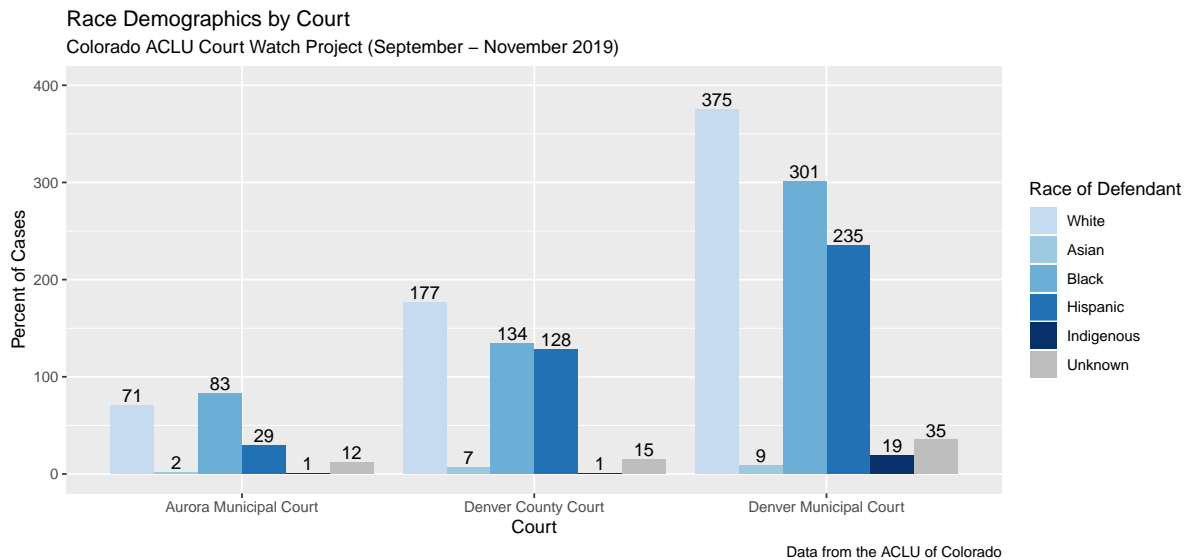
Figure 14: Race demographics by court, September - November 2019, ACLU Court Watch Project.
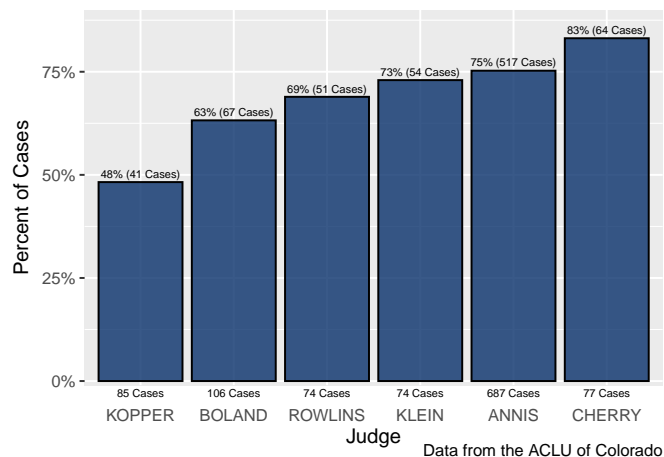
1.9 DIFFERENCES BETWEEN JUDGES

There are 6 judges who set bond in more than 50 cases recorded in the data set. These are Judge Kopper in Aurora Municipal Court, Judge Annis in both Denver County and Denver Municipal Court, Judge Klein in Denver Municipal Court, Judge Boland in Denver Municipal Court, Judge Cherry in Denver Municipal Court, and Judge Rowlins in Denver Municipal Court. Use of PR Bonds varied significantly by Judge with only one Judge utilizing PR bonds in less than 50% of the cases where they had reached a bond determination. See Figure 15.

We can see in Figure 16 that some judges did have differing charges brought before them. Klein, for example, heard a higher percentage of Violation of Court Restrictions whereas Boland heard the greatest proportion of Assault/Violent Offenses.

That said, controlling for the type of charge did

Figure 15: Judge set PR Bonds, Sep - Nov 2019, ACLU Court Watch Project.

not mitigate the affect of one specific judges on the likelihood of granting PR Bond. Individuals who received bond from Judge Kopper were, on average, at least 20 percentage points less likely than any other judge to be granted PR Bond as opposed to cash bail. Details are further recorded in Table A4.
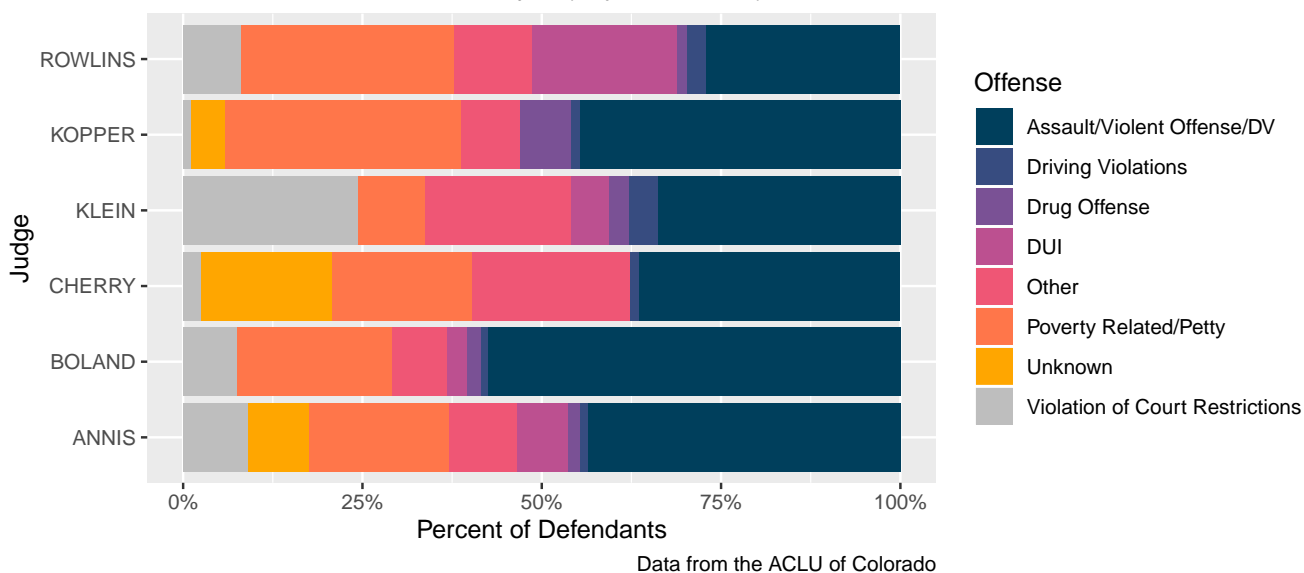

Figure 16: Judge set PR Bonds, Sep - Nov 2019, ACLU Court Watch Project.

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1.10 MODELING BAIL DECISIONS

Table A1: Prosecution Bond Request
The following model estimates the effect of counsel, race, gender, and charge type on the likelihood of prosecutors requesting cash bond. We incorporated variables sequentially into the logistic regression model, first including a binary indicator for representation by counsel (Model 1), then race and gender (Model 2), and finally included binary indicators for the most common charge types (Model 3).

- **Presence of counsel:** Prosecutors were 17 percentage points less likely, on average, to pursue cash bond if the individual was not represented by counsel, after controlling for race, gender, and charge type.

- **Race:** Prosecutors were 6 percentage points more likely to pursue cash bond for black individuals (relative to white individuals) on average, after controlling for gender, presence of counsel, and three major charge types.

- **Gender:** On average, prosecutors were 8 percentage points less likely to pursue cash bond for women (relative to men) after controlling for race, presence of counsel, and three major charge types.

- **Charge type:** Prosecutors were 18 percentage points more likely to ask for cash bond assault/violence related offenses (relative to cases which did not involve assault/violence) after controlling for other covariates. Prosecutors were 8 percentage points less likely to ask for cash bond for poverty related and petty offenses (relative to cases which did not involve poverty related and petty offenses) after controlling for other covariates.

Table 7: Judge Bond Decision
The following model estimates the effect of counsel, race, gender, charge type, and prosecutor bond request on the likelihood of a judge setting cash bond. We incorporated variables sequentially into the logistic regression model, first including a binary indicator for representation by counsel, race, gender, and charge type (Model 1), and then including prosecutor bond request (Model 2).

- **Gender:** On average, judges were 8 percentage points less likely to set cash bond for women (relative to men) after controlling for race, presence of counsel, three major charge types, and prosecutor bond request.

- **Race:** There is a statistically significant effect of race on likelihood of setting cash bond in the first model which disappears in the second model when prosecutor bond request is introduced into the model. This suggests that the racial disparity in bond setting is introduced primarily by the prosecution bond request.

- **Charge type:** Individuals with charges related to assault or violence were 8 percentage points more likely to have cash bond set by a judge relative to individuals with no violence related charges, even after controlling for prosecution bond request and other covariates.

- **Prosecution bond request:** Judges were, on average, 27 percentage points more likely to set cash bail if the prosecution requested cash bail, after controlling for presence of counsel, race, gender, and three major charge types.

Table 6: Logistic Regression Models of Prosecution Bond Request

	Factor	AME (95% CI)	P Value
1	Assault/Violent Crime	0.18 (0.13 - 0.2)	0.00
2	Female (vs. Male)	-0.08 (-0.12 - 0)	0.00
3	Asian (vs. White)	-0.11 (-0.24 - 0)	0.11
4	Black (vs. White)	0.05 (0 - 0.1)	0.05
5	Hispanic (vs. White)	0.03 (-0.02 - 0.1)	0.18
6	Indigenous (vs. White)	-0.11 (-0.24 - 0)	0.13
7	Race Unknown (vs. White)	-0.06 (-0.21 - 0.1)	0.43
8	No Counsel	-0.17 (-0.21 - -0.1)	0.00
9	Counsel Status Unknown	-0.16 (-0.28 - 0)	0.01
10	Drug Related Crime	-0.03 (-0.13 - 0.1)	0.61
11	Poverty Related Crime	-0.09 (-0.15 - 0)	0.01

Table 7: Logistic Regression Models of Judge Bond Set

	Factor	AME (95% CI)	P Value
1	Assault/Violent Crime	0.17 (0.12 - 0.2)	0.00
2	Female (vs. Male)	-0.11 (-0.16 - -0.1)	0.00
3	Asian (vs. White)	-0.18 (-0.21 - -0.1)	0.00
4	Black (vs. White)	0.06 (0.01 - 0.1)	0.02
5	Hispanic (vs. White)	0.04 (-0.01 - 0.1)	0.09
6	Indigenous (vs. White)	-0.04 (-0.21 - 0.1)	0.64
7	Race Unknown (vs. White)	0.05 (-0.14 - 0.2)	0.62
8	No Counsel	-0.1 (-0.15 - -0.1)	0.00
9	Counsel Status Unknown	-0.09 (-0.25 - 0.1)	0.29
10	Drug Related Crime	0.02 (-0.08 - 0.1)	0.74
11	Poverty Related Crime	-0.03 (-0.09 - 0)	0.35

Table 8: Logistic Regression Models of Judge Bond Set With Prosecution Request

	Factor	AME (95% CI)	P Value
1	Assault/Violent Crime	0.08 (0.04 - 0.1)	0.00
2	Female (vs. Male)	-0.08 (-0.13 - 0)	0.00
3	Asian (vs. White)	-0.19 (-0.21 - -0.2)	0.00
4	Black (vs. White)	0.03 (-0.01 - 0.1)	0.13
5	Hispanic (vs. White)	0.03 (-0.02 - 0.1)	0.24
6	Indigenous (vs. White)	0 (-0.17 - 0.2)	0.99
7	Race Unknown (vs. White)	0.07 (-0.11 - 0.3)	0.43
8	No Counsel	-0.03 (-0.08 - 0)	0.33
9	Counsel Status Unknown	-0.02 (-0.2 - 0.2)	0.82
10	Drug Related Crime	0.02 (-0.06 - 0.1)	0.59
11	Poverty Related Crime	0 (-0.05 - 0.1)	0.87
12	Pros Requests Cash Bail	0.27 (0.24 - 0.3)	0.00

2 REVIEW & DISCUSSION

2.1 CONCLUSIONS

Understanding systemic trends in the criminal legal system is a challenging task. The complexities inherent in the system and the inter-sectional dimensions of disparities which manifest throughout confound most analyses. This report represents an initial exploration of the data from a deeply complex system. We hope it lays the groundwork for many more questions –– both those answerable with the data available here and those that transcend quantification. Full interpretation of the results described in this report should include advocates and activists as well as individuals with lived experience. For now, we present the numbers, limiting our speculation on the causes of the trends explored here to invite further contextualization from our collaborators.

2.2 FUTURE DIRECTIONS

- **Jail time assigned, served, suspended:** The variable containing specific information about the sentence including jail time assigned, time served, and time suspended was too messy to be cleaned in a consistent manner and a reasonable time span for this project. Future ACLU Court Watch projects could collect these in separate numeric variables in order to maximize consistency and utility in analysis.

- **Money bail amounts:** Similarly, the variable containing information about amounts of money bail contained inconsistent and often contradictory information and so could not be cleaned and used to confidently describe amounts. If a future project collected numeric amounts, this would be an interesting direction to pursue.

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Charlotte McClintock is currently a graduate student at the University of Virginia studying for a Master's in psychology research methods. Charlotte also works as a lead researcher at the Community Policy, Analytics, and Strategy (CommPAS) Lab leading data analysis research projects with community partners and has previously worked on racial equity in criminal justice, homelessness, and foster care.

Sam Powers is a Fulbright Scholar in Rwanda researching applications of data visualization and storytelling in centering equity policy discussions about the Sustainable Development Goals. A graduate of the University of Virginia, Sam worked as lead data scientist for a research partnership between the National Association of State and Territorial AIDS Directors and UVA Hospital Division of Infectious Disease and has previously collaborated with community partners in criminal justice, legal aid, and homeless services.

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ABOUT QUANTJUSTICELABS

QuantJusticeLabs was started out of a desire to organize and collaborate on community projects using data to inform advocacy and policy for a more just world. Housing our work under an organizational structure allows us to collaborate with community partners, find projects, and work together more effectively in service of the public interest. Have an idea for a data project we might be interested in helping with or want to get involved? Email us at quantjustice@gmail.com.

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APPENDIX

Table A1: Logistic Regression Models of Prosecution Bond Request

	Dependent variable:		
	Prosecution Sought Cash Bail		
	(1)	(2)	(3)
Representation Unknown	−2.888***	−1.996*	−1.495
	(1.009)	(1.021)	(1.060)
Not Represented by Counsel	−1.875***	−1.896***	−1.784***
	(0.330)	(0.330)	(0.357)
Asian (vs. White)		−1.203	−1.072
		(1.040)	(1.055)
Black (vs. White)		0.335**	0.412**
		(0.157)	(0.175)
Hispanic (vs. White)		0.379**	0.275
		(0.167)	(0.187)
Indigenous (vs. White)		−1.417	−1.066
		(1.033)	(1.063)
Race Unknown (vs. White)		−0.463	−0.509
		(0.630)	(0.805)
Woman (vs. Man)		−0.494***	−0.669***
		(0.175)	(0.195)
Assault/Violent/DV Charge			1.366***
			(0.188)
Drug Related Charge			−0.163
			(0.401)
Poverty Related Charge			−0.582**
			(0.250)
Constant	−1.287***	−1.361***	−1.852***
	(0.067)	(0.117)	(0.197)
Observations	1,638	1,584	1,379
Log Likelihood	−739.660	−722.923	−583.549
Akaike Inf. Crit.	1,485.321	1,463.846	1,191.099

Note: *p<0.1; **p<0.05; ***p<0.01

Table A2: Logistic Regression Models of Judge Bond Set

	Dependent variable:	
	Judge Set Cash Bail	
	(1)	(2)
Representation Unknown	−0.661	−0.148
	(0.782)	(0.808)
Not Represented by Counsel	−0.796***	−0.204
	(0.251)	(0.264)
Asian (vs. White)	−13.798	−14.512
	(345.587)	(558.132)
Black (vs. White)	0.444***	0.311
	(0.169)	(0.190)
Hispanic (vs. White)	0.387**	0.322
	(0.181)	(0.203)
Indigenous (vs. White)	−0.286	0.048
	(0.777)	(0.799)
Race Unknown (vs. White)	0.368	0.619
	(0.611)	(0.665)
Woman (vs. Man)	−0.910***	−0.766***
	(0.200)	(0.219)
Assault/Violent/DV Charge	1.171***	0.716***
	(0.184)	(0.208)
Drug Related Charge	0.136	0.221
	(0.357)	(0.390)
Poverty Related Charge	−0.178	0.053
	(0.225)	(0.245)
Prosecution Requests Cash Bond		2.363***
		(0.171)
Constant	−1.863***	−2.466***
	(0.194)	(0.223)
Observations	1,379	1,379
Log Likelihood	−629.359	−526.983
Akaike Inf. Crit.	1,282.718	1,079.965

Note:	*p<0.1; **p<0.05; ***p<0.01

Table A3: Logistic Regression Model of Jail Time Sentence (vs. No Jail Time)

	Dependent variable:
	Jail Time Sentence
DefRepUnknown	−0.273
	(0.306)
DefRepNo Counsel	−0.063
	(0.069)
DefRaceAsian	−0.333
	(0.308)
DefRaceBlack	−0.007
	(0.067)
DefRaceHispanic	0.017
	(0.077)
DefRaceIndigenous	0.104
	(0.159)
DefRaceUnknown	0.211
	(0.181)
DefGenderWoman	−0.128*
	(0.066)
Assault.Violent.DV	0.075
	(0.111)
Drug.Related	0.187
	(0.124)
Poverty.Related	0.175*
	(0.093)
Constant	0.651***
	(0.095)
Observations	228
Log Likelihood	−123.894
Akaike Inf. Crit.	271.788
Note:	*p<0.1; **p<0.05; ***p<0.01

Table A4: Logistic Regression Model of Judge PR Bond Determination

Factor	AME (95% CI)	P Value
Judge Boland	-0.08 (-0.18 - 0)	0.07
Judge Cherry	0.07 (-0.03 - 0.2)	0.15
Judge Klein	-0.05 (-0.17 - 0.1)	0.40
Judge Kopper	-0.29 (-0.41 - -0.2)	0.00
Judge Rowlins	-0.09 (-0.21 - 0)	0.11
Assault/Violent Crime	-0.21 (-0.28 - -0.1)	0.00
Drug Related Crime	0.06 (-0.11 - 0.2)	0.50
Poverty Related Crime	-0.04 (-0.13 - 0.1)	0.43
Violate Court Restrictions	-0.02 (-0.14 - 0.1)	0.80