



# Colorado Judicial Department

## SMART Government Act Presentation

January 4, 2017



Honorable Nancy E. Rice  
Chief Justice  
Colorado Supreme Court

As Chief Justice of the Colorado Supreme Court, I am pleased to present the Judicial Department's Fiscal Year 2017-18 SMART Act performance report along with highlights of the Department's current budget request.

Since becoming Chief Justice, I have visited courts across the state of Colorado. The visits provided me with the opportunity to connect with and learn from the talented professionals whose service to their local communities is the heart of our branch. My priorities and initiatives as Chief Justice incorporate the diverse perspectives and innovative approaches to the administration of justice I encountered.

I am committed to ensuring equal access to the legal system and to providing an opportunity to be heard in courts throughout all 64 counties. To this end, the FY2017-18 budget request reflects this priority.



Gerald A. Marroney  
Colorado State Court  
Administrator

Our courts have faced a growing number of limited English proficient (LEP) litigants. Through the use of professional interpreters, parties, and judicial officers can reach case resolution for an LEP individual. Judicial officers can make informed and appropriate rulings and ensure that court proceedings are fair and understandable. In order to cope with this growing need, additional resources are required.

As always, our focus is on providing the best public service possible, ensuring that we respond to the needs of the people of Colorado, and promoting public understanding and confidence in the judicial system. I look forward to working with the Colorado General Assembly to meet these goals.

Nancy E. Rice  
Chief Justice

# ***Judicial Department***

## ***FY 2016-17 Performance Report***

The Judicial Department ("Department") consists of the Colorado Supreme Court, Colorado Court of Appeals, trial courts, probation, and the State Court Administrator's Office. The Department strives to protect constitutional and statutory rights and liberties; assure equal access; provide fair, timely and constructive resolution of cases; enhance public safety; supervise offenders; and facilitate victim and community reparations. Article VI of the Colorado Constitution and section 13-4-101, C.R.S. (2015) provide the constitutional and statutory authority for the state courts. Sections 18-1.3-201 and 18-1.3-202, C.R.S. (2015) provide the statutory authority for probation.

The Department developed the following five principle strategies to meet the priorities of the Department:

1. Provide equal access to the legal system and give all an opportunity to be heard;
2. Treat all with dignity, respect, and concern for their rights and cultural backgrounds, and without bias or appearance of bias;
3. Promote quality judicial decision-making and judicial leadership;
4. Implement quality assessments and community supervision of adult and juvenile probationers to demonstrably enhance public safety and respect for victim rights; and
5. Cultivate public trust and confidence through the thoughtful stewardship of public resources.

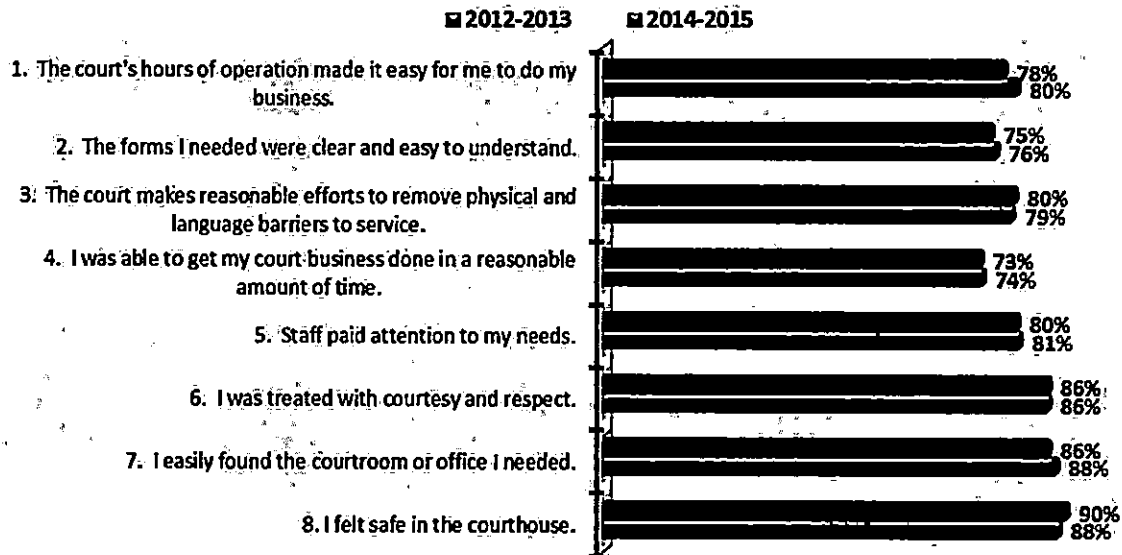
The Department has also identified three major performance measures to gauge our success in implementing the five principle strategies. The three major performance measures include: (1) access and fairness surveys; (2) time standards for district and county courts; and (3) Probation client success rates. The Department regularly evaluates these performance measures, and the following three pages illustrate our most recent evaluation of the measures. In addition, the Department's performance plan can be found at:

<http://www.courts.state.co.us/Administration/Division.cfm?Division=pa>

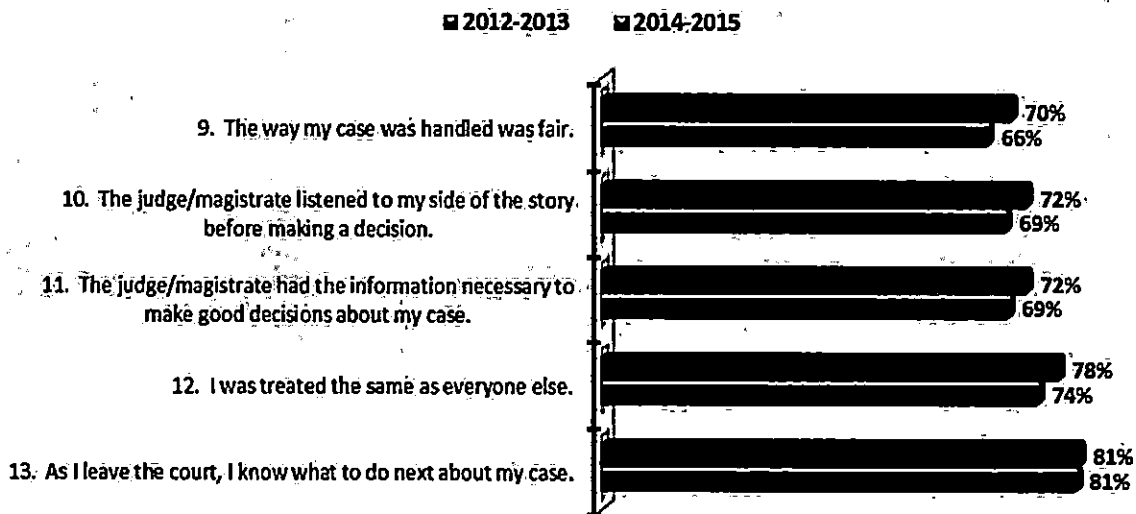
## Performance Measure

*Access and Fairness surveys* continue to be conducted throughout the State to assess ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect. This measure provides a tool for surveying all court users about their experience in the courthouse. Comparison of results by location and district assist in informing court management practices. To date, over 15,000 court users statewide have responded to these surveys.

**Table 1**  
**Statewide Access Survey**  
**Percentage of Respondents who "Agree" or "Strongly Agree"**



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



## Performance Measure

Performance goals for Courts and Probation 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. The tables below reflect the *Time Standards for District and County courts.*

**TABLE 1**

**District Court Case Management Time Standards**

**Established Pursuant CJD 08-05**

| Case Class                                  | Pending Cases Exceeding Target  |                                 | Target   |
|---|---------------------------------|---------------------------------|--|
|   | 4 <sup>th</sup> Quarter FY 2015 | 4 <sup>th</sup> Quarter FY 2016 |  |
| Civil                                       | 12.1%                           | 10.2%                           | No more than 10% of cases open more than one year. |
| Criminal                                    | 4.5%                            | 4.3%                            | No more than 5% of cases open more than one year.  |
| Domestic Relations                          | 3.4%                            | 3.3%                            | No more than 5% of cases open more than one year.  |
| Juvenile Delinquency                        | 2.3%                            | 2.6%                            | No more than 5% of cases open more than one year.  |
| Dependency and Neglect (over 6 years old)*  | 3.2%                            | 1.5%                            | No more than 5% of cases open more than 18 months  |
| Dependency and Neglect (under 6 years old)* | 7.1%                            | 3.4%                            | 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 2**

**County Court Case Management Time Standards**

**Established Pursuant CJD 08-05**

| Case Class   | Pending Cases Exceeding Target  |                                 | Target  |
|--------------|---------------------------------|---------------------------------|---|
|              | 4 <sup>th</sup> Quarter FY 2015 | 4 <sup>th</sup> Quarter FY 2016 |   |
| Civil        | 7.5%                            | 4.9%                            | No more than 5% of cases open more than six months.   |
| Misdemeanor  | 13.2%                           | 12.7%                           | No more than 10% of cases open more than six months.  |
| Small Claims | 3.4%                            | 1.8%                            | No more than 1% of cases open more than six months.   |
| Traffic      | 6.3%                            | 6.8%                            | No more than 5% of cases open more than six months.   |
| DUI/DWAI     | 15.3%                           | 12.2%                           | No more than 20% of cases open more than seven months |

## Performance Measure

One of the main goals of **probation** is to effect long term behavior change. By focusing on issues that relate to criminal behavior, probation officers can increase the likelihood that adults and juveniles placed on probation will make lasting, pro-social behavior change. Measuring outcomes and providing feedback is a critical piece of implementing efficient and effective practices in probation.

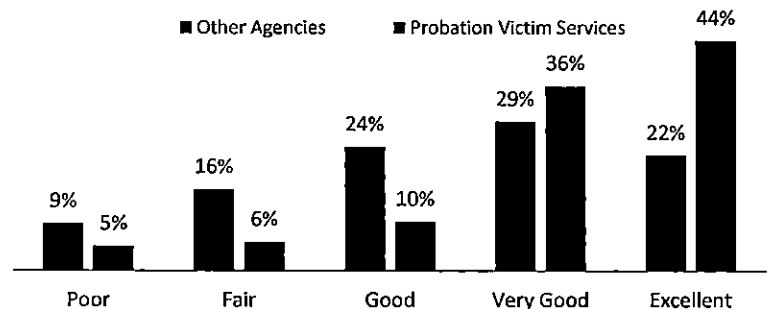
This chart provides feedback for one measurement of performance: successful completion of probation. The chart lists the statewide success rates, and the percentage and actual number of terminations for FY 2015 and FY 2016.

Note: intensive program terminations include those cases terminated directly from the program as well as those probationers who completed the program and are transitioning from the intensive program to regular supervision. Due to the small number of probationers in some programs, success rates may experience fluctuations.

| Colorado State Probation Success Rates     |                      |                      |
|--|----------------------|----------------------|
| Program                                    | FY 2015<br>Statewide | FY 2016<br>Statewide |
| Regular Adult                              | 63% (14,743)         | 63% (15,276)         |
| Adult Intensive Supervision Program        | 49% (309)            | 53% (282)            |
| Female Offender Program                    | 57% (95)             | 55% (93)             |
| Sex Offender Intensive Supervision Program | 47% (144)            | 62% (182)            |
| Regular Juvenile                           | 70% (1,953)          | 71% (1,799)          |
| Juvenile Intensive Supervision Program     | 43% (96)             | 41% (77)             |

## Victim Satisfaction Rating

(Other Agencies n=125 , Probation Victim Services n=126)



When a probationer's case has terminated, Victim Services Officers send out a victim satisfaction survey to victims who have requested notification of probation status. Each calendar year the results are compiled into a statewide report. The results shown include the victims' responses regarding Probation's performance and the performance of other criminal justice agencies.

Note: Not every question was answered by each survey respondent. The (n) indicates the number of respondents who answered each specific question.

## *Budget Request Priorities*

To ensure greater information and courthouse security and more effective supervision of individuals on probation, the Judicial Department has identified the following budget request priorities for FY 2017-18:

- **JUDICIAL COMPENSATION**

Section 13-03-105, C.R.S. (2016) requires the Chief Justice of the Colorado Judicial Branch to maintain a compensation package that is comparable to the Executive Branch to ensure governmental agencies are not competing for talent by offering more competitive compensation packages.

- A Judge appointment is a long term decision that impacts the lives of many Coloradoans daily; we want to attract and retain the best attorneys we can.
- **Fewer applicants for vacancies** - Since 2013, there has been a 11-15% decline in applicants for Judge vacancies.
- **Average years of experience for new judges has decreased by 14 years**
- Even more concerning, is the **lack of professional diversity**, particularly in the metro areas:
  - 2/3rds of metro District Judges come from the public sector
  - 80% of metro County Judges come from the public sector
- The bench benefits from having a good balance between criminal (public sector) and civil (private sector) backgrounds among the judges.
- Compensation is a bigger obstacle in attracting private sector attorneys.

- **LANGUAGE ACCESS**

Individuals who are Limited English Proficient (LEP) do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. National origin discrimination includes, among other things, failing to provide meaningful access to the courts for LEP individuals.

Language Access is not limited to the LEP individual. All parties communicating with an LEP individual, from the courthouse information desk, to other parties named in a case, to the judicial officer presiding over a hearing, to the court reporter, utilize the services of a professional interpreter. Judicial officers rely on court interpreters to understand testimony and communicate with parties with limited English proficiency. Through the use of professional interpreters, parties, judicial officers, and staff can reach case resolution, reduce the number of future appearances in court, communicate requirements for an LEP individual, make informed and appropriate rulings and ensure that court proceedings are fair and understandable.

- **COURTHOUSE CAPITAL**

Pursuant to sections 13-3-104 and -108, C.R.S. (2016), Colorado counties provide and maintain adequate courtrooms, and other court and probation facilities, while the State provides the furnishings and staffing that allow those facilities to function. Though each judicial district works with its county commissioners on space-related issues, it is ultimately the counties—and often the voters as well—who decide when to provide new or remodeled court and probation facilities. Once a new or remodeled facility is constructed, statute requires the Judicial Department to provide the furniture and IT infrastructure to make the facility useable for its intended purpose.