

SMART Act Presentation to the Joint Judiciary Committee

Chief Justice Brian D. Boatright
and
State Court Administrator
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Overview

The Basics

Audit

Pandemic impacts

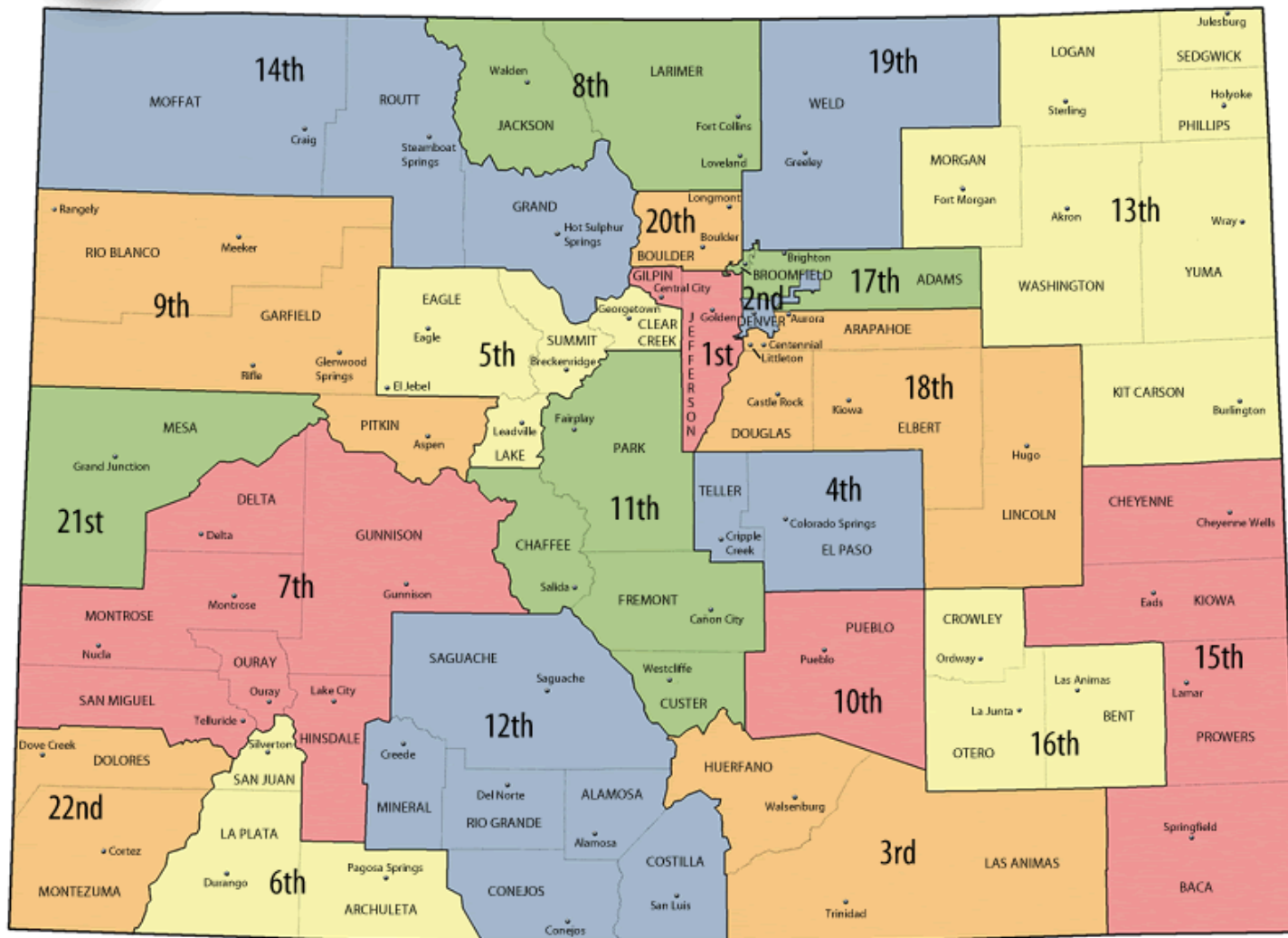
Pandemic response

Performance plan

Other reporting requirements



COLORADO JUDICIAL DISTRICTS



By the numbers

- 22 judicial districts
- All 64 counties
- 3,589 court and probation staff
- 339 judges and justices
- 514,516 cases filed in 2020
 - 190,000 civil
 - 105,000 criminal
 - 90,000 traffic
 - 29,000 domestic
- 74,700 probationers supervised today

Colorado Supreme Court



- Chief Justice Brian D. Boatright
- Justice Monica M. Marquez
- Justice William W. Hood, III
- Justice Richard L. Gabriel
- Justice Melissa Hart
- Justice Carlos A. Samour Jr.
- Justice Maria E. Berkenkotter

SCAO Performance Audit

- Final report released December 2020
- Agree with LAC findings
- Began implementing changes before audit was complete
- Full implementation expected by July 2021

Pandemic impacts



Budget cuts



Virtual hearings



Jury Trials

Budget Cuts

- \$34M cut from FY21
- 196 FTE eliminate, including 111 layoffs
 - All districts, both court and probation
 - Appellate courts too
 - SCAO took disproportionate reduction

Operational Changes During Pandemic

- Courthouses closed or limited operations
- WebEx quickly became an option for many cases
- WebEx has challenges:
 - More time consuming for judges
 - Connection issues for parties creates audio problems
- Virtual hearings are probably here to stay in some form
- Jury trials cannot be held virtually

Jury Trials

- Social distancing limitations create challenges
- Chief Justice order suspended trials
- Local chief judges set trial policies
- Supreme Court amended the Rules of Criminal Procedure
- Backlog of cases, civil and criminal, growing
- 14,000 trials scheduled for 2021 so far

Pandemic strategic response



Senior Judges



Staff and Magistrates



Jury Trials

Legislation: Senior Judges

- Provides flexibility to add more retired judges to senior judge program
- Senior judges can handle any case type in any location
- Requires separate legislation
- \$2.9 million, includes fixing quirky payment schedule

Budget Request: Staff and Magistrates

- 130 total FTE (\$9.2 million)
 - 76 FTE court staff
 - 52.8 FTE probation staff
 - 2.0 FTE Court of Appeals
 - No FTE for SCAO or Supreme Court
- 16.6 magistrates and accompanying FTE (\$3.8 million)

Legislation: Jury Trial Flexibility

- 14,635 jury trials waiting. The list grows every day.
- Public health concerns limit capacity
- Trials limited by courtroom space, number of judges and jury assembly room space.
- Statutory solution is requested to provide relief from trial deadlines.

Performance Plan



Access

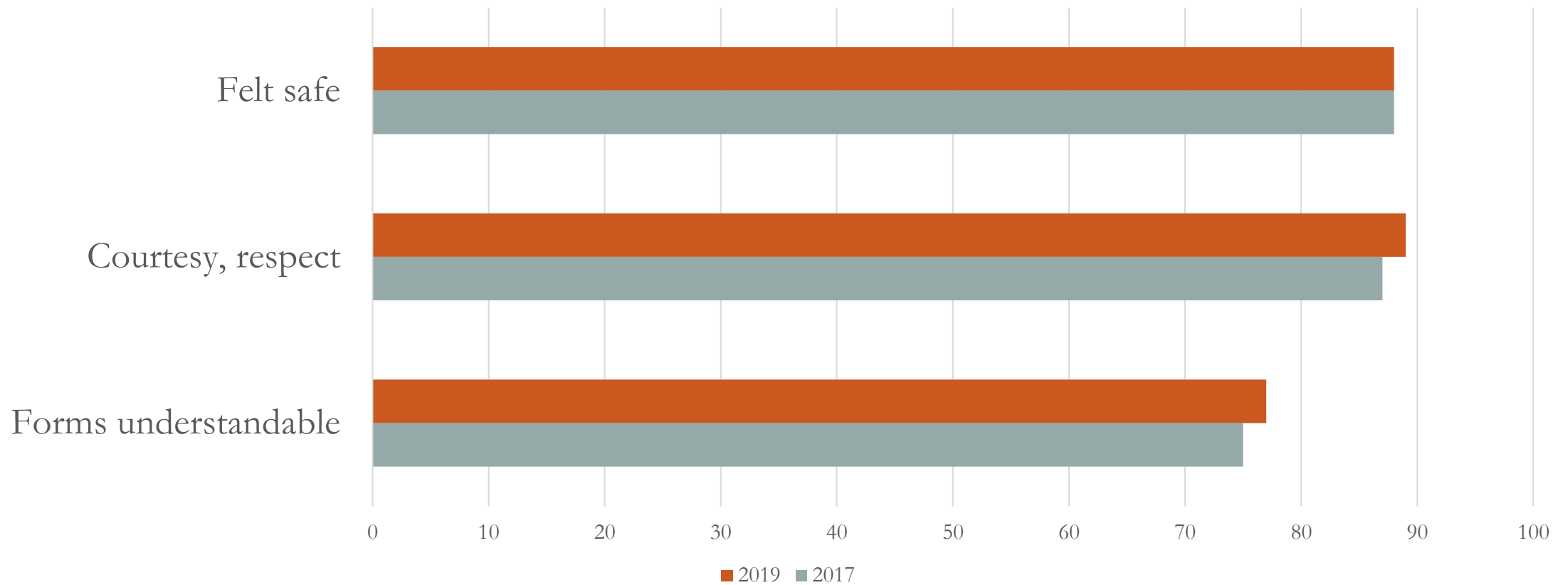


Fairness

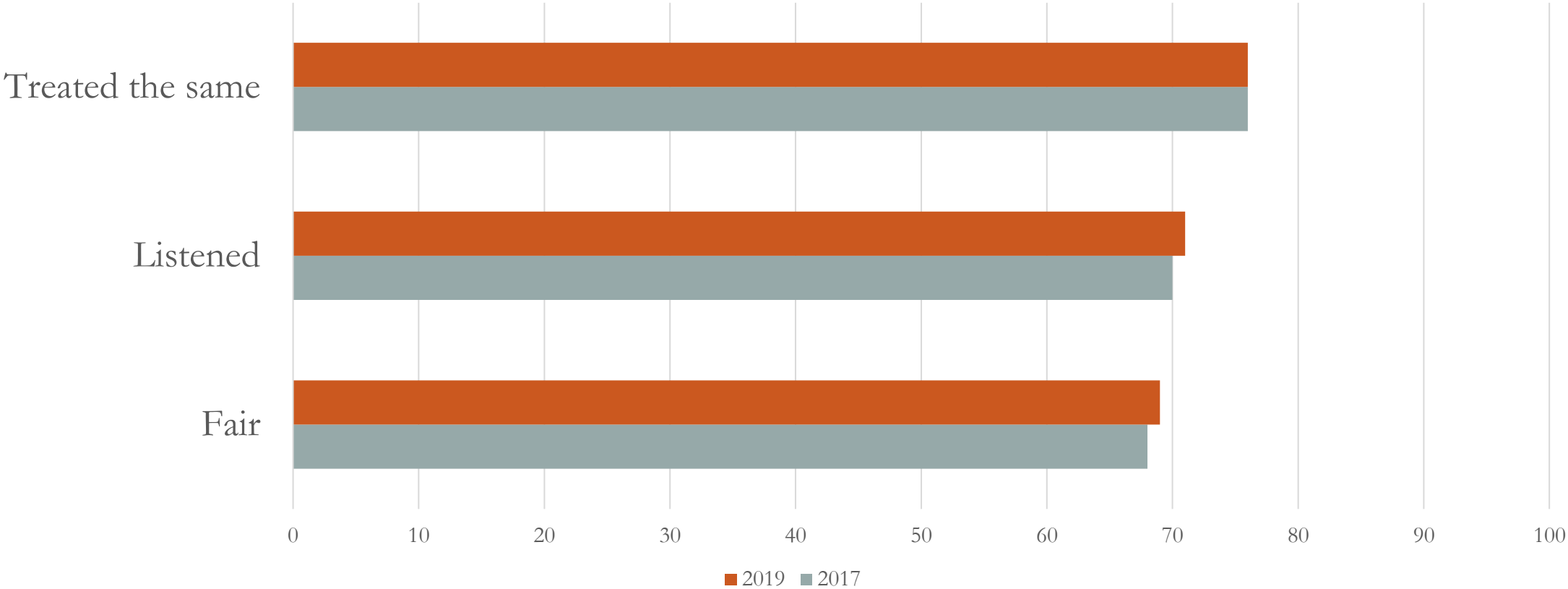


Probation

Our Courts are Accessible

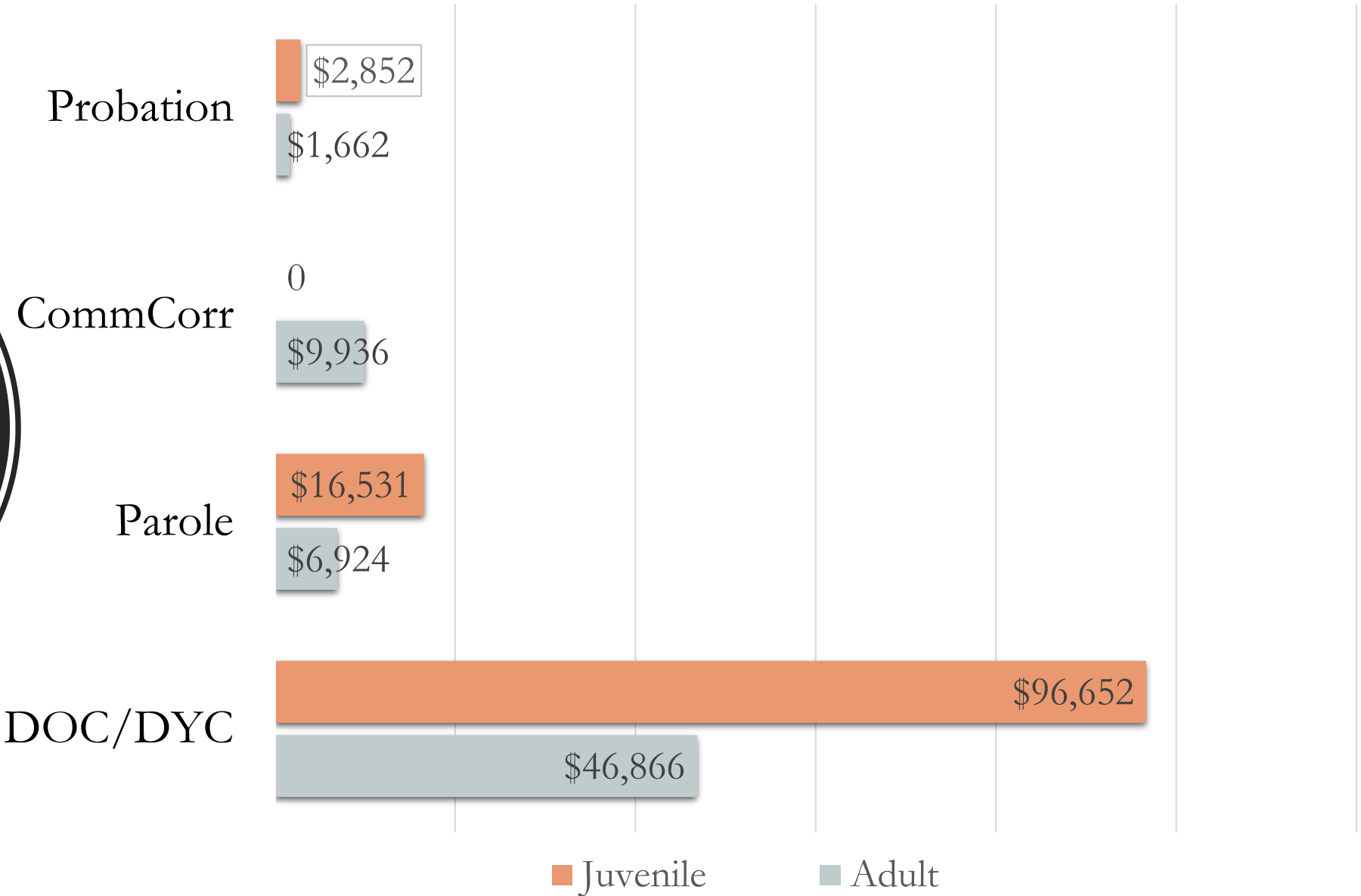


Our Courts are Fair

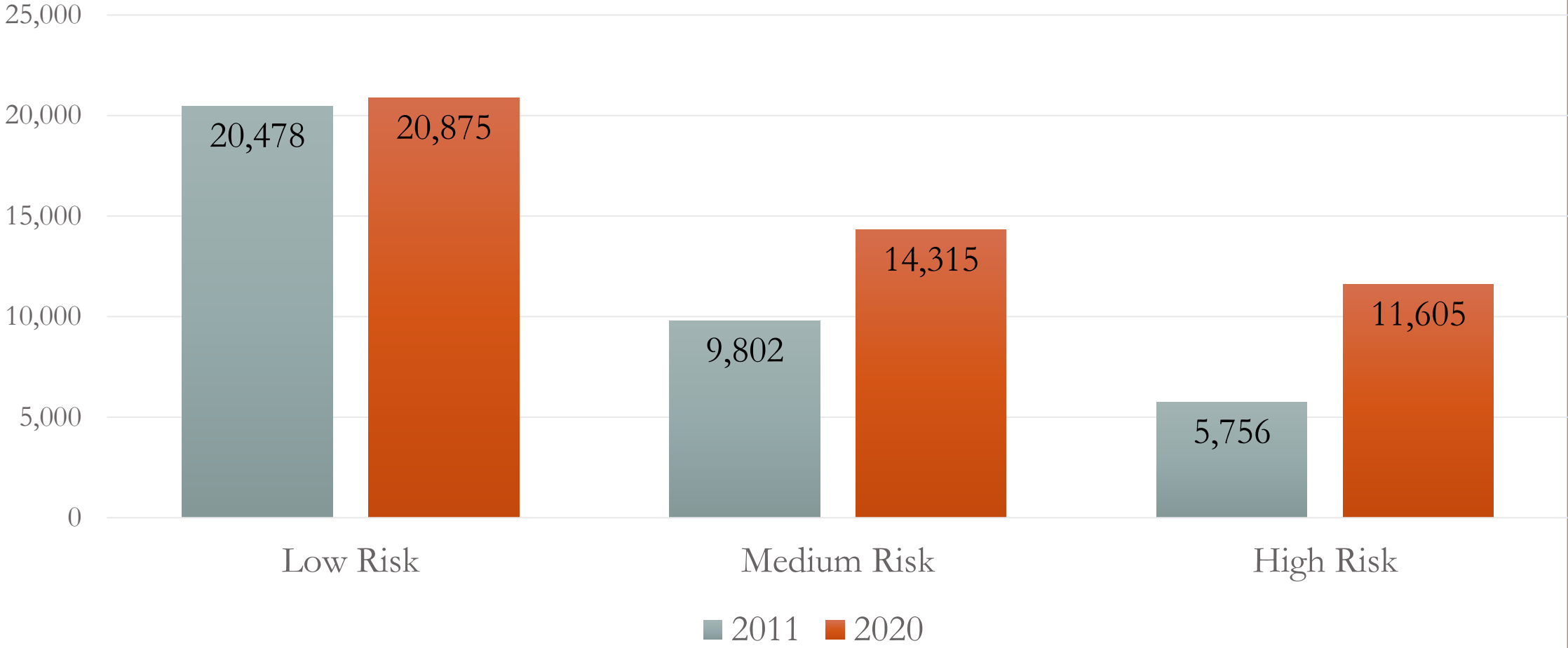


Probation is cost-effective

Cost per person



High-risk probationers increasing



Other reporting requirements

Extreme Risk Protection Orders

Text Reminder Program

Judicial Outreach

23rd Judicial District

Restorative Justice

Extreme Risk Protection Orders

- “Red flag law” data for 2020
- 111 cases filed
- Temporary Extreme Risk Protection Orders
 - 26 denied
 - 66 issued
- Extreme Risk Protection Orders
 - 26 denied
 - 49 issued

Text Reminder Program

- Launched statewide July 1, 2020
- People who get text reminders have lower FTA rates
- 30,684 defendants opted-in to program
- 2019 statewide FTA rate: 9.91%
- 2020 statewide FTA rate: 12%
- FTA rate for text reminder participants: 7.2%

Judicial Outreach

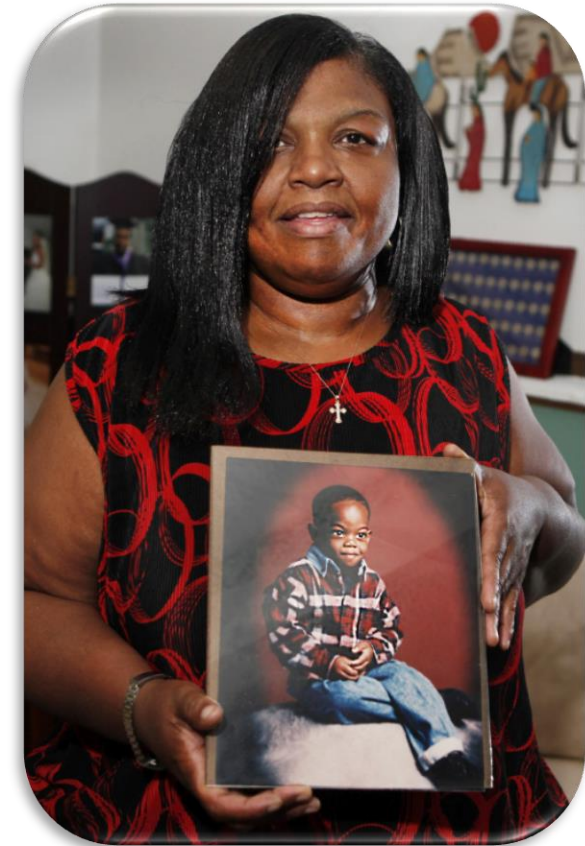
- Hired diversity outreach position in 2020
- Focus on improving access and understanding of judicial nominating process
- Number of minority judges increased from 40 to 51 in past year
- 5 black female judges appointed in past 12 months – more than the past 25 years combined

New Judicial District

- HB20-1026 creates the 23rd Judicial District in 2025
- Arapahoe County will remain the 18th JD
- Douglas, Elbert and Lincoln will become the 23rd JD
- Plan to work with all affected stakeholders

Restorative Justice

- Empower, heal, and reduce
- 1,200 juveniles served since 2014
- 91% do not recidivate
- Victims, offenders and community members all report high rates of satisfaction with the process



Thank You



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