

Discovery Task Force

Final Report

January 31st, 2014

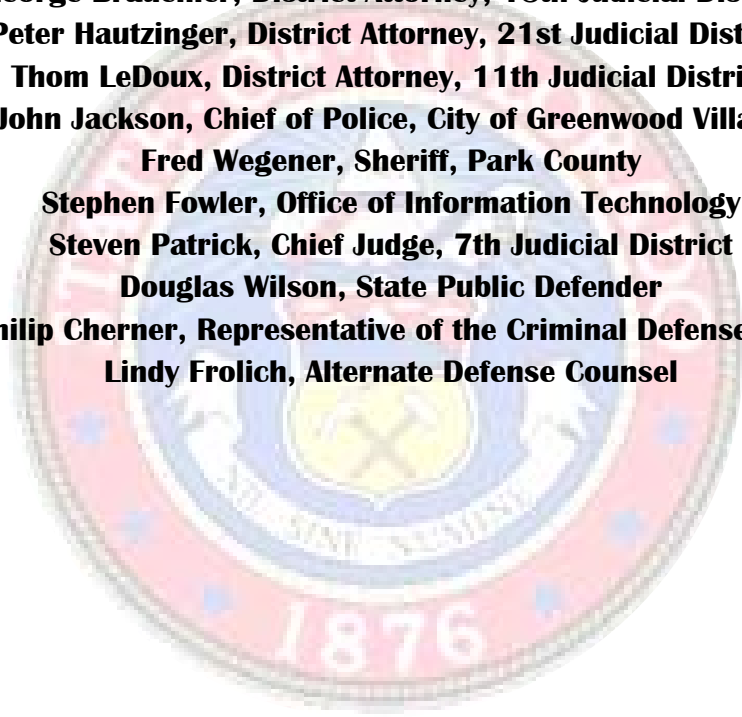


Discovery Task Force Committee
SB 13-246: Section 16-9-701(3), C.R.S.

Discovery Task Force

Members

Matthew Durkin, Deputy Attorney General, Chair
Gerald Marroney, State Court Administrator, Vice-Chair
George Brauchler, District Attorney, 18th Judicial District
Peter Hautzinger, District Attorney, 21st Judicial District
Thom LeDoux, District Attorney, 11th Judicial District
John Jackson, Chief of Police, City of Greenwood Village
Fred Wegener, Sheriff, Park County
Stephen Fowler, Office of Information Technology
Steven Patrick, Chief Judge, 7th Judicial District
Douglas Wilson, State Public Defender
Philip Cherner, Representative of the Criminal Defense Bar
Lindy Frolich, Alternate Defense Counsel



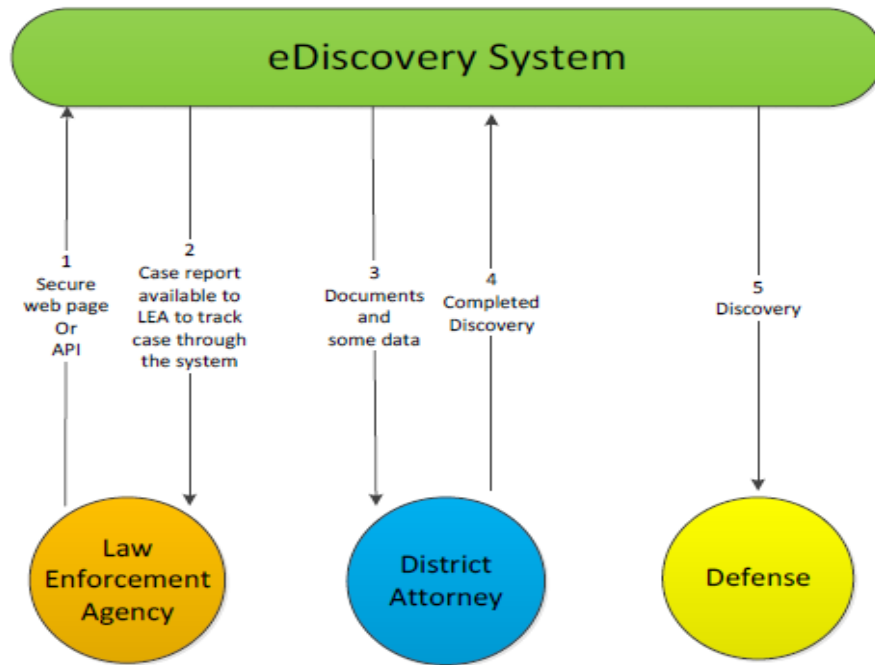
EXECUTIVE SUMMARY

The cost of discovery that is made available to a criminal defendant is regulated by Colorado Rules of Criminal Procedure 16(V)(c) which mandates that “the cost of duplicating any material discoverable under this rule shall be borne by the party receiving the material, based on the actual cost of copying the same to the party furnishing the material.” When this rule was implemented, determining the actual costs of discovery was a simple calculation of the personnel and material costs of producing paper reports to a defendant. Based upon this model, the costs were easily determined and were consistent across the State. As technologies emerge, different District Attorney’s Office’s produce discovery in vastly different ways, which has led to inconsistencies in the “actual costs” of discovery. Amongst the 22 District Attorney’s Offices and the Attorney General’s Office, the cost per page of discovery may range from a nominal cost in the 21st Judicial District (Mesa County), who produces discovery exclusively electronically, to as high as 50 cents per page in the 2nd Judicial District (Denver County). While the individual District Attorney’s Offices are funded at the county level, much of the costs of discovery are born by the State through the Office of the Public Defender (FY13 \$1,704,891) and the Office of Alternate Defense Counsel (FY13 \$520,258).

SB 13-246 created a Discovery Task Force comprised of representatives of the Attorney General’s Office (Chair of the Task Force), the State Court Administrator (Vice-Chair), the State Public Defender’s Office, criminal defense bar, 3 District Attorneys (urban, rural, and mid-sized district), a county sheriff, Office of Alternate Defense Counsel, a chief of police, a district court judge, a non-voting member from the Office of Information Technology. The Discovery Task Force was created to assess the definition of “actual costs” and to determine how the use of technology may improve the discovery process in Colorado.

The Discovery Task Force has developed proposals for an eDiscovery system in Colorado that would effectively eliminate the need for a definition of “actual costs”, and therefore greatly minimize or even eliminate the variance in the cost and delivery of discovery. This process begins with properly equipping all law enforcement agencies to enable them to transmit their reports to prosecutors in an electronic or digital format. As demonstrated in Figure 1, the CDAC ACTION statewide case management system, or through a private vendor managed cloud, the District Attorneys can process the reports and make them available to the defense, at no cost or at a minimal cost. The prosecution must remain at the center of any eDiscovery system to manage the content of discovery when necessary. Further, additional resources will be required during any period of transition to an eDiscovery system.

Figure 1: eDiscovery Model



ANALYSIS

The Discovery Task Force reviewed the mission set forth in SB 13-246 and immediately determined that the imminent technological possibilities were a priority. Based upon the preliminary assessment of the issues, the Discovery Task Force found that the issues set forth in SB 13-246 would likely be resolved by a comprehensive eDiscovery system. Furthermore, an eDiscovery system must begin with properly equipping law enforcement agencies (LEAs) to transmit their reports to the District Attorneys, who can then make those reports available to the defense through an electronic or digital format.

COLORADO

Colorado has over 350 different law enforcement agencies that have approximately 17,000 sworn law enforcement officials, and use nearly 25 different record management systems. The record management systems currently used within these agencies can widely vary in age and sophistication. Resources within these LEAs vary between a force of less than five, to larger agencies that have hundreds of sworn officers. Within that same spectrum, smaller agencies may be extraordinarily limited in the use of computers, while larger more affluent agencies may be implementing the use of cutting edge technology. Due to the autonomy of each LEA, and the cost to change record management systems, it is impossible to ask over 350 LEAs to abandon nearly 24 different record management systems in favor of one single system. For all LEAs in Colorado to use one single system would require an unprecedented mandate.

The Discovery Task Force surveyed the Chiefs of Police to determine their ability and willingness to use an electronic or digital discovery system. Of the 37 Police Chiefs that responded, 27 said “yes”, 5 said “no”, and 5 said “maybe”.¹ Both the Sheriffs and Chiefs of Police identified cost and lack of technology as the barriers to implementing an electronic discovery process.² The Discovery Task Force determined that the discovery process is not limited to the system between the District Attorneys and the defense. LEAs must have the ability, regardless of their record management systems, to transmit their reports to the District Attorneys, who can then make those reports available to the defense.

Each of these LEAs file cases in 22 different District Attorney’s Offices and with the Attorney General’s Office. The District Attorney’s Offices are very diverse in terms of their resources, their constituencies, and the number of counties, and LEAs. For example, the Denver District Attorney’s Office (2nd Judicial District) is a very large office, with considerable resources, that primarily only works with one LEA. This is a much different dynamic than the 7th Judicial District Attorney’s Office (Montrose, Delta, Gunnison, Hinsdale, Ouray, and San Miguel Counties) that has less than 15 attorneys that handle cases in 6 different counties, and many different LEAs. Among the 22 District Attorneys, 21 are part of the Colorado District Attorney’s Council (CDAC).³ CDAC services ACTION, a case management system used by 18 District Attorney’s Offices in Colorado.⁴ Significant differences in the way discovery is processed and how much discovery costs are due to the significant differences in the circumstances and constituencies of each District Attorney’s Office. For instance, the Mesa County District Attorney’s Office (21st Judicial District), who has less than 5 LEAs that are all on the same record management system, has been able to move to an exclusively electronic discovery process that is available to the defense for a nominal fee. While other rural offices still produce paper discovery at a higher rate. District Attorney’s Offices that continue to charge per page may charge between 10 cents per page, up to 50 cents per page. Other District Attorneys may produce discovery through discs and charge a flat fee. Through this process all District Attorneys who are members of CDAC, support the transition to an eDiscovery system.

While the individual District Attorney’s Offices are funded at the county level, much of the costs of discovery are born by the State. In FY13, the Office of the Public Defender was appropriated \$1,704,891 to pay for discovery, and the Office of Alternate Defense Counsel was appropriated \$520,258. The cost of discovery paid by private counsel and pro se defendants statewide was not developed.

¹ See Attachment A: Chiefs of Police Discovery Survey

² See Attachment B: Combined Sheriffs and Chiefs of Police Survey by Judicial District

³ Currently, the Denver District Attorney’s Office (2d Judicial District) is the only District Attorney’s Office that is not a member of CDAC.

⁴ Currently, the Jefferson/Gilpin County District Attorney’s Office (1st Judicial District), Denver District Attorney’s Office (2d Judicial District), Garfield/Pitkin/Rio Blanco District Attorney’s Office (9th Judicial District, and the Boulder District Attorney’s Office (20th Judicial District) do not subscribe to ACTION.

Despite their different interests, constituencies, and resources, the Discovery Task Force was able to determine that LEAs, District Attorneys, and the defense bar, all have the same goal, which is to produce discovery effectively, and therefore as cost efficiently as possible. After an initial investment, including costs associated with the transition, an eDiscovery system would allow LEAs to save the printing and delivery costs of providing physical copies to the prosecutors; which would allow District Attorneys to produce the discovery in a more effective and cost efficient manner.

NATIONAL SURVEY

When Colorado implements an eDiscovery system, it will be the only one of its kind, and only 1 of 2 states (North Carolina) to have a statewide electronic discovery process. The Discovery Task Force looked across the country to identify states that have implemented an eDiscovery system. With such a diverse membership, each member was asked to talk to their respective counterparts in other states to identify and learn from states that have faced and resolved similar issues through the use of technology. With the help of Suzette McLeod, Director of the National Training and Technical Assistance Center within the United States Department of Justice, Bureau of Justice Assistance (BJA), and South Dakota was identified as a state that has moved to a statewide records management system (RMS). Beyond this effort in South Dakota, the Discovery Task Force found that only North Carolina has implemented a digital discovery process.

South Dakota

Minnehaha County, South Dakota, Sheriff Mike Milstead, explained that the law enforcement agencies (LEAs) in South Dakota created a statewide records management system. South Dakota received a grant and technical assistance from BJA, to create a statewide records management system that approximately 80% of LEAs are currently using. Once South Dakota received funding, the LEAs agreed upon the information that should be shared, developed security parameters, and appropriate privacy and civil liberty rules. To date, this record management system has cost \$700,000.

South Dakota's record management system is not cloud based. This system is only used within the law enforcement community, and does not serve as a means to deliver reports to the prosecution community or to the defense. Essentially, this is an information network that allows law enforcement to share information, and does not serve as a statewide case management system. Through the discussion within the Discovery Task Force, it was clear that the South Dakota system is actually less sophisticated than the Coplink system which is a statewide information database that is currently online in Colorado, and does not assist in the discovery process.

North Carolina

In North Carolina, there are 44 different District Attorney's Offices that have approximately 600 prosecutors. Thousands of sworn law enforcement officers in North Carolina use 3 to 5 different record management systems.

In 2004, North Carolina created an “open file” discovery process. Based upon the changes to their discovery process, the state created a “mainframe” which is Adobe based that allows each District Attorney’s Office to manage their discovery. Each prosecutor’s office provides LEAs access to an online folder, this allows each LEA to upload or send reports regardless of what record management system they use. The defense is able to access those electronic folders by district or by case, then download the bates stamped numbered reports free of charge.

The “mainframe” system is not mandatory for LEAs or for prosecutors. Currently, 100% of the District Attorney’s Offices are in the “mainframe”, with 60% fully participating, and the remaining 40% using the “mainframe” on less than full, or limited basis. This system is primarily designed for document management, and can accommodate audio and video files; however, those files create storage challenges. To properly equip LEAs, the North Carolina legislature appropriated \$3,000,000 to purchase scanning equipment which allows the reports to be sent digitally.

eDISCOVERY

While the Discovery Task Force does not endorse any one vendor, system, or process, vendors were encouraged to provide models or proposals to educate the Task Force. The District Attorneys referred the Discovery Task Force to ACTION, the case management system serviced by CDAC. Steve Fowler, from the Office of Information Technology (OIT), referred the Discovery Task Force to Perceptive Software, who has been approved by State Internet Portal Authority (SIPA) on other statewide government data processing systems. Xerox has presented LawNet, which is a more comprehensive system at the law enforcement level. However, LawNet is similar in the flow of information from law enforcement, to the prosecution, and to the defense. Each has proposed a statewide discovery process that would allow LEAs to send discovery electronically to the District Attorneys, who would then process the discovery and make it available to the defense. Also, each model shares the component of leaving the control to the prosecution to process the discovery to allow for redactions when necessary. Under any proposal to allow the eDiscovery process to be effective, every courthouse in Colorado would have to be outfitted with Wi-Fi, where available, thus allowing prosecution and defense access to the discovery.⁵

ACTION (CDAC) Proposal

The initial ACTION (CDAC Proposal) was a preliminary assessment of how to construct and implement an eDiscovery system. This study has been superseded by the proposals below due to its rudimentary structure. When compared to the proposals below, this basic system would be difficult for LEAs, District Attorneys, and the defense community to manage.

⁵ State Judicial would need additional funds to outfit court houses with Wi-Fi where available. The Discovery Task Force did not study the feasibility of this suggestion.

Perceptive Software Proposal

Perceptive Software is an example of the possibilities that lie in a private vendor. This vendor has already been approved by the SIPA in other statewide data processing systems. Perceptive Software has proposed that they can accommodate all needs of all the parties in a cloud based system. Perceptive offers the ability to bill on usage, indexing, and recognize case trends for future budgetary purposes. The private vendor could create a system in the cloud that would act like a cafeteria plan and meet the needs of the system. This cafeteria plan is only limited by the budgetary constraints of the consumers. One issue to be addressed would be the security of the cloud. A public cloud would allow all LEAs and District Attorneys access regardless of their individual systems. The long term stability of the private vendor would have to be examined, however, Perceptive Software appears very stable, and would have to contract to provide a back-up system in the event that the company had any issues. A private vendor would be driven by the number of the business needs of the system and number of concurrent users. Those factors would determine the cost of the system, which would translate into a cost per user. Perceptive Software would implement a search platform solution that integrates LEA reports, case management systems, and the discovery process to the defense. Perceptive Software would allow LEAs to transmit their reports to DAs electronically through the eDiscovery platform. These electronic files would be discovered to the defense using the same eDiscovery platform.

In developing their proposal, Perceptive consulted with stakeholders across the State of Colorado, including multiple state agencies such as OIT, HCPF, CDPS, CDHS, and DPA. In addition, Perceptive is used by multiple federal agencies, and was chosen as the Enterprise Content Management System for the State of Colorado by SIPA and OIT. Perceptive has been chosen to support the content management of Medicaid and CORE.

Perceptive would implement a phased approach over approximately 6 months from the final assessment of business needs and commencement of funding. This would include relationships with stakeholders, understanding the issues, demonstration of technologies, and comprehensive training. All of this is dependent upon definition of requirements, function, and staff schedules of implementing organizations. Perceptive would be CJIS compliant. Perceptive's initial implementation cost would be approximately \$800,000 and the ongoing license and cost updates would be about \$750,000 annually.

Perceptive Software would obtain all the reports from the LEAs and maintain the reports in a cloud based system. Perceptive would partner with CDAC, using the ACTION system, and provide individual District Attorney's Offices with access to the reports. The District Attorneys would then push the reports back into the cloud where the discovery would be available to the defense. Below are the estimated costs of Perceptive's proposal over seven years.

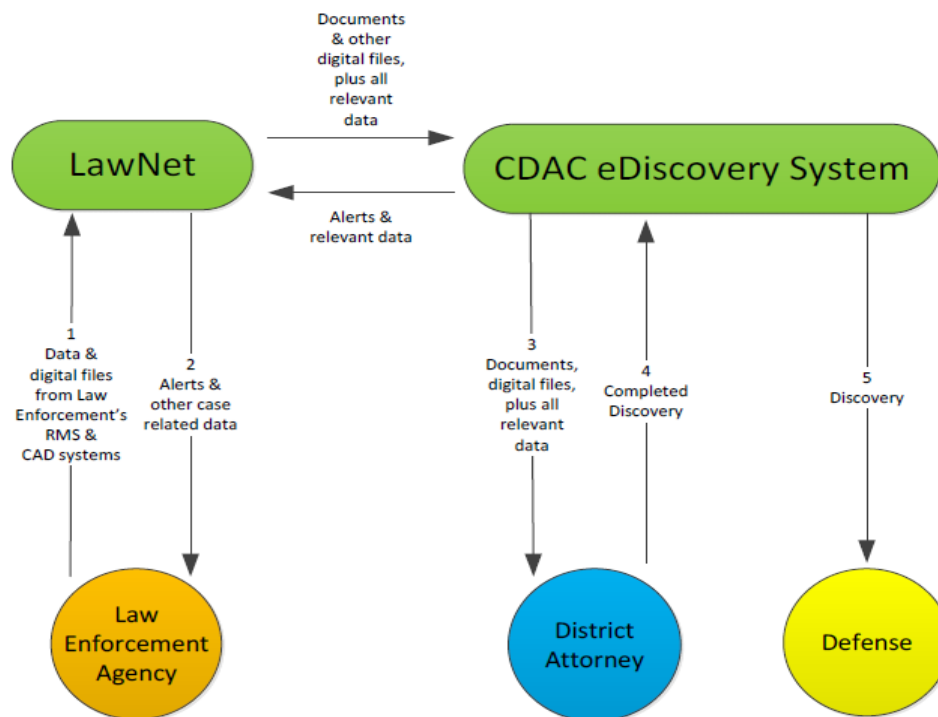
(See Figure 2: Perceptive Software Proposal Estimated Costs)

Figure 2: (Perceptive Software Estimated Costs)								
Yearly Estimates	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	Total
DA Case Management Total – above	2.27	2.39	2.51	2.63	2.76	2.90	3.05	18.51
Perceptive Implementation	0.75	0.00	0.00	0.00	0.00	0.00	0.00	0.75
Perceptive License/Maintenance/Etc.	0.78	0.73	0.70	0.68	0.68	0.63	0.63	4.83
CDAC Web Site Build/Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total (Figures based on Millions)	3.80	3.12	3.21	3.31	3.44	3.53	3.68	24.09

LawNet/Xerox Proposal

Xerox has developed LawNet, an information solution that integrates law enforcement report or case management systems, prosecutors, and the discovery process to the defense. LawNet provides real time data sharing amongst law enforcement agencies, which carries system-wide benefits to Colorado public safety and law enforcement.⁶ LawNet would be audited by the Colorado Bureau of Investigation; and would allow law enforcement to transmit their reports to District Attorneys. These electronic files would be discovered pursuant to Figure 3 below.

Figure 3: LawNet Proposal



⁶ The fact that this proposal would offer real time data sharing amongst all of Colorado's 350+ agencies represents a very significant improvement for the entire state, although it is a benefit that arguably goes beyond the direct mandate of the Discovery Task Force.

In developing their proposal, Xerox has consulted with stakeholders across the State of Colorado including 6 sheriff's offices, 9 police agencies, 4 district attorney's offices, 6 statewide agencies, the Secret Service, and others.

Xerox has presented a three phase implementation process. Phase 1, which occurred in 2013, was to establish relationships with stakeholders, understand the issues, and demonstrate the key technologies and information solutions. In 2014, Xerox plans to execute Phase 2, which is define requirements, functions, schedules, resources and costs, coordinate with early adopters and establish sequential task orders. Phase 3, full production supported by licenses, will be completed by 2015. LawNet would be CJIS compliant.

Xerox proposed that their initial proof of concept and LawNet development will cost \$2 million, and will take 18 months (July 2015). They propose to connect all LEAs and District Attorney's Offices in the following eight months (March 2018), which will cost \$800,000. After LawNet is developed and implemented, Xerox proposes annual maintenance and development costs of \$1 million. Below are the estimated costs of the LawNet Proposal over seven years.

(See Figure 4: LawNet Proposal Estimated Costs)

Figure 4: (LawNet Estimated Costs)								
Yearly Estimates	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	Total
DA Case Management Total - above	2.27	2.39	2.51	2.63	2.76	2.90	3.05	18.51
LawNet Implementation	2.80	0.00	0.00	0.00	0.00	0.00	0.00	2.80
LawNet Maintenance/Support	0.00	0.55	0.53	0.55	0.58	0.61	0.64	3.46
CDAC Builds Website	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.20
CDAC maintains website	0.00	0.20	0.21	0.22	0.23	0.24	0.26	1.36
Total (Figures based on Millions)	5.27	3.14	3.25	3.40	3.57	3.75	3.95	26.33

Security of an eDiscovery System

The Task Force expects that any vendor will be required by OIT to comply with the State of Colorado Cyber Security Policies: www.colorado.gov/cs/Satellite/Cyber/CISO/1167928186414.

Transition to an eDiscovery System

As noted above, the State of Colorado currently pays approximately \$2.2 million dollars for discovery through the Office of the State Public Defender and Office of Alternate Defense Counsel. The current discovery process and funding will have to remain in place until the transition to an eDiscovery process is complete. As the funding remains in place, additional resources will be necessary to develop and implement the eDiscovery system. Either proposal will be implemented in phases by judicial districts. As the eDiscovery system is transitioned in phases, costs of the current system will decrease and allow for those funds to be transitioned into the development of the eDiscovery system. The best analogy is to the Ralph L. Carr Colorado Judicial Center, which required funds for construction as its current tenants continued to lease their office spaces during its construction.

Private Defense Bar Costs

Through the Office of the State Public Defender and the Office of Alternate Defense Counsel, the State of Colorado pays for approximately \$2.2 million of discovery. However, those are not the only costs associated with discovery that is processed through 22 District Attorney's Offices and the Attorney General's Office. Many defendants retain private counsel who obtain discovery on their behalf. In an effort to account for this portion of the discovery costs, the Discovery Task Force recommends a fee be assessed at the time of sentencing on all privately represented defendants and pro se defendants. This fee could be graduated according to the convicted crime, which would assume a higher fee for a felony conviction than a misdemeanor conviction.⁷ Also, the Discovery Task Force recommends that the fee be directly proportionate to the remaining cost of discovery so as to supplement the cost of the eDiscovery system, and not generate revenue. Finally, the Discovery Task Force recommends that the courts impose the fee, and the fee be distributed to the appropriate agency that manages the eDiscovery system.

Pro Se Litigants

Using the 21st Judicial District Attorney's Office (Mesa County) as an example, the cost of producing discovery to pro se defendants is minimal. An eDiscovery system is likely to absorb those costs. Individual District Attorneys may choose to provide pro se defendants with access to a computer terminal and printer for purposes of using the eDiscovery system. Also, the Discovery Task Force discussed the possibility of developing access to a computer and printer in each courthouse independently or through the Pro Se Litigant Office program.

As mentioned above, the Discovery Task Force also recommends assessing a fee to pro se defendants at the time of sentencing.

State Agency Administration of the eDiscovery System

Currently, funds are provided to the Office of the State Public Defender and the Office of Alternate Defense Counsel for discovery. An eDiscovery system would eliminate the need to fund those offices for discovery, and assumes the reapportionment of those funds. Using the models above, the Discovery Task Force has identified that the Office of Information Technology (OIT) as an appropriate executive agency that would receive and administer the funds. OIT manages statewide systems in other areas, the technology expertise, and necessary program management.

Since prosecutors, specifically CDAC through ACTION, are the central feature of an eDiscovery system, CDAC is also a logical choice to receive the funds and administer the program. CDAC is allowed to receive state funds through section 20-1-111(4), C.R.S., "the statewide organization representing District Attorneys or any other organization established pursuant to this article may receive, manage, and expand state funds in the manner prescribed by the general assembly on behalf of District Attorneys who are members of the organization."

⁷ As an example, Courts could assess a \$10 fee for felonies and a \$5 fee for misdemeanors.

State Judicial is an inappropriate administrator of the discovery process between litigants. Also, although it may be affected and even interact with the eDiscovery system, it is beyond their scope. Other discussed agencies include the Colorado Attorney General's Office, since it is the current pass through for other District Attorney funds. Despite the pass through, the Department of Law has no authority over the 22 District Attorneys, and is in the same position. This authority could put them at odds with other prosecutors in the State. For the same reasons, the Division of Criminal Justice within the Colorado Department of Public Safety, as a law enforcement agency, is in an awkward position to administer the eDiscovery funds and system.

Oversight Committee

Similar to other statewide information systems, an oversight committee would be necessary to establish rules and protocols. The oversight committee would also receive reports on the construction, transition, implementation, and maintenance of the eDiscovery system.

Redactions

Prosecutors must continue to have the ability to make necessary redactions. Under certain circumstances several state statutes, state constitutional amendments, and Federal laws may create the need to make redactions. Again, depending upon the circumstances in each case, like witness protection, may require redactions. Prosecutors bear the burden to make redactions in the face of potential civil liabilities if one redaction is not made in a case that could potentially have 1,000's of pages of discovery. This responsibility increases personnel costs associated with managing discovery. To mitigate this dilemma, the Discovery Task Force recommends a statute that eliminates any civil liability for prosecutors for failing to make the necessary redactions, if they made good faith efforts to do so.

Other eDiscovery Issues

- Large Audio/Video (A/V) Files: Efficiency could mandate that A/V files may still have to be handled physically. Although this will be rare, if a large A/V file takes twenty hours to upload into the eDiscovery system, and uses that amount of storage capacity, it would take the defense twenty hours to download from the system.
- Large Case Costs: Extraordinarily large cases are likely to have some additional cost to their extraordinary burden to the system.
- Retention of data in the eDiscovery system may be managed by removing the data at an agreed point after the conclusion of the case.

SB 13-246: Section 16-9-701(3), C.R.S., The Discovery Task Force must:

- (a) DETERMINE WHICH DISTRICT ATTORNEY'S OFFICES OBTAIN ALL LAW ENFORCEMENT DISCOVERABLE EVIDENCE IN AN ELECTRONIC FORMAT, WHICH DISTRICT ATTORNEY'S OFFICES WILL SOON BE ABLE TO OBTAIN ALL LAW ENFORCEMENT DISCOVERABLE EVIDENCE IN AN ELECTRONIC FORMAT, AND WHICH DISTRICT ATTORNEY'S OFFICES WILL NOT HAVE THAT ABILITY AT ANY POINT IN THE FUTURE WITHOUT ASSISTANCE.

Response: All District Attorneys are capable of receiving discovery in an electronic format. The challenge is equipping and encouraging LEAs to provide their reports to the District Attorneys in an electronic format to be processed and made available to the defense electronically.

(b) DETERMINE THE BARRIERS FOR THOSE DISTRICT ATTORNEY'S OFFICES THAT WILL NEVER BE ABLE TO OBTAIN LAW ENFORCEMENT DISCOVERABLE EVIDENCE IN AN ELECTRONIC FORMAT WITHOUT ASSISTANCE.

Response: To varying degrees, all District Attorneys face the same challenges. Each District Attorney must be properly equipped in each of their offices throughout the State to receive and make available eDiscovery. This may incorporate additional computers and scanning equipment for LEAs and individual District Attorneys' offices. Once the equipment needs are met, there is a significant cultural shift that will be required to begin operating from a digital discovery process and away from paper. This will require some degree of training. Further, some of the costs that are essentially reimbursed via payments to the DAs from the PD and ADC are used to provide staffing for necessary duties related to the discovery process in the DA's offices. Re-directing all funding to a central discovery model will not eliminate all of the staff hours incurred by DAs that will still exist, but will eliminate all the potential to recoup any of that reimbursement. There should be some consideration of how to address this budget reduction to local DAs in a manner that does not result in an unfunded mandate to the counties.

(c) STUDY THE FEASIBILITY OF A SINGLE STATEWIDE CRIMINAL CASE MANAGEMENT SYSTEM OR OTHER TECHNOLOGY INSERTS TO FACILITATE ELECTRONIC DISCOVERY OR ELECTRONIC REDACTION.

Response: In any of proposed models, assuming they are properly equipped, every LEA in Colorado will be able to send their reports through the eDiscovery system regardless of their record management system. ACTION can serve as a statewide district attorney case management system, in which the District Attorneys can capture the data from LEA's, manage the data and make redactions through ACTION, and then make it available to the defense through eDiscovery. In a public cloud eDiscovery system, it would operate in a very similar fashion.

(d) STUDY THE APPROPRIATENESS OF A STATEWIDE STANDARDIZED LAW ENFORCEMENT REPORTINGFORM THAT IS EASILY REDACTABLE.

Response: Due to the results of the survey to LEAs, in which it was discovered that approximately 17,000 sworn officers, in over 350 different LEAs, use nearly 25 different case or report management systems, it is impossible to mandate one form of reporting. The eDiscovery system would accommodate the different report systems. Redaction of information continues to be an issue that increases the personnel costs of discovery. That issue can only be remedied by the cultural shift, and training to not provide information that would be ultimately

be redacted. Other solutions could include a statutory clarification of the responsibility to redact and consequences for failing to meet those responsibilities.

(e) RECOMMEND OR ADDRESS SHORT-TERM NEEDS FOR LAW ENFORCEMENT AND DISTRICT ATTORNEYS TO FACILITATE GREATER USE OF ELECTRONIC DISCOVERY.

Response: Funding to adequately equip every LEA and District Attorney Office is the first short-term need to encourage the use of electronic discovery. Once the ability to use electronic discovery is established, it is simply a training issue and cultural shift from the current discovery model.

(f) SUGGEST A DEFINITION FOR THE TERM “ACTUAL COSTS” FOR PURPOSES OF REIMBURSEMENT THAT ADEQUATELY AND FAIRLY REIMBURSES THE STATE’S DISTRICT ATTORNEYS FOR THE EXPENSES FOR WHICH THE DISTRICT ATTORNEY’S OFFICES ARE RESPONSIBLE RELATED TO THE DISCOVERY PROCESS.

Response: The eDiscovery system eliminates the need to define “actual costs” for all cases involving the Public Defender, Alternate Defense Counsel, and private defense counsel. This incorporates nearly all the discovery that is generated by the system. Fees assessed at the time of sentencing will also fund the eDiscovery system. Any eDiscovery system will presumably absorb the remaining costs associated with producing discovery to pro se defendants.

(g) SUGGEST AN ALTERNATIVE FUNDING PROCESS TO REIMBURSE THE DISTRICT ATTORNEYS FOR APPROPRIATE DISCOVERY COSTS WITHOUT REQUIRING THE PUBLIC DEFENDER, ALTERNATE DEFENSE COUNSEL, OR ANY INDIGENT PRO SE DEFENDANT TO PAY FOR DISCOVERY.

Response: An eDiscovery process would eliminate “actual costs” to the Public Defender and to Alternate Defense Counsel. Those funds would not be appropriated to the Public Defender and ADC, rather they would be appropriated to OIT or CDAC.

(h) DETERMINE WHICH EXECUTIVE OR JUDICIAL BRANCH AGENCY IS BEST SITUATED TO SERVE AS THE CONDUIT FOR STATE REIMBURSEMENT TO THE DISTRICT ATTORNEYS AND THE ATTORNEY GENERAL FOR THE ACTUAL COSTS OF DISCOVERY.

Response: OIT or CDAC are best situated manage the funding and administer the eDiscovery system.

(i) STUDY WHETHER THERE SHOULD BE A SEPARATE RATE THAT IS CHARGED TO NON-INDIGENT DEFENDANTS COMPARED TO INDIGENT DEFENDANTS.

Response: An eDiscovery system would eliminate the definition of actual costs. The eDiscovery system would be developed and maintained through state funding and fees assessed at the time of sentencing.



Attachment A

Chiefs of Police Discovery Survey

Q1. What RMS and/or CAD system does your agency or department use? Please be as detailed as possible with your explanation.

- New World CAD – 4 agencies
- New World RMS – 7 agencies
- Spillman CAD – 5 Agencies
- Spillman RMS – 1 agency
- Logisys – 3 agencies
- HTE – 2 agencies
- E-Force RMS – 9 agencies
- Tiburon – 2 agencies
- I-Leads RMS – 2 agencies
- Intergraph CAD – 5 agencies
- A-Drive - 1 agency
- SunGard - OSSI- 1 agency
- VisNet- 1 agency
- DSSI - 1 agency
- Northrop Grumman Command Point - RMS. TriTech- CAD - 1 agency
- Versadex - 1 agency
- Motorola – CAD - 1 agency
- Hi-Tech CAD - 1 agency

Q2. Are you willing to participate in an electronic and/or digital reporting system for the filing of criminal case with the courts. This digital filing would then be used for the criminal discovery process. Please be as detailed as possible with your answer.

27 respondents say yes, 5 say No, 5 maybe

Comments Below:

- We are currently involved in a project with the First Judicial District Attorney's Office in electronically filing fast track domestic violence cases. We are hoping that as this pilot project continues, that we will be able to file other criminal cases in the same manner.
- It would depend on whether or not we have control over what goes to the court and the expense to the department
- Cost will be an issue
- Depending on costs and interface with current systems.
- We currently allow access to the DA's office in both Larimer and Weld County for our RMS system

- As long as the filing goes through the DA's office first.
- #1 - We are just now in the process of transitioning to Eforce. #2. We would need to undergo extensive testing to ensure that digital documents forwarded to the courts meet all records release requirements.
- If this question means that the courts have access to our criminal case information via an interface with their system. We currently provide our district court access to our New World RMS. They have the ability to view case information and supplemental reports that follow.
- We already do file our cases automatically with the DA's office through the Intergraph system
- We are currently using New World, but the courts are on another system which doesn't interface.
- CSPD currently completes digital filing with the District Attorney's Office on all felony filings. We would be willing to continue this process and potentially extend it to misdemeanors. However, any decision to share this information directly with another entity besides the DA's office or other law enforcement agencies is another matter. We would not be willing to participate in such a process without considerable discussion and vetting.
- The filing of cases electronically would be beneficial to us both in cost and time savings.
- Without a doubt this will improve efficiency in operations.
- We already do.
- We would be willing, but the system would need to show itself to be reliable and uniform.
- We would need all agencies to participate
- Would love to try it
- We have been in discussions with our District Attorney to create a "paperless system" between our organizations
- We currently file cases with DA electronically
- Issues to consider would possible include, security, limitations to file size, access, compatibility with our current systems

- We are very interested in increasing the use of electronic means of forwarding records, reports, and filings.

Q3. What obstacles do you face that would prevent you, or your agency, from your participation in an electronic and/or digital reporting system for the filing of criminal case with the courts. Please be as detailed as possible with your answer.

Almost every agency said the largest obstacle would be cost.

Comments Below:

- The only obstacles for us would be the technology required and the amount of time our IT staff would have to provide towards the success of the project.
- All local agencies file criminal cases directly, we do not file any.
- Necessary software and hardware.
- Software.
- In the jurisdictions where we do this, we don't not have any problems.
- Funding for staff and equipment If electronic case filing is implemented by EOY in 2013, lessons learned can be shared at that time.
- We have concerns that the courts would have access to case information prior to it being ready for prosecution or discovery, which could hinder the case investigation.
- There were training problems when the new DA was elected and had large staff turnover. We have also had problems with supplemental reports not getting accessed after the original report is down loaded.
- Compatibility between municipal, county, and state courts. Working with DA and local prosecutors to get a consistent and acceptable system in place.
- There are no technological limitations, but it would take very stretched technical resources to complete. In addition, if the suggestion is to share information directly with another entity besides law enforcement, that is a concern for us.
- We are not completely confident that multiple agencies are able to uniformly address security concerns.
- Currently no avenue in place to accomplish this. 2. Some type of tracking system would need to be implemented, preferably a web-based system detectives could use to go in and view case progress as well as keep track of all discovery. 3. Need to be able to ensure that

once a case is e-filed, it does not get "lost"/put on the back burner. Some sort of "due date" system should be in place.

- Any technical issues that would need to be addressed by our I.T. staff. Getting the approval of I.T. to export data electronically may be an obstacle but not one that we couldn't overcome.
- Cost and connectivity with the technology challenges
- Standardization of electronic formatting for audio/video evidence has been challenging on just a local basis between our Department and the DA's office. I can only assume that the same challenges would be faced in a broader system. The other issue has been the inability of our RMS to download easily into the DA's case management system, creating a middle step of scanning and filing at the DA's office. It would be most beneficial if these hurdles were worked out through substantial beta testing prior to any mandated transitions.
- Probably the willingness of the court clerks
- There are separate systems in use by different agencies. This creates a problem when trying to set standards for the respective agencies.
- Can't think of any. We believe this to be a positive move.

Q4. IDENTIFY YOUR AGENCY and please provide any additional information that you feel would benefit a statewide group working toward the implementation of an electronic and/or digital reporting system for the filing of criminal case with the courts. Please be as detailed as possible with your answer.

- Wheat Ridge Police Department. The First Judicial District Attorney's Office electronic filing model would be worth the time and effort to explore for purposes of a statewide system
- Platteville Police Department
- DeBeque Marshal. Electronic filing of tickets and reports would be great.
- Johnstown Police Department
- Timnath Police Department
- Englewood PD
- Regional Transportation District Transit Police
- Lochbuie Police Department

- Castle Rock Police Department. We are planning on implementing E-Ticketing in 2014. Brazos will be the vendor.
- Broomfield Police
- Colorado Bureau of Investigation. We are active with all of the courts and law enforcement in the state and do some digital reporting with our cases in some jurisdictions. A critical piece of this (statewide group) is the inclusion of the courts. There are different requirements with all of the judicial districts.
- Mountain View Police Department
- Thornton Police Department. Ensure the DA have IT and on board through the DA's Office. I believe most law enforcement agencies in Adams County and Broomfield County within the 17th Judicial District are all ready to move forward with electronic case filing. In talking with DA Dave Young today, he is looking forward to getting this up and running.
- Lone Tree Police Department, I think a statewide system would benefit all of us for a more timely filing and tracking ability.
- Fraser/Winter Park Police
- Grand Junction Police Department
- Vail Police Department and we host the Eagle County RMS project which all of the agencies are on in the county
- Littleton Police Department
- Silt Police Department
- Colorado Springs Police Department
- Windsor Police Department
- Aurora PD
- Westminster Police Department
- Greenwood Village
- Fort Lupton Police Department

- Glenwood Springs Police Department
- Town of Eagle
- Frisco Police Department
- Idaho Springs Police Department
- Pueblo Police Department
- Fort Carson Police
- Craig PD
- Cherry Hills Village Police Department
- Parker PD



Attachment B

Combined Sheriffs and Chiefs of Police Survey by Judicial District

1st Judicial District

Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Bruce Hartman	1st	Gilpin	OSSI	Manually	none stated		
	Ted Mink	1st	Jefferson	Tiburon	Manually	Technology	DA inability to accept	
E-Discovery Ability	Agency	Hard Copy/Paper	Electronic Submission	911 Dispatch Calls	Evidentiary Media CD/DVD	Evidentiary Media Electronic		
	Arvada PD	Yes	No	Test E911	Yes	No		
	Department of Corrections	Yes	No	No Electronic	Yes	No		
	CO School of Mines	Yes	No	No Electronic	Yes	No		
	CBI	Yes	No	No Electronic	Yes	No		
	CO Div. of Gaming	Yes	No	No Electronic	Yes	No		
	CO Div. of Wildlife	Yes	No	No Electronic	Yes	No		
	CO State Parks	Yes	No	No Electronic	Yes	No		
	Co State Patrol	Yes	No	No Electronic	Yes	Some Photos		
	Div. of Parks/Rec	Yes	No	No Electronic	Yes	No		
	Edgewater PD	Yes	No	No Electronic	Yes	No		
	Golden PD	Yes	No	No Electronic	Yes	No		
	Jeffco Animal Control	Yes	No	No Electronic	Yes	Some Photos		
	Jeffco DA's Office	Yes	No	No Electronic	Yes	Yes		
	Jeffco Sheriff's Depart.	Yes	No	No Electronic	Yes	Some Photos Supp rpts		
	Lakeside PD	Yes	No	No Electronic	Yes	No		
	Lakewood PD	Yes	No	No Electronic	Yes	Some Photos Supp rpts		
	Metro Auto Theft TF	Yes	No	No Electronic	Yes	No		
	Morrison PD	Yes	No	No Electronic	Yes	No		
	Motor Carrier Safety Unit	Yes	No	No Electronic	Yes	No		
	Parole (All Regions)	Yes	No	No Electronic	Yes	No		
	Red Rocks Campus PD	Yes	No	No Electronic	Yes	No		
	US Dept. of Labor	Yes	No	No Electronic	Yes	No		
	West Metro Drug TF	Yes	No	No Electronic	Yes	Some Photos Supp rpts		
	West Metro Fire	Yes	No	No Electronic	Yes	No		
	Westminster PD	Yes	No	No Electronic	Yes	No		

Dist. 1 Cont.								
	Wheat Ridge PD	Yes	No	Yes - Via Email	Yes	No		
	ICCS	Yes	No	No Electronic	Yes	No		
	Blackhawk PD	Yes	Yes - emailed mostly	Yes - Some Via Email	Yes	Yes		
	Gilpin Co	Yes	No	No Electronic	Yes	Some		
	Central City PD	Yes	No	No Electronic	Yes	NO		
	Div. of Youth Corrections	Yes	No	No Electronic	Yes	NO		
	CO Dept of Revenue	Yes	No	No Electronic	Yes	NO		
	US Postal Service	Yes	No	No Electronic	Yes	NO		
	Port of Entry	Yes	No	No Electronic	Yes	NO		

2nd Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	No Report	2nd	Denver					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Denver PD	Yes	Currently working on pilot project for misdemeanors, 2+ years out for electronic felonies					

3rd Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	No Report	3rd	Huerfano					
	James W. Casias	3rd	Las Animas	none stated	Manually			
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Trinidad PD	Yes	Not currently using, but ability to if fee is paid to be added to online sharing system					
	Walsenburg PD	No						
	Huerfano Co SO	No						
	Las Animas Co SO	No						
	La Veta Marshall	No						
	Lathrop State Park	No						
	State Patrol	No						

4th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	No Report	4th	El Paso					
	No Report	4th	Teller					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Colorado Springs PD	Yes						
	Cripple Creek PD	No						
	Fountain PD	Yes						
	Manitou Springs PD	Yes						
	Monument PD	Yes						
	Palmer Lake PD	No						
	Univ. of Colorado Springs PD	No						
	Victor PD	No						
	Woodland Park PD	Yes						
	El Paso Co SO	Yes	Currently some paper, some email					
	Teller Co SO	Yes						
	Calhan Marshal	No						
	Green Mt Falls Marshal	No						
	Air Force Academy	No						
	Pike Peak CC	No						
	Ft Carson JAG	No						
	Colorado Springs FD	No						
	Human Society of Pikes Peak Region	No						
	State Patrol	No						
	CO Div. of Gaming	No						
	Co Div. of Wildlife	No						
	ATF	No						
	DEA	No						
	FBI	No						
	ICE	No						
	US Dept. of Homeland Sec	No						

5th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Joe Hoy	5th	Eagle	Intergraph	electronically	none stated	DA has same system	
	Don Krueger	5th	Clear Creek	Eforce	electronically	none stated		
	John Minor	5th	Summit	New World	electronically		CJIS compliant?	full access
	No Report	5th	Lake					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Avon PD	Y						
	Basalt PD	Y						
	Breckenridge PD	Y						
	Dillon PD	Y						
	Eagle PD	Y						
	Empire PD	Y						
	Frisco PD	Y						
	Georgetown PD	Y						
	Idaho Springs PD	Y						
	Leadville PD	N						
	Minturn PD	Y						
	Silverthorne PD	Y						
	Summit County PD	Y						
	Vail PD	Y						
	Clear Creek County SO	Y						
	Eagle County SO	Y						
	Lake County SO	N						
	State Patrol-Clear Creek	Y						
	State Patrol-Glenwood Frisco	N						
	State Patrol-Eagle	N						
	State Patrol-Summit	Y						

6th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Pete Gonzales	6th	Archuleta	ID network	hand or fax	Technology		
	Sue Kurts	6th	San Juan	none	Manually		cost for JMS to much	
	No Report	6th	La Plata					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Durango PD	Y						
	Ft Lewis College PD	N						
	Ignacio PD	N						
	Pagosa Springs PD	Y						
	Southern Ute PD	N						
	Archuleta County SO	N						
	La Plata County SO	Y						
	San Juan County SO	N						
	Bayfield Marshall	N						
	Division of Wildlife	N						
	La Plata County Animal Control	N						
	Southwest Drug Task Force	Y						
	State Patrol - La Plata	N						
	State Patrol - Archuleta	N						

7th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	No Report	7th	Ouray					
	No Report	7th	Montrose					
	Fred McKee	7th	Delta	Spillman	Manually	none stated	DA does not use RMS	
	Rick Besecker	7th	Gunnison	ITI	Manually	Technology	DA cannot accept electronic	
	Ron Bruce	7th	Hinsdale	None	Manually	Technology		
	No Report	7th	San Miguel					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Cedaredge PD	N						
	Delta PD	N						
	Gunnison PD	Y						
	Mt Crested Butte PD	Y						
	Montrose PD	N						
	Mountain Village PD	N						
	Ouray PD	N						
	Paonia PD	N						
	Delta County SO	N						
	Gunnison County SO	Y						
	Hinsdale County SO	Y						
	Montrose County SO	N						
	Nucla/West End Montrose County SO	N						
	Ouray County SO	N						
	San Miguel County SO	N						
	Crested Butte Marshall	Y						
	Hotchkiss Marshall	Y						
	Norwood Marshall	N						
	Ridgway Marshall	N						
	Telluride Marshall	N						
	Delta/Montrose Meth Drug Task Force	N						
	CBI	N						
	Division of Wildlife	N						
	Dept of Corrections	N						
	State Patrol	Y						

8th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Scott Fischer	8th	Jackson	None	Manually	Technology		
	Justin Smith	8th	Larimer	Tiburon	electronically	none stated	not interested in statewide	
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Berthoud PD	Y						
	Colorado State Univ PD	Y						
	Estes Park PD	Y						
	Ft Collins PD	Y						
	Johnstown PD	N						
	Loveland PD	Y						
	Timnath PD	Y						
	Windsor PD	N						
	Larimer County SO	Y						
	Jackson County SO	N						
	Larimer County Parks	N						
	Division of Wildlife	N						
	State Patrol	Y						

9th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Lou Vallario	9th	Garfield	New World	electronically	none stated	don't want state managing	full access
	Joe Disalvo	9th	Pitkin	Spillman	Manually	none stated		
	No Report	9th	Rio Blanco					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Aspen PD	Y		*agencies with electronic discovery for 9th JD do not apply to audio/video, only to "paper"				
	Basalt PD	Y						
	Carbondale PD	Y						
	Glenwood Springs PD	Y						
	Meeker PD	Y						
	New Castle PD	N						
	Parachute PD	N						
	Rangely PD	Y						
	Rifle PD	Y						
	Silt PD	N						
	Snowmass Village PD	Y						
	Garfield County SO	Y						
	Pitkin County SO	N						
	Rio Blanco County SO	Y						
	Alcohol Enforcement	N						
	DOR	N						
	Parks & Wildlife	N						
	Port of Entry	N						
	State Patrol	Y						
	Two Rivers Drug Enforcement Team	N						

10th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	No Report	10th	Pueblo					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Colorado State Univ-Pueblo PD	N						
	Pueblo PD	N	Some homicide discovery is provided on disc					
	Pueblo Community College PD	N						
	Pueblo County SO	N						
	Adult Parole	N						
	Pueblo Animal Services	N						
	Pueblo Mental Health Institute	N						
	Colorado Liquor Enforcement	N						
	Colorado Lottery	N						
	Community Corrections	N						
	Crossroads Corrections Facility	N						
	Dept of Corrections	N						
	Dept of Labor and Employment	N						
	Dept of Revenue	N						
	Minnequa Corrections Facility	N						
	Parks and Wildlife	N						
	State Patrol	N	some accident reconstruction unit discovery is provided on disc					
	ATF	N						
	CBI	N						
	DEA	N						

11th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Pete Palmer	11th	Chaffee	Sleuth	Manually	Lack of Funding		
	No Report	11th	Fremont					
	No Report	11th	Custer					
	Fred Wegener	11th	Park	DSSI	Both	Technology		
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Buena Vista PD	N						
	Canon City PD	Y						
	Fairplay PD	N						
	Florence PD	N						
	Salida PD	N						
	Fremont County SO	N						
	Custer County SO	N						
	Chaffee County SO	N						
	Park County SO	Y						
	Alma Marshal	N						
	State Parks	N						
	CBI	N						
	DOC	N						
	State Patrol	N						

12th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Robert Grule	12th	Conejos	None	email	Technology	Funding	
	Mike Norris	12th	Saguache	Crime Star	Manually	none stated		
	Dave Stong	12th	Alamosa	Archonix	Manually	none stated		
	Brian Norton	12th	Rio Grande	Crime Star	Manually	Technology		
	No Report	12th	Mineral					
	No Report	12th	Costilla					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Alamosa PD	Y						
	Antonito PD	N						
	Center PD	Y						
	Del Norte PD	N						
	La Jara PD	N						
	Manassa PD	N						
	Monte Vista PD	Y						
	Sanford PD	N						
	South Fork PD	N						
	Alamosa County SO	N						
	Conejos County SO	Y						
	Costilla County SO	N						
	Mineral County SO	N						
	Rio Grand County SO	N						
	Saguache County SO	N						
	Adams State Univ Public Safety	N						
	Blanca Marshall	N						
	Dept of Wildlife	N						
	State Patrol	Y						

13th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Tom Ridhour	13th	Kit Carson	Crime Star	Mail	Technology		
	Brett Powell	13th	Logan	CCSS	Manually	none stated		
	Jim Crone	13th	Morgan	CIS	electronically	different systems	Not sure if DA has access to all	
	Larry Kuntz	13th	Washington	CCSS	electronically	none stated		
	Chad Day	13th	Yuma	Eforce	electronically	none stated	also sent large files on flashdrive	DA declined
	No Report	13th	Sedgwick					
	No Report	13th	Phillips					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Brush PD	N						
	Burlington PD	N						
	Ft Morgan PD	Y						
	Haxtun PD	N						
	Holyoke PD	N						
	Kit Carson County PD	N						
	Sterling PD	N						
	Wiggins PD	N						
	Wray PD	N						
	Yuma PD	N						
	Morgan County SO	Y						
	Logan County SO	N						
	Phillips County SO	N						
	Sedgwick County SO	N						
	Washington County SO	Y	*ability to, but does not currently					
	Yuma County SO	Y						
	Log Lane Marshall	N						
	Stratton Marshall	N						
	Flagler Marshall	N						
	State Patrol	N						

14th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Garrett Wiggins	14th	Routt	Spillman	electronically	none stated		
	Rod Johnson	14th	Grand	Eforce	Manually	technology/money	Gets some files electronic,not connected to our sys.	
	No Report	14th	Moffat					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Kremmling PD	N						
	Granby PD	N						
	Grand County SO	N						
	Fraser/Winter Park PD	N						
	State Patrol	N						
	Moffat County SO	N	Starting process for e-filing, but will only be for reports and not audio/video when ready					
	Craig PD	N	Starting process for e-filing, but will only be for reports and not audio/video when ready					
	ACET (Moffat/Routt Drug Task Force)	N						
	Routt County SO	Y	Only reports - no audio/video					
	Steamboat Springs PD	Y						
	Hayden PD	N						
	Oak Creek PD	N						

15th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Ken Putnam	15th	Cheyenne	none	mail	technology	funding	
	Jim Faull	15th	Prowers	Spillman	Manually	none stated	tried to put terminal at DA office	DA declined
	No Report	15th	Kiowa					
	No Report	15th	Baca					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Baca County PD	N						
	Campo PD	N						
	Granada PD	N						
	Lamar PD	N						
	Walsh PD	N						
	Baca County SO	N						
	Cheyenne County SO	N						
	Kiowa County SO	N						
	Prowers County SO	N						

16th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Miles Clark	16th	Crowley	None	mail	Technology	Funding	
	Chris Johnson	16th	Otero	Eforce	Manually	Technology	DA trying to go electronically	
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Fowler PD	N						
	La Junta PD	N						
	Manzanola PD	N						
	Rocky Ford PD	N						
	Bent County SO	N						
	Crowley County SO	N						
	Otero County SO	N						
	Bent County Coroner	N						
	Crowley County Coroner	N						
	El Paso County Coroner	N						
	Otero County Coroner	N						
	Arkansas Valley Correctional Facility	N						
	Bent County Correctional Facility	N						
	Crowley County Correctional Facility	N						
	Adult Parole / Juvenile Parole	N						
	Probation	N						
	State Parks	N						
	CBI	N						
	Department of Labor and Employment	N						
	Division of Wildlife	N						
	ICE	N						
	FBI	N						
	DEA	N						

Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
17th Judicial District	Douglas Darr	17th	Adams	Intergraph	Manually	Technology	offered to DA	slow to accept
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Arvada PD							
	Aurora PD							
	Brighton PD	N	Working on ability to submit electronically, hopefully to be ready in September.					
	Broomfield PD	Y	Audio/video is delivered in cd/dvd format					
	Commerce City PD							
	Federal Heights PD							
	Northglenn PD	Y	Currently only for county court					
	Thornton PD	Y	Currently only for county court					
	Westminster PD							
	Adams County SO	N	Working on ability to submit electronically, hopefully to be ready in September.					
	North Metro Drug Task Force							
	Div of Parks and Wildlife							
	State Patrol							

18th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Grayson Robinson	18th	Arapahoe	New World	hand or electronic		defense council getting discovery	
	Tom Nester	18th	Lincoln	CrimeStar	Hand Carry	RMS/DA		
	Dave Weaver	18th	Douglas	New World	Hand Carry	DA	DA will not accept electronic signatures	
	Shayne Heap	18th	Elbert	Eforce	electronically	none stated	DA has read rights	
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Aurora PD	N						
	Bomar PD	N						
	Castle Rock PD	Y	Currently provides paper and CD					
	Centennial PD	N						
	Cherry Hills PD	N						
	Columbine Valley PD	N						
	Elizabeth PD	Y	Currently provides paper and CD					
	Englewood PD	N						
	Glendale PD	N						
	Greenwood Village PD	Y	Capability, but does not currently provide electronically					
	Kiowa PD	N						
	Limon PD	N						
	Littleton PD	N						
	Lone Tree PD	Y	Currently submits supplemental reports on county court cases only					
	Parker PD	N						
	Sheridan PD	N						
	Simla PD	N						
	Arapahoe County SO	N						
	Douglas County SO	N						
	Elbert County SO	Y	Capability, but does not currently provide electronically					

Dist. 18th Cont.								
	Lincoln County SO	N	RMS not Capable					
	Hugo Marshall	N						
	State Patrol	N						
	South Metro Drug Task Force	N						

19th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	No Report	19th	Weld					
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Ault PD	Y		*agencies with electronic discovery for 9th JD do not apply to audio/video, only to "paper"				
	Dacono PD	Y						
	Eaton PD	N						
	Erie PD	N						
	Evans PD	Y						
	Firestone PD	N						
	Ft Lupton PD	Y						
	Gilcrest PD	N						
	Greely PD	Y						
	Johnstown PD	Y						
	Kersey PD	Y						
	Lasalle PD	N						
	Lochbuie PD	Y						
	Milliken PD	Y						
	Platteville PD	N						
	Univ of Northern Colorado PD	N						
	Windsor PD	N						
	Weld County SO	Y						
	State Patrol	Y						

20th Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Joe Pelle	20th	Boulder	Tiburon	electronically	none stated		
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Boulder PD	Y						
	CU PD	N						
	Erie PD	N						
	Lafayette PD	N						
	Louisville PD	N						
	Longmont PD	N						
	Boulder County SO	N						
	Nederland Marshal	N						
	Ward Marshal	N						

21st Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Stan Hilkey	21st	Mesa	New World	electronically	none stated		
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Fruita PD	Y						
	Grand Junction PD	Y						
	Palisade PD	Y						
	Mesa County SO	Y						
	Collbran Marshal	N						
	DeBeque Marshal	N						
	State Patrol	N						
	CBI	N						

22nd Judicial District								
Discovery Process	Name	Judicial District	County	RMS System	Delivery	Barriers	Other	DA Info
	Jerry Martin	22nd	Dolores	none	manually	Technology	are going to electronic	
	Dennis Spruell	22nd	Montezuma	ITI	Manually	Technology		
E-Discovery Ability	Agency	E-Discovery Ability	Notes					
	Cortez PD	Y	Only surveillance video not available electronically	*agencies with electronic discovery for 9th JD do not apply to audio/video, only to "paper"				
	Dolores County SO	Y						
	Montezuma County SO	Y						
	Mancos Marshall	N						
	Rico Marshall	N						
	State Patrol	Y						
	Port of Entry	N						
	Division of Wildlife	N						
	CBI	Y						