



JUDICIAL DEPARTMENT

FISCAL YEAR 2021 PERFORMANCE PLAN

NOVEMBER 1, 2020

The legitimacy of government depends on the fair, impartial, and reliable administration of the laws. Courts serve the people of the state by resolving disputes, protecting individual rights and the public interest, and delivering justice in criminal and civil cases. To ensure a just society, courts must tailor the fair, effective, and efficient delivery of justice to fit each individual case.

For citizens to trust the judicial system they must believe that justice is truly for all. The courts are a fundamental government service and should be easily accessible by the public.

Mission

The Colorado Judicial Department, comprised of our state Courts and Probation Services, provides a fair and impartial system of justice that:

- **Protects constitutional and statutory rights and liberties;**
- **Assures equal access;**
- **Provides fair, timely and constructive resolution of cases;**
- **Enhances community welfare and public safety;**
- **Supervises offenders; and**
- **Facilitates victim and community reparation.**

STATUTORY AUTHORITY: The authority for Colorado's Courts is at Article VI, Colo. Const. and §13-4-101, C.R.S.; and for Probation Services is at §§18-1.3-201 and 18-1.3-202.

Major Functions of the Department

COLORADO SUPREME COURT

The Colorado Supreme Court is the state's court of last resort. Decisions are binding on all other Colorado state courts. The Supreme Court is composed of seven justices who serve ten-year terms, and the Chief Justice is selected from the membership of justices. The Chief Justice also serves as the executive head of the Colorado Judicial System and is the ex-officio chair of the Supreme Court Nominating Commission. The Chief Justice appoints the Chief Judge of the Court of Appeals and the Chief Judge of each of the state's 22 judicial districts and is vested with the authority to assign judges (active or retired) to perform judicial duties.

Requests to review decisions of the Colorado Court of Appeals constitute a majority of the Supreme Court's filings. The Supreme Court also has direct appellate jurisdiction over cases in which a statute has been held to be unconstitutional, cases involving decisions of the Public Utilities Commission, writs of habeas corpus, cases involving adjudication of water rights, summary proceedings initiated under the Election Code, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings. All of these appeals are filed directly with the Supreme Court, and, in these cases bypass the Court of Appeals. The Supreme Court also has exclusive jurisdiction to promulgate rules governing practice and procedure in civil and criminal actions.

Colorado's attorneys are licensed and disciplined by the Supreme Court. The court's attorney regulation system, funded by attorney registration fees, helps the Colorado Supreme Court regulate the practice of law in Colorado through various programs. The office oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney diversion and discipline, regulation of the unauthorized practice of law, and inventory counsel. In addition, the court oversees the State Court Administrator, Board of Continuing Legal Education and the Board of Law Examiners.

COLORADO COURT OF APPEALS

The Colorado Court of Appeals is the state's intermediate appellate court and consists of 22 judges who serve eight-year terms. The Court sits in three-member divisions to decide cases. The mission of the Court of Appeals is to provide the citizens of Colorado with clear, impartial, and timely resolutions of appealed orders and judgments as provided by law. The Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. In addition, the Court of Appeals has appellate jurisdiction over decisions originating from several state administrative boards and agencies. Review of the Court of Appeals' decisions are directed to the Colorado Supreme Court.

COLORADO TRIAL COURTS

Established pursuant to Article VI of the Colorado Constitution, Colorado's state trial courts consist of county courts, district courts, and water courts. Colorado is divided into 22 judicial districts. District boundaries generally align with county borders; however, most districts are comprised of multiple counties with the exception of four districts. There are currently 196 district judges serving within Colorado's 22 judicial districts. District judges preside over felony criminal matters, civil claims in any

amount, juvenile matters (including adoption, dependency and neglect matters, juvenile delinquency, and paternity actions), probate, mental health, divorce proceedings, and water cases. Additionally, district judges handle appeals from Colorado municipal and county courts, and review decisions of some administrative boards and agencies.

Colorado's county courts serve the citizens of each county in the state. County judges handle cases involving serious public safety issues such as misdemeanor cases, felony advisements, setting bonds, and preliminary hearings. There are 114 county court judges. County judges also issue restraining orders in cases involving domestic violence arrest, issue search warrants, and preside over traffic cases and civil actions involving no more than \$25,000.

The Water Right Determination and Administration Act of 1969 created seven water divisions according to drainage patterns of various rivers in Colorado. Each water division is staffed with a division engineer, appointed by the state engineer; a water judge, appointed by the Supreme Court; a water referee, appointed by the water judge; and a water clerk, assigned by the district court. Water judges are district judges appointed by the Supreme Court and have jurisdiction in the determination of water rights, the use and administration of water, and all other water matters within the jurisdiction of the water divisions.

PROBATION SERVICES

Adult and juvenile probation services are provided in all of Colorado's 22 judicial districts. This includes 23 probation departments with over 70 separate probation offices throughout the state. Colorado Probation is committed to public safety; victim and community reparation through offender accountability; skill and competency development; and service to the communities of Colorado. The Division of Probation Services (DPS) collaborates with local probation departments, courts and stakeholders to facilitate system improvement. DPS promotes learning and skill development, and provides customer support to improve knowledge, research application, and probation effectiveness.

OFFICE OF THE STATE COURT ADMINISTRATOR

Colorado Courts and Probation, with more than 300 judges and 3,500 support staff members, is centrally administered by the Chief Justice of the Supreme Court. To assist the Chief Justice, the Supreme Court appoints the State Court Administrator (SCA). Each of the State's 22 Judicial Districts also has a Court Executive and a Chief Probation Officer, and each of the 64 counties has a Clerk of Court.

The State Court Administrator's Office (SCAO) provides administrative support and services to the trial and appellate courts to assist them in providing the citizens of Colorado meaningful, speedy and economical forums to resolve disputes. It also supports the management of probation services to enhance public safety and offender rehabilitation.

In executing its constitutional and statutory duties, the office has the following functions: to provide administrative and technical support to the appellate courts, trial courts and probation; to provide centralized policy guidance; to develop and implement standards and guidelines; to serve as an advocate in obtaining necessary resources from the legislature; to provide services in an accurate, timely and equitable manner. Business processes and technologies are consistently under evaluation for improvements throughout the Department in order to improve efficiency and to make the courts more accessible to the citizens of Colorado.

Principle Strategies and Goals

PRINCIPLE 1: Provide equal access to the legal system and give all an opportunity to be heard.

Barriers to access range from difficulties navigating court and probation facilities to a lack of information on how to obtain accommodations for people with disabilities or those that are limited English proficient to inadequate resources to assist self-represented parties with their procedural questions. Such barriers may compromise effective and meaningful access to the court system.

GOAL 1a. Identify and address barriers to effective participation.

GOAL 1b. Maintain safety in all court and probation facilities.

GOAL 1c. Assist self-represented parties.

PRINCIPLE 2: Treat all with dignity, respect, and concern for their rights and cultural backgrounds, and without bias or appearance of bias.

As Colorado's population continues to diversify, so does the population that participates in the court system. It is important that judges and judicial staff be aware of the values of a wide number of cultures, and, when appropriate, make accommodations. Courts and Probation are working to ensure that the courts are free from both bias and the appearance of bias, meeting the needs of increasing numbers of self-represented litigants, remaining receptive to the needs of all constituents, ensuring that court procedures are fair and understandable, and providing culturally responsive programs and services.

GOAL 2a. Collect feedback from court users, victims of crime, and those on probation regarding their experience with court and probation services.

GOAL 2b. Train all court and probation employees in communication, cultural competency, and customer service skills.

PRINCIPLE 3: Promote quality judicial decision-making and judicial leadership.

Court practices and case management procedures should be as uniform as practicable to avoid confusion and uncertainty. Courts and Probation must provide ongoing professional development, education, and training to address many concerns including the increasing complexity of court practices and procedures and the incorporation of evidence based in court operations and interactions with the public. Maintaining professional excellence will promote public trust and confidence in the judicial system as a whole.

GOAL 3a. Employ effective case management strategies.

GOAL 3b. Incorporate evidence-based principles in judicial decision-making.

GOAL 3c. Employ accountability methods to ensure court orders are being enforced and monitored.

GOAL 3d. Develop systems that assure court-appointed persons are providing quality services.

GOAL 3e. Train and educate judicial officers on an ongoing basis.

GOAL 3f. Implement professional development and leadership programs for staff.

PRINCIPLE 4: Implement quality assessments and community supervision of adult and juvenile probationers to demonstrably enhance public safety and respect for victim rights.

The Division of Probation Services strives to reduce offender recidivism through the application of the Eight Principles of Effective Intervention. Probation Services promotes accountability and responsiveness in its enforcement of the court's orders while affecting long-term behavior change in offenders.

GOAL 4a. Ensure the accuracy and efficiency of pre- and post-sentence assessments; and provide comprehensive assessment information to assist judicial officers in making more informed decisions, leading to improved and less costly outcomes.

GOAL 4b. Employ evidence-based practices in all applicable areas of probation.

PRINCIPLE 5: Cultivate public trust and confidence through the thoughtful stewardship of public resources.

In serving the people of Colorado, Courts and Probation must also exercise its constitutional and statutory authority and responsibility to plan for, direct, monitor, and support the business of the system and to account to the public for the system's performance. The fulfillment of this role is only possible when the other branches of government and the public have trust and confidence in the system. In order to retain trust and confidence, the system must be accountable to the people it serves by providing a fair and open process, communicating clear and consistent expectations for all who participate in that process, and being good stewards of the resources appropriated to it for the fulfillment of its mission.

GOAL 5a. Utilize the most effective and cost-efficient methods to conduct the business of the courts and probation.

GOAL 5b. Employ new and enhanced technology solutions for managing judicial business.

GOAL 5c. Share information and data with other governmental entities and the public, while balancing privacy and security concerns.

GOAL 5d. Ensure transparency of court and probation services operations.

GOAL 5e. Maintain a strong and well-trained workforce.

Environmental Scan

The COVID-19 global pandemic created significant disruption to everyday life across the world. While some countries began experiencing alarming rates of virus transmission in the early part of 2020, the United States and Colorado first began responding to the public health concerns related to the COVID-19 virus in March 2020. Since that time, varying levels of social, economic and government restrictions have been in place to mitigate the spread of the virus. These restrictions have had direct impacts on the trial courts and how the courts conduct daily business to meet the needs of the public. Public health orders have put limitations on pursuing certain types of court proceedings, such as evictions. The trial court workload has also been indirectly affected in many ways as fewer people are traveling on roadways, schools implemented partial or full remote learning plans, routine healthcare screenings and visits have been canceled or delayed (both schools and health care professionals are mandatory reporters for concerns of abuse), restaurants, bars and other social establishments have limited operations or shut down completely. The full scope of impact for society and the work of the courts more specifically remains to be seen, but both have undergone substantial changes in a compressed period of time and will likely not emerge the same.

Principal strategies and goals have been developed to identify and meet the challenges faced by the Colorado Courts and Probation in a dynamic environment. Clearly the COVID-19 public health crisis presented challenges for the courts unlike the years before. In addition to COVID-19, many factors impacted the operations of Colorado's courts and probation in the past year, including:

- Fiscal Year 2020-21 (FY21) Budget reductions
- Increased reliance on technology
- Increase in language diversity

FY20 and FY21 Budget Reductions

The COVID-19 pandemic onset in March of 2020 resulted in one of the most severe recessions in United States history forcing the State of Colorado to make drastic budgetary reductions to balance the budget in FY21. The Judicial Department was required to make significant General Fund reductions totaling \$45.6 million in FY21. These reductions were severe and consequential. The Department eliminated 196.7 positions that resulted in the termination of over 111 employees in the Trial Courts, Appellate Courts, Probation, and the State Court Administrator's Office at the beginning of the current fiscal year (FY21). There are fewer staff to assist parties without attorneys, assist jurors through the jury selection, and to process critical, often time sensitive, documents. While the Judicial Department is not subject to Governor's Office of State Planning and Budgeting oversight, it recognizes the severity of the COVID-19 induced recession and is following its guidance to ensure consistency.

Impact on Trial Courts

These budget reductions have only been implemented for approximately eight weeks, but the Judicial Department is already experiencing significant negative impacts on both staff's ability to do this necessary work and, most importantly, the public's ability to access justice and essential services. Although the Department recognizes these reductions were necessary, trial courts are now operating below 80 percent of full staffing levels. Staffing levels prior to budget reductions were already low enough that these additional cuts have required local court leadership to sacrifice efficiency to ensure critical tasks are

completed correctly and accurately. Trial courts have had to completely restructure workloads and are facing a significant case backlog due to a temporary moratorium on jury trials and the trial courts' inability to resume in-person proceedings at a level anywhere close to normal. Trial and appellate courts are doing everything they can to conduct essential business as safely as possible, but that also means that our courts must operate much less efficiently. The business of our courts now takes more time – more time to conduct proceedings virtually, more time to conduct in-person proceedings while following public health guidance, and more staff time to make sure safety protocols are implemented effectively. And, as a result of the budget cuts, our courts must adapt to the increased workload with fewer staff. Remaining staff are performing multiple roles to meet business needs. The workload impact is not sustainable long term. For example, where courtroom staff previously could assist in supporting certain components of the jury selection and trial process, jury commissioners in some locations must also serve as bailiff for the proceedings, which impacts their ability to prepare for and call the jury for other cases set for jury trial. In some instances, districts must share personnel across the state in order to meet critical business needs. Judicial districts that eliminated court reporter positions in response to the budget reductions now must coordinate with other districts statewide when necessary for a case. The strain created by staff reductions makes even routine sick and paid time off coverage nearly impossible without disrupting the service and accessibility of the courts.

The challenges of losing staff are exacerbated in the unique circumstances of 2020. Judicial officers and staff must learn and adapt to virtual platforms in an accelerated timeframe and must navigate significant logistical adjustments in order to comply with public health guidelines for activities and services that continue to be available in person. To continue to process cases and serve the public while keeping both staff and members of the public safe, courts are deploying every available strategy, including staggering hearing and reporting times, utilizing virtual platforms and remote work when possible, restructuring physical spaces to accommodate social distancing and outfitting facilities with plexiglass and other protective barriers, increasing virtual resources and information, and encouraging individuals to correspond via telephone, e-mail, or mail whenever possible. One large metropolitan court reported being forced to reduce the front counter staff by 50 percent in order to comply with social distancing requirements. Another court location on the Western slope is only able to accommodate in-person service by appointment. The courts have also had to implement more rigorous cleaning protocols which is an added duty court staff must address with fewer people to do the work, resulting in even more delays for court users and the public. The amount of staff time required to address a given caseload has increased significantly in an environment with fewer staff.

Jury trials in particular have experienced unprecedented disruption due to the public health guidelines to which trial courts must adhere. Typically, there are approximately 1,700 jury trials held statewide between March and September on any given year, however, in 2020 there have been just 322 jury trials held in this same time period, or 20% of what is typical for this time. It is important to note that the number of cases scheduled for trial has not changed, only the capacity of the court to hold these proceedings. Criminal jury trials involve constitutional protections for the accused as well as statutorily-imposed deadlines, so regardless of the public health concerns and impacts to new filings, this core part of the judicial process continues to demand attention. Many courthouses across the state have very limited physical space to accommodate all the necessary participants for a jury trial in compliance with public health guidelines, and some do not have any courtrooms that are large enough to hold a jury trial. In fact, some districts are having to rent large spaces to accommodate jury calls with appropriate physical distancing. Furthermore, the ability to summons the appropriate number of potential jurors and process them with strict adherence to social distancing and cleaning protocols requires significantly more time and staff. One judicial district that comprises six counties has needed to limit jury trials to one per

day across all six counties due to the immense staff and space demands these proceedings require. Even when guidelines relax and courts return to more efficient practices, the number of jury trials accumulating during this time is of great concern. Given the statutory timeframes criminal cases must follow, the tremendous backlog in these cases ultimately translates to significant delays in processing divorces, certain juvenile matters, civil disputes, and other matters that greatly impact the lives of individuals involved.

The impacts of the COVID-19 public health crisis impacted the filing numbers for FY2020 as trial court operations were significantly limited beginning at the end of the third quarter through the end of the fiscal year. For example, in FY20 county civil cases decreased roughly 17 percent compared to FY19. However, there have been a number of temporary protections put in place during the COVID-19 pandemic that have contributed to declining filings for county civil, such as new restrictions on debt collection actions and evictions. The declines in FY20 are largely expected to return to prior filing levels, and in some cases experience growth, as public and economic stability are restored. It is important to note that not all case types experienced decline, even in the extraordinary circumstances of FY20. District civil cases increased nearly 20 percent, in large part due to increases in tax lien filings. Misdemeanor filings held steady while felony filings did show a modest decrease from FY19, the felony filing levels are still nearly 45% higher than in FY 2012. These classes represent some of the most resource intensive matters that come before the trial courts.

Impact on Probation Departments

The FTE reductions have impacted both urban and rural districts in different ways. One large metropolitan district lost 14 FTE in the areas of support staff, probation officers, and probation supervisors. This district serves two counties and 13 municipalities with 162 employees serving nearly 10,000 offenders. FTE reductions have caused this district to redistribute over 1,000 probationers to a smaller number of probation officers due to lost positions and layoffs. The net effect of this redistribution is higher caseloads and subsequently less time for quality assurance, quantity of work, and logistical operations such as coverage in courts and front office operations. With the reductions, probation supervisors in the district are supervising larger numbers of officers, which results in less time doing quality control and professional development of staff. Staff are under pressure to maintain quantity and quality of work which compromises their capacity to take paid leave for wellness and recovery purposes in a very high-demand and high-stress environment.

Staff reductions impacted smaller districts as well. A small rural district serving rural counties in Southern Colorado lost two positions. In order to accommodate their FTE reductions, this district has had to transfer probation officers from their original primary duty station which requires daily travel from their home to their new duty station nearly an hour away each direction. Supervisors, which usually do not carry caseloads, are now having to perform direct-service work to probationers in addition to quality control and general supervision of staff – adding to their workload. Administrative support staff are required to travel between locations to ensure the offices operate effectively. at both office locations. The Problem-Solving Court Coordinator is also covering direct service work with clients due to reduced probation officer capacity and the district has reduced capacity for Pre-Sentence Investigations and Drug Court caseloads.

Increased reliance on technology

The COVID-19 pandemic has forced trial courts to use technology in expanded and new ways without additional staff or resources in order to continue critical operations in spite of significant disruption and public health restrictions. Providing for virtual participation and access in certain aspects of court proceedings allows for continued progress on cases while adhering to public health orders aimed at protecting the health and safety of the community but it is not without challenges and increased costs. While technology has many benefits, it is also important to consider that conducting court proceedings in this new way actually requires more time as opposed to less. Proceedings often involve multiple participants with varying levels of technology competency and resources resulting in the routine need to troubleshoot and resolve technical issues prior to and throughout virtual proceedings. The accumulation of time spent on managing and resolving technical difficulties can be significant and places additional demands on an already reduced workforce. Also, Judicial officers indicate that complex proceedings involving extensive evidence and exhibits are take longer in a virtual environment. Also, matters requiring the use of an interpreter take significantly more time in virtual proceedings as simultaneous interpretation is not possible with existing tools. Previously, the interpreter could render the information while the speaker was speaking, but currently in virtual proceedings, the speaker must pause to allow for the information to be interpreted which at least doubles the amount of time needed to conduct the proceeding. The Judicial Department will continue to monitor the impact on time and workload changes as a result of conducting proceedings virtually. The Department will also continue to refine the tools and technologies used to create a sustainable virtual context for this important work.

The Judicial Department recognizes there are some benefits to conducting proceedings in a virtual platform, not all of which have been able to be fully realized due to the speed of adoption, lack of necessary tools and resources. Individuals do not need to navigate transportation and parking to appear before the court and more precise scheduling for virtual proceedings has minimized the amount of time individuals must take off from work or school. Judicial officers conducting virtual proceedings have shared anecdotally that the virtual option for participation represents a more trauma-informed approach. An individual with a trauma history may find the courtroom environment triggering and allowing for an individual to be present for a court proceeding without direct exposure to the courtroom itself can be of great value. At the same time, access to technology is not uniform across the population and so courts must strive to allow for virtual proceedings when possible but balance that with equal access for those individuals that are unable to participate through the use of technology.

The Judicial Department formed a Virtual Proceedings Committee, comprised of appellate and trial court judicial officers, court reporters, jury commissioners, clerks of courts, legal counsel and State Court Administrator staff working in the areas of language access, court operations, dispute resolution, access to justice and information and technology. The Committee developed a best practices and recommendations document based on both local and national research and experience with holding court proceedings virtually. The Committee continues to meet to further several projects related to virtual trial court proceedings and to troubleshoot issues that arise as courts across the state utilize technology in new ways to carry forward the work of the courts and serve the public even in times of significant disruption due to the public health crisis and budget reductions. Even as the public health crisis is resolved, many courts may continue with virtual hearings as the potential efficiency for both courts and customers is realized.

Increase in Language Diversity

The diversity of Colorado’s population has been steadily growing for the past two decades and is expected to continue growing in the coming decades. The Hispanic, Black, Asian and other minority share of the state’s total population is expected to increase from 29% in 2010 to 45% by 2050. In Colorado, individuals of Hispanic origin made up approximately 21% of the population. By 2050, population estimates predict one in every three persons in the State of Colorado will be of Hispanic origin. The Asian/Pacific Islander (non-Hispanic) population is also expected to experience growth, from 49,000 in 2010 to more than 505,000 by 2050¹. While increased diversity in race and ethnicity does not directly measure language diversity it does support the potential for expanded language needs to serve all members of the population where English may not be a primary language.

According to Census Bureau data, more than 300,000 Coloradans speak English “less than very well.” The Census Bureau has changed how it tracks data regarding people who speak more than one language so it’s difficult to measure the changes over time. However, the data shows that the roughly 300,000 people with limited English proficiency (LEP) skills represent about 6 percent of the population. Language and cultural barriers can create other obstacles such as misconceptions about the role of the court system and law enforcement. These challenges can keep litigants with limited English proficiency from participating fully in their own court proceedings. In addition, these barriers can result in the misinterpretation of witness statements to judges or juries during court proceedings and can deter minority litigants from using the civil justice system as a forum to address grievances. These concerns coupled with the growth in the LEP population amplify the significance of court interpretation and translation as management issues for the trial courts, which are increasingly compelled to use language interpreters in court proceedings and translators for written documents. In FY20, interpreter services were provided in 117 languages, and the Colorado Courts scheduled over 77,000 interpreting events.

The need for interpreter services adds another set of variables in the case management efforts of the state’s trial courts. Additional time is required to determine the need for interpreter services, to schedule the appearance of interpreters, to conduct proceedings using interpreter services, and to process payments for interpreter services. Further, if an interpreter is not available or does not show up to a hearing, proceedings must be delayed. These factors can add significantly to the time required to resolve cases in traditional circumstances and have only been intensified as a result of the COVID-19 impacts. Currently, the trial courts do not have a virtual platform that allows for simultaneous interpretation for virtual court proceedings. This means the speakers must pause to allow the interpreter to interpret the content at routine intervals, ultimately adding a significant amount of time to the proceeding. The Office of Language Access has been in consultation with national experts and other states and is working closely with the Information Technology Services Division to research alternative technologies that would make simultaneous interpretation possible in virtual proceedings.

¹ Population forecasts by race and ethnicity are produced annually at the state level by the State Demography Office. The forecasts are based on data from the 2010 Census Modified Race Data and expected trends in fertility and survival based on race specific birth and death data released by the Colorado Department of Public Health and Environment. Source: <https://demography.dola.colorado.gov/population/race-hispanic-origin/#race-and-hispanic-origin>.

Management Strategies and Measurements

TRIAL COURTS

New Case Filings Overview

The impacts of the COVID-19 public health crisis impacted the filing numbers for FY2020 as trial court operations were significantly limited beginning at the end of the third quarter through the end of the fiscal year. For example, in FY20 county civil cases decreased roughly 17 percent compared to FY19. However, debt collection cases are a large part of the county civil category and there have been a number of temporary protections put in place during the COVID-19 pandemic and economic hardships experienced as a result. The declines in FY20 are largely expected to return to prior filing levels, and in some cases experience growth, as public and economic stability are restored. It is important to note that not all case types experienced decline, even in the extraordinary circumstances of FY2020. District civil cases increased nearly 20 percent, in large part due to increases in tax lien filings. Misdemeanor filings held steady while felony filings did show a modest decrease from FY19, the felony filing levels are still nearly 45% higher than in FY 2012. These classes represent some of the most resource intensive matters that come before the trial courts.

County Court Filings by Case Class

Case Class	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
CIVIL										
New Cases Filed	200,250	193,282	174,466	158,525	144,868	138,631	140,462	143,591	142,877	118,328
Cases Terminated	199,308	192,635	174,554	132,170	144,018	137,744	138,286	142,319	142,038	117,864
INFRACTIONS										
New Cases Filed	84,610	75,464	67,581	69,515	70,375	69,782	66,561	65,344	65,572	63,572
Cases Terminated	87,072	76,228	68,033	67,854	71,664	70,107	66,823	65,996	65,343	60,317
MISDEMEANORS										
New Cases Filed	67,137	70,068	62,740	60,585	62,131	60,682	61,298	62,589	61,951	61,530
Cases Terminated	68,187	67,482	65,310	57,193	59,852	59,799	59,396	60,748	60,108	50,519
SMALL CLAIMS										
New Cases Filed	9,629	9,117	8,171	7,589	7,404	7,309	7,118	6,990	6,655	5,363
Cases Terminated	9,707	9,244	8,357	6,710	7,245	7,266	6,896	6,713	6,935	5,323
TRAFFIC										
New Cases Filed	126,788	121,112	115,465	117,389	124,922	118,215	115,370	113,865	112,733	104,397
Cases Terminated	135,046	124,842	115,706	114,112	114,989	116,252	114,885	113,648	110,139	91,288
FELONY COMPLAINTS (a)										
	16,851	15,328	17,832	16,794	16,247	18,095	19,546	21,515	23,018	18,899
TOTAL										
New Cases Filed	505,265	484,371	446,255	430,397	425,947	412,714	410,355	413,894	412,806	372,089
Cases Terminated (b)	499,320	470,431	431,960	378,039	397,768	391,168	386,286	389,424	384,563	325,311

(a) Felony complaints represent the number of criminal cases, docketed as (CR), that begin in county court. The processing of felony cases varies between locations. The counties processing CR cases hear advisements. Some counties do preliminary hearings in county court before moving the case to district court for completion of the felony process. The case can also be reduced to a misdemeanor and remain in county court. The cases retain the same docket number in either county or district court.

(b) Does not include felony complaints.

Does not include Denver County

District Court Filings by Case Class

Case Class	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
CIVIL										
New Cases Filed	125,597	169,055	108,634	96,325	101,112	88,277	80,632	96,176	87,295	104,632
Cases Terminated	126,804	169,186	111,606	97,728	101,355	88,758	80,917	95,618	87,015	105,175
CRIMINAL										
New Cases Filed	35,966	35,551	37,888	37,966	40,903	46,004	51,775	54,479	56,292	51,378
Cases Terminated	36,324	34,957	37,293	37,615	39,343	42,730	47,998	51,258	54,573	47,714
DOMESTIC RELATIONS										
New Cases Filed	36,009	35,434	34,630	34,907	34,841	34,966	35,057	34,357	33,610	30,697
Cases Terminated	35,748	35,683	34,593	35,067	34,352	34,877	34,799	34,348	33,807	31,180
JUVENILE										
New Cases Filed	29,958	28,731	27,296	24,600	24,681	24,324	23,339	23,120	22,847	18,545
Cases Terminated	29,326	26,462	26,951	23,866	23,274	22,518	21,722	22,072	21,620	18,580
MENTAL HEALTH										
New Cases Filed	5,543	6,064	6,480	7,072	7,326	7,689	7,947	7,933	7,779	7,533
Cases Terminated	5,483	5,744	6,531	7,072	7,408	7,731	7,905	7,994	7,804	7,765
PROBATE										
New Cases Filed	13,655	14,042	15,553	15,203	15,728	16,309	16,619	16,738	16,191	15,785
Cases Terminated	14,067	17,387	15,578	15,387	15,718	16,151	16,699	16,751	16,116	16,126
TOTAL										
<i>New Cases Filed</i>	246,728	288,877	230,481	216,073	224,591	217,569	215,369	232,803	224,014	228,570
<i>Cases Terminated</i>	247,752	289,419	232,552	216,735	221,450	212,765	210,040	228,041	220,935	226,540

Trial Court Management Strategies

One measure the Judicial Department utilizes to monitor workload and the ability to effectively process trial court matters before the courts is to assess timeliness of proceedings. Performance goals for trial courts have been established through various means, including Chief Justice Directive 08-05 (Case Management Standards). This directive was developed with input from judges and establishes aspirational time processing goals for each case class. Information about each district's progress in meeting the goals is reported quarterly. Information for individual judges is provided to the Judicial Performance Commission during each judge's retention evaluation.

As mentioned previously, trial courts have not been immune to significant impacts related to the COVID-19 public health crisis. Beginning in March 2020, the Chief Justice of the Supreme Court issued a directive limiting trial court operations to address only a handful of issues that involve extreme urgency. While court operations have since resumed in many respects, ongoing public health requirements related to COVID-19 continue to alter the business operations and processes available to trial courts. This period of significant disruption created delays in the processing of existing cases and in certain types of cases, such as eviction proceedings where new cases have been prohibited for set timeframes. However, once those restrictions are lifted, the trial courts anticipate a substantial influx of eviction proceedings. Trial courts are actively working to address current backlogs and planning for how to most efficiently process new cases. The numbers listed below demonstrate the strain the public health crisis has placed on timely

processing of court cases. Further complicating the situation, the trial courts eliminated more than 123 FTE statewide as a result of mandatory budget reductions for FY2021.

In addition to limitations on filings for a period of time, a moratorium on jury trials was also issued as a result of the public health concerns. In order to conduct a jury trial, the courts must compel members of the public, sometimes in large volumes, to report to the courthouse to participate in the jury selection process. While stay-at-home orders were in place, it was not prudent or even possible in some circumstances to compel members of the public to expose themselves to the risk of exposure to participate in this process. The Chief Justice Order suspending jury trials remained in effect until August 2020, although exceptions could be sought when appropriate plans for maintaining public safety and compliance with public health guidance were presented. Statewide trial courts have resumed jury trials, however there are still eight counties across the state that have not yet issued jury summons. The suspension of jury trials has a significant impact on the court’s ability to process and resolve criminal cases in accordance with statutory timeframes and organizational goals. There are approximately 1,700 jury trials held statewide between March and September on any given year, but in 2020 there have been just 322 jury trials held in this same time period. The table below demonstrates the significant impact on jury trials in 2020 compared to prior years.

Table 1								
Jury Trials Held Statewide								
	March	April	May	June	July	August	September	Total
2017	256	259	228	270	192	284	213	1,702
2018	279	262	243	255	195	263	214	1,711
2019	237	276	258	219	227	274	176	1,667
2020	127	0	0	1	19	77	98	322

The following tables reflect the time standards for district and county courts:

TABLE 2			
District Court Case Management Time Standards Established Pursuant CJD 08-05			
Case Class	Pending Cases Exceeding Target		Target
	4th Quarter FY 2019	4th Quarter FY 2020	
Civil	10.51%	15.19%	No more than 10% of cases open more than one year.
Criminal	5.23%	7.45%	No more than 5% of cases open more than one year.
Domestic Relations	3.86%	6.39%	No more than 5% of cases open more than one year.
Juvenile Delinquency	2.88%	5.67%	No more than 5% of cases open more than one year.
Dependency and Neglect (over 6 years old)*	3.53%	3.00%	No more than 5% of cases open more than 18 months.
Dependency and Neglect (under 6 years old)*	4.64%	5.67%	No more than 10% of cases open more than one year.

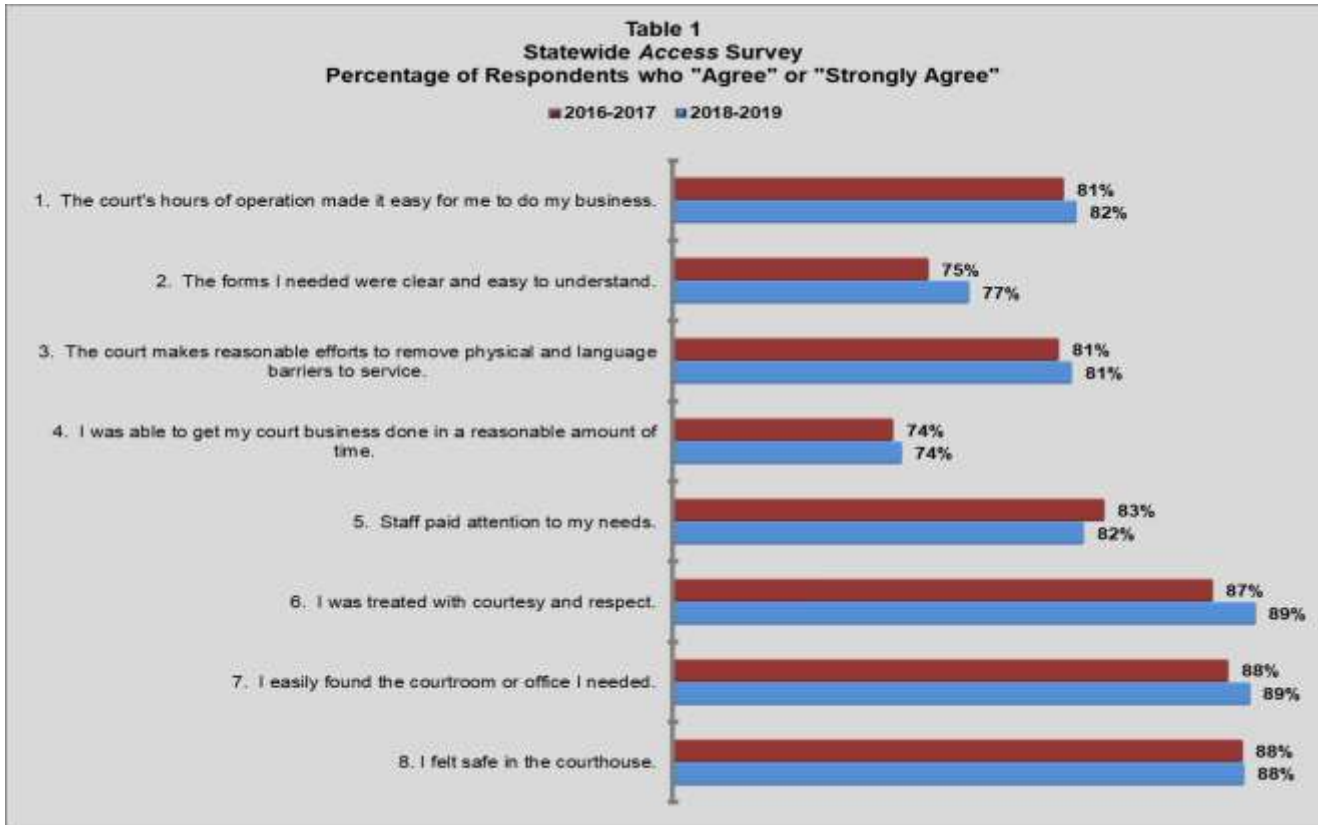
* The standards in dependency and neglect are under review. This measure shows time to first permanency hearing. A more optimal measure would be time to true permanent placement or termination of court jurisdiction.

TABLE 3			
County Court Case Management Time Standards Established Pursuant CJD 08-05			
Case Class	Pending Cases Exceeding Target		Target
	4th Quarter FY 2019	4th Quarter FY 2020	
Civil	5.94%	7.29%	No more than 5% of cases open more than six months.
Misdemeanor	13.47%	19.36%	No more than 10% of cases open more than six months.
Small Claims	9.62%	12.97%	No more than 1% of cases open more than six months.
Traffic	6.78%	14.10%	No more than 5% of cases open more than six months.
DUI/DWAI	12.48%	23.62%	No more than 20% of cases open more than seven months.

Another measure of trial court performance and alignment with organizational goals is through Access and Fairness surveying. In order to gauge the level of perceived trust and confidence within the courts, the Department conducts a survey in every judicial district in the state every two years. The survey is a set of ten trial court performance measures developed by the National Center for State Courts that attempt to give court managers a balanced perspective on court operations. The purpose of the survey is to:

- Rate the court user’s perceptions of the courts accessibility and its treatment of court users in terms of fairness, equality, and respect;
- Provide a general snapshot on how the public perceives access and fairness in the courts; and
- Establish a baseline of information so that the courts can evaluate current practices and create plans for more improved and efficient court practices.

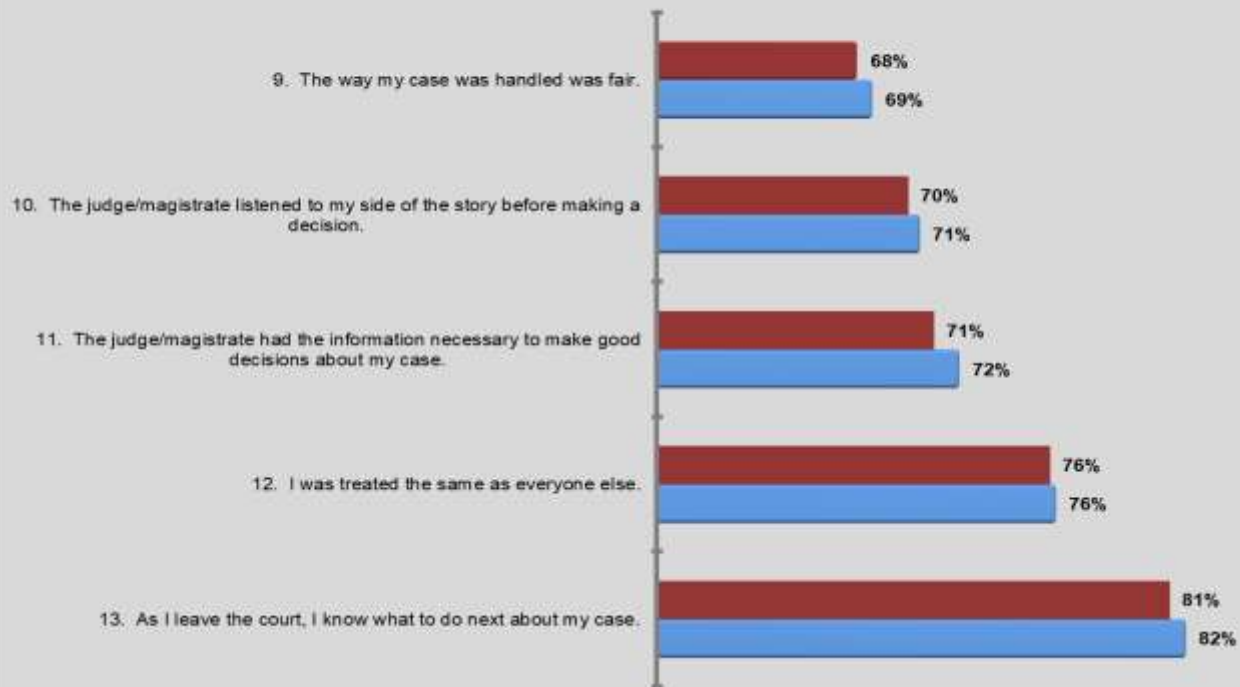
The following figures illustrate statewide survey results from 2016-2017, compared with 2018-2019²:



² Access and Fairness surveying typically takes place between May and October. In 2020, the State Court Administrator's Office suspended Access and Fairness surveying efforts due to the significant disruption to court operations and public health restrictions. As a result, 2018-2019 data is the most recent survey data available.

Table 2
Statewide Fairness Survey
Percentage of Respondents who "Agree" or "Strongly Agree"

■ 2016-2017 ■ 2018-2019

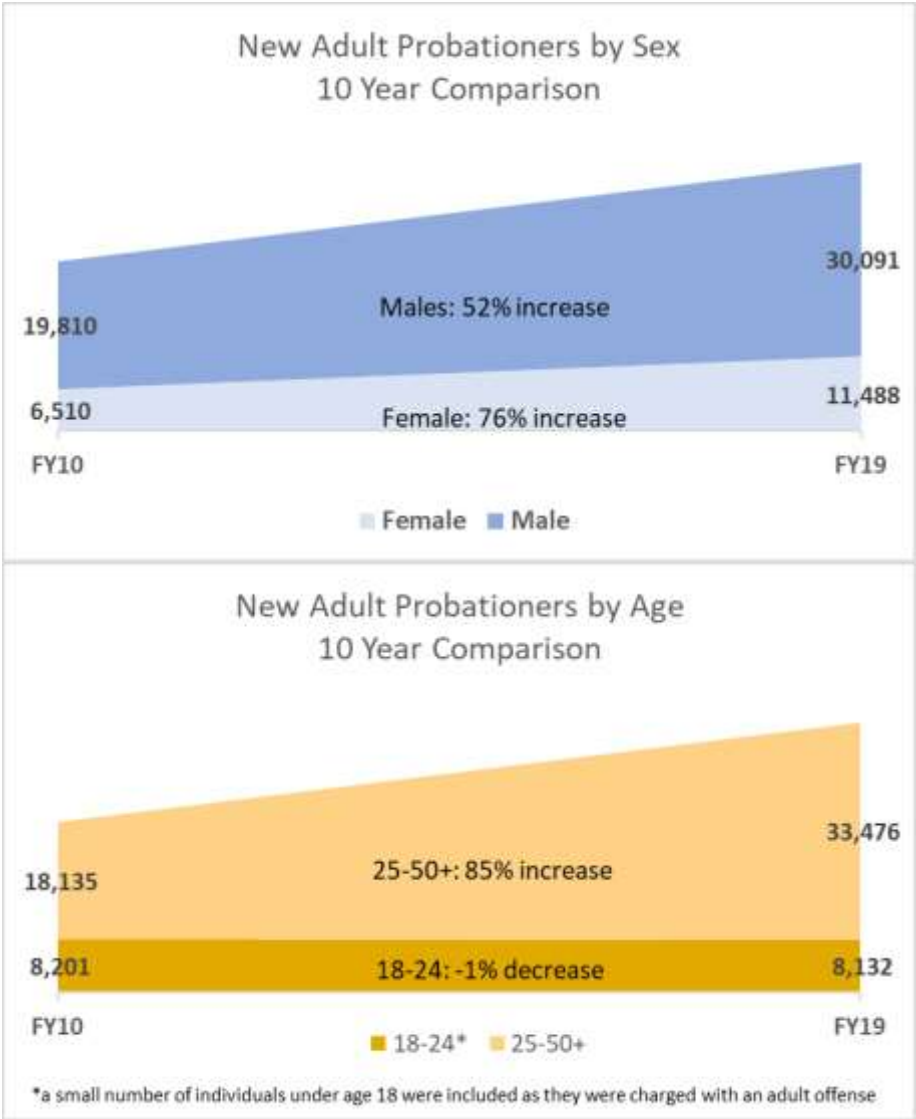


PROBATION SERVICES

Colorado Probation provides community supervision for adults and juveniles sentenced to probation. Over the last ten years, despite Colorado’s population growth, the number of individuals sentenced to probation has declined. There were approximately 1,200 fewer adults sentenced to probation in FY2019 (n=51,241) compared to FY10 (n=52,522) and 2,650 fewer juveniles sentenced to probation in FY2019 (n=2,620) compared to FY2010 (n=5,270).

Fewer adults and juveniles sentenced to probation is likely due to several contributing factors including diversion and early intervention programs, the implementation of recidivism reduction programs, and changes in legislation. Looking at the composition of probation’s population, several interesting fluctuations can be noted. When looking specifically at the largest subsection on probation, adults on regular supervision, there has been a notable shift in the severity of offense type, specifically felony versus misdemeanor convictions for those newly sentenced to probation. In FY2010, 40% of adult probationers sentenced to regular probation had a felony conviction (n=10,460); while in FY2019, 33% of the new probationers had felony convictions. However, the number of individuals sentenced to regular probation with a felony offense increased from 10,460 in FY2010 to 13,773 in FY2019, which constitutes a 31% increase in the number of individuals sentenced to probation with a felony conviction. These trends largely reflect the impact of statutory changes, particularly in the decriminalization of drug crimes, changes in theft amounts, and legislative changes to impaired driving offenses.

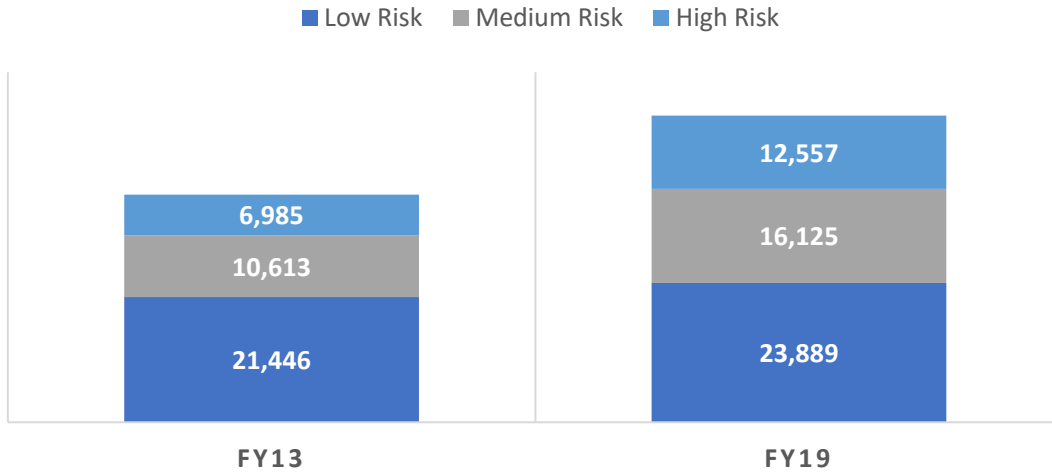
Other shifts include increases in the number and percentage of females sentenced to regular probation: in FY2010, 25% of new, regular adult probationers were female (n=6,510) and 75% were male (n=19,810), while in FY2019, 28% were female (n=11,488) and 72% were male (n=30,091). Additionally, over the last ten years, the young adult regular probation population has shrunk while the remainder of the adult population (25-40+) has steadily increased. From FY2010 to FY2019, the percentage of probationers in the 18-24-year-old category decreased from 31% (n=8,201) to 20% (N=8,132) while the percentage of probationers in the 25-40+ range increased from 69% (n=26,336) to 80% (n=41,608).



Note: Regular adult supervision excludes intensive programs, private probation and DUI monitoring.

Alongside the notable trends above, probation has experienced considerable growth in the number and proportion of higher-risk adult probationers on supervision (see chart below). Leadership and staff in probation districts report that the offenders being placed on probation are not only presenting with greater needs but also have more complex and disrupted stability factors (e.g. homelessness), behavioral problems, acute mental illness, and longer histories of failure on community supervision. Due to these factors, the strain placed upon state probation resources is growing. These cases require greater strategic and time-intensive supervision which exacerbate workload pressures currently felt under existing staffing levels.

RISK LEVEL COMPARISON FY13 TO FY19

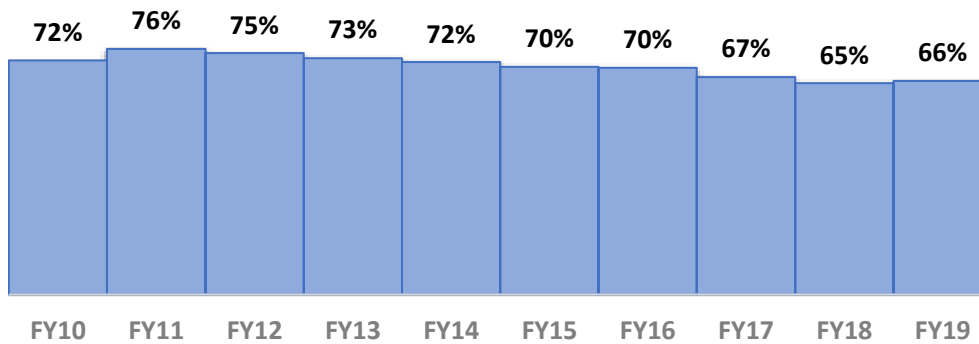


Probation continues to work to identify and utilize assessments, processes and programs that uphold public safety, are cost effective, and to increase positive outcomes. There is a continued focus on the identification and implementation of research-informed practices and principles. This effort is consistent with the principles of evidence-based decision-making and supports the approach of working with individuals based on their unique needs.

Due to budget reductions related to the COVID-19 pandemic, in FY2021, probation reduced its staff statewide by 57.9 FTE. After reductions, probation is collectively staffed at 82.9%. To fully staff probation in three years with a projected 1% increase in the probation population each year, the staff required would total 440 FTE (210 probation officers, 135 support staff, 24 administrative support, 69 supervisors, and 2 probation managers).

Probation success rates have steadily declined over the last 10 years with a slight rebound in FY2019. The overall success rate increased to 66% in FY2019 and preliminary numbers for FY2020 indicate another increase in success rates to a projected 67%. Each probation department receives quarterly reports with individual district success rates that allow them to monitor their progress throughout the year. Probation departments modify local practices and may request technical assistance and additional training to assist them in developing plans to improve their outcomes. A combination of technical violations and absconders account for most of the failures on supervision. Efforts to address these issues and improve successful termination rates in probation are summarized below under Probation Management Strategies.

10 Year Probation Programs Success Rates (FY10-FY19)



Note: This chart combines adult and juvenile, regular and intensive, monitoring, state and private probation numbers.

Probation Operational Response to COVID-19 Pandemic

At the onset of the COVID-19 pandemic, probation modified operations to keep staff, clients and the public safe. Through the first few months of the pandemic, essential services such as pre-sentence investigations, DUI evaluations, and intakes were performed remotely once the technical capacity was produced to do so. Appointments with probationers were prioritized for higher risk clients which were accomplished remotely or in protected in-person settings. Field work was suspended or completed virtually. Drug testing was either suspended or significantly postponed as were inpatient and outpatient treatment services except for areas where telehealth services were available. The Judicial Department prioritized the use of summons rather than arrest warrants for revocations and hearings were conducted virtually or postponed until the courts could operate safely. The use of jail was limited, and personal recognizance bonds were utilized in lieu of monetary bonds or arrest. The Chief Justice issued an order to temporarily waive specific probation standards until the pandemic period was such that operations could be returned to full capacity and within the requirements of the Court. The Division of Probation Services developed distance-learning curricula to maintain professional development services for the districts while also handling all other operations remotely without interruption of services.

During the first 6 months of the pandemic new sentences to probation declined significantly while terminations remained relatively constant. This resulted in a temporary eight percent (8%) reduction in the probation population. The Department expects this to be a temporary rather than sustained decline in the probation population.

Currently, probation offices are reopened to full or partial occupancy depending on the local jurisdiction. Essential services as described above are still performed either in-person or remotely. With courts being reopened and/or using virtual proceedings, hearings are back logged but are closer to normal workflow. The Department continues to prioritize summons rather than warrants. Jail space continues to be used judiciously only in cases where new felony or violent crimes are alleged or when public safety might be otherwise compromised. Judicial staff works with local sheriff's departments to use jail space conservatively depending on local needs and safety protocols. New sentences to probation have recently increased but are not consistent with previous levels. The Chief Justice order to temporarily waive specific standards is still in place at the discretion of Chief Judges at the district level. The Division of Probation Services continues to provide remote services to districts and stakeholder agencies without significant interruption in service.

Women in Probation

At the request of the Interim Prison Population Committee of the General Assembly, the Department produced a document reporting trends for justice-involved women on probation in Colorado. The paper generally reports that women in probation have unique risk and need profiles that warrant an additional focus on gender-responsive approaches to supervision and treatment. Generally, the paper reports that women are over-represented in maximum and medium supervision levels, mental health caseloads, dually diagnosed risk/need profiles, and in drug-related felony and misdemeanor crimes. The paper also reports women's self-reported and probation officer-reported challenges with balancing basic individual and family stability needs against supervision and treatment needs. The findings also include some research trends with unique challenges that justice-involved women face to include victimization, trauma, and traumatic brain injury. Probation will continue to work on understanding this phenomenon and towards higher levels of responsive supervision.

Probation Management Strategies

To improve outcomes, Probation continues to pursue full staffing, implementation of applicable research-informed programs and practices, and to provide training and other skill development opportunities. Probation's current efforts to improve outcomes include the following:

- Staff at the SCAO are partnering with probation staff and stakeholders to implement SB 19-108. The YLS/CMI 2.0 has been selected as the new risk/needs assessment tool for probation, and it is currently being programmed into Judicial's case management system. New standards for probation case management are being written to capture the requirements of the bill. In addition, a pilot study will begin in January to study the process of providing the Court with assessment data on every juvenile prior to their sentence, so the judicial officer will have more information on which to base sentencing decisions. After the pilot, probation will adopt this presentence practice statewide, as well as introduce training in the use of a structured decision-making process to address graduated sanctions.
- Development of a structured decision-making process (known as Strategies for Behavior Change – SBC) for responding to violation behaviors and reinforcing positive behaviors with the goals of harm reduction, improved success and long-term behavior change has been completed. The implementation of SBC has been underway for several years and all, but two judicial districts are in some phase of implementation. In response to the requirements of SB 19-108, all juvenile probation officers will be trained in SBC or their local version of structured decision-making, in FY2021.
- The development of probationer typologies (a reflection of common characteristics of a group of probationers) and evidence-informed supervision strategies was initiated for the adult probation population. The program, based on an analysis of Probation's adult population, has been developed, most districts have been trained, and statewide implementation was completed in FY2020. A new intensive supervision program (Casework Control Intensive Supervision – CCIP) was developed to specifically target higher risk/higher need probationers.
- A variety of mechanisms to monitor low-risk probationers in a cost-effective manner that creates increased time to be devoted to the management of higher risk offenders' supervision, without the loss of accountability for a large segment of the low risk probation population, is utilized. Examples include telephone reporting for low risk clients and the utilization of large low-risk only caseloads.

- The Special Projects Program (formerly known as the Rural Initiative Program) continues to facilitate the training and state approval of domestic violence, sex offender and substance abuse treatment providers in rural counties. This effort is intended to provide quality treatment “close to home” for probationers who would otherwise be required to travel significant distances to secure treatment. More recently navigator services have been introduced to assist probationers successfully complete supervision and the requirements of their sentence. These initiatives are supported by offender pay cash funds.
- In addition to the required training delivered statewide by the Professional Development Unit in the Division of Probation Services, skill training is being delivered for the research-informed programs and practices mentioned throughout this section. Included is the development and facilitation of training for Probation staff related to the Juvenile Justice Reform efforts. This will involve training on the use and interpretation of juvenile risk/need assessments, the creation of client case plans, and the use of behavioral response techniques. An additional focus is on the development of coaching skills for supervisors through the creation of practice opportunities (e.g. at the Probation Academy, SBC, and Orientation to Supervision). This is intended to help supervisors increase their support of staff as they implement best- and research-informed practices. More educational experiences for supervisors are also being explored.
- Probation officers are also trained in assessment and case planning. A total of 29 local trainers exist to provide on-going booster trainings, easing the burden of training for the state office and ensuring on-going attention to high-fidelity assessments and case plans. The Division of Probation Services (DPS), in collaboration with the local trainers and trainers from partner agencies, continue to improve upon assessment and case planning training by integrating more technology and distance learning components. Pursuant to the mandates of SB 19-108, a new risk/need assessment was chosen for implementation in FY2021. To date, staff at DPS have been trained in the assessment and are currently adopting the curriculum to a virtual platform for statewide rollout by the Spring of 2021.
- Performance feedback efforts continue, including quarterly statistical reports summarizing each district’s current population and termination numbers, allowing departments the opportunity to be responsive and adapt accordingly.
- Probation has added several pilot locations around the state to test a Traumatic Brain Injury screening tool and a referral process to provide additional services and support for those requiring accommodations. This work continues in partnership with other organizations and the courts.