



JUDICIAL DEPARTMENT

FISCAL YEAR 2022 PERFORMANCE PLAN

NOVEMBER 1, 2021

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, except for four districts, most districts are comprised of multiple counties. 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 supervision is provided in all 22 of Colorado's judicial districts. This includes 23 probation departments with over 70 separate probation offices throughout the state. Probation also provides victim services and writes presentence investigation reports for Colorado's Courts. Probation continues to work to identify and utilize assessments, processes, and programs that enhance public safety, are cost effective and lead to positive outcomes for the probationer and the community.

OFFICE OF THE STATE COURT ADMINISTRATOR

Colorado Courts and Probation, with more than 300 judges and 3,400 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 courts, appellate courts, and probation 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 & 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

Fiscal year 2021 (FY21) proved to be a year of resilience and recovery for the Judicial Department in Colorado. After making significant budget cuts at the start of FY21 following the onset of the COVID-19 global pandemic, by the end of the fiscal year, the Judicial Department was able to restore many of the positions lost. Although staffing levels for the courts and probation have started to return to pre-pandemic levels, the turnover in the positions lost and then filled is not without consequence. In fact, the Department experienced a nearly 15% turnover rate in FY21, compared with less than 12% the previous five years. Increased cross-training became necessary in some locations to deal with staff shortages and inexperience. Recruitment and training demand significant resources, while adjustment and adaptations to business practices continue in response to the changing public health environment. Additionally, some court locations have reported significant recruitment challenges with far fewer qualified applicants, if any, than they had for the same positions pre-COVID.

Education in the Courts

Ongoing staff training is critical to staff success, and Judicial Education continues to be a critical need and focus in the Department's FY23 budget request. The 2020 budget cuts resulted in the loss of a Court Services Education Specialist (trainer) position in the SCAO, which represented an 11% reduction in trial court education staff. SCAO has yet to recoup that lost position. At the same time, the branch recruited for over 300 trial court positions in FY21, significantly increasing the need for training. To further complicate matters, in-person training with classrooms full of people was not feasible for FY21 due to various public health restrictions that were in place. As a result, the Court Services trainers pivoted to virtual classroom training. These training sessions are live, instructor-led classes offered on a virtual platform. Since March 2020, the training unit has developed over 60 virtual training courses, despite being under-staffed. There are several advantages to virtual trainings including cost and time savings due to the elimination of travel for trainers and participants and equitable access to training regardless of court location. The virtual training platform has also allowed Court Services trainers to offer new employee training every week, serving a critical need given the number of new positions that were hired in late FY21.

The shifts in training and education delivery also resulted in the expanded use of distance learning technologies for simulation and "just in time" content. The Court Services Distance Learning team has created approximately 183 learning modules and trainings covering a variety of topics. This content is available on demand, allows learners to move at their own pace, and is an effective tool for reinforcing other content delivered in live, instructor-led trainings. However, there are some technological limitations to virtual and on-demand methods of training, including bandwidth challenges in some court locations and limited access to equipment necessary for virtual learning such as cameras and microphones for some staff. Additionally, some staff have a learning style that benefits from in-person classroom learning over the virtual or on demand environment. Having experience with both virtual and in-person training options, the Judicial Department now plans to move toward a model that taps into the advantages of both modalities and is working toward a blended learning model as the ability to hold more in-person trainings returns over time. The blended learning model will maximize the opportunities for learning and most efficiently utilize resources while also ensuring highly complex content and relationship building can be supported in the process. Judicial Education continues to be a critical need and is a focus in the Department's FY23 budget request.

Whether this is an impact of the COVID-19 public health crisis or not, 8.2% (34) of judicial officers left the bench in FY21, compared to 5.5% the previous year. As noted above, annual and ongoing training for employees is critical to success in any position, and judicial officers are no different. Unfortunately, due to the FY21 COVID-induced budget crisis, funding for the annual Judicial Conference was eliminated. C.R.S. §13-3-102(2) requires an annual Judicial Conference, which is the only opportunity for all Judicial Officers in Colorado to come together for education and development. It is the only time each year when Judicial Officers can share progress, challenges, and solutions with their colleagues from across the state. Although critical content was delivered virtually for FY21 and FY22, the Department is eager to restore funding for this important training event so judicial officers have the powerful opportunity to learn through dialogue with their colleagues and enhance the community of support that is so critical in their complex, demanding and often isolating role.

Additionally, funding for the Department's Colorado Institute for Faculty Excellence (COIFE) was also eliminated. Originally designed for Judicial Officers, COIFE was expanded to serve employees throughout the organization. This six-month program provides an opportunity for participants to broaden their overall perspective of Judicial Education while receiving expert training and mentoring to create a project to benefit the courts, legal profession, or community at large. Because many projects created through COIFE have become essential resources for the branch, this program has been referred to as the research and development arm of the branch. Just a few examples are: The Peer-to-Peer Coaching Program; Judging with Dignity; Working with Sovereign Citizens; Plain Language Orders & Right Side of the Bench. Not only are COIFE projects essential components of judicial education, the skills and development gained through this program allow participants to go on to create more courses and programs following the completion of their initial project as well as take leadership roles within the branch. The Department is also hopeful that this important program will be restored.

Information Technology (IT) & the Judicial Branch

Expanded use of technology continued throughout FY21, which allowed critical operations to continue while complying with public health restrictions. Telecommuting enabled some court operations to be managed remotely while operating within the necessary quarantine and isolation protocols required by the public health emergency. Virtual proceedings have continued in many locations, in part as a continued response to COVID-19, but also to increase access to justice and improve community satisfaction with the judicial process. Importantly, the adaptable and innovative use of technology allowed courts to stay open and functional when many other parts of everyday life were shut down.

The Branch anticipates that some of the technological adaptations implemented to respond to COVID will continue as an ongoing means to improve access to justice, even after the public health crisis passes. In fact, the implementation of HB21-1280, which requires an initial bond hearing within 48 hours of arrest, will require audiovisual (AV) streaming of weekend / holiday bond hearings to the public. As such, the Branch is increasing efforts to improve IT infrastructure and security, and AV capabilities.

Senior Judge Program

The Senior Judge Program has been a critical resource for the trial courts in addressing backlogged cases and delays in case processing due to the pandemic. HB21-1136 expanded the Senior Judge Program by 37%, increasing the appropriation by more than \$700,000. The new appropriation allows additional senior judge contract days to be focused in the trial courts, increased flexibility in contract lengths for senior judges, added additional evaluation criteria to be considered prior to accepting a retired judicial officer to the program, and provided an additional analyst position to support the administration of the program. At the request of the trial courts, the Senior Judge Program assigns senior judges to hear cases in which the trial judges have recused themselves for reasons set forth by §13-1-122, C.R.S.; or so the

court’s docket is not interrupted to the detriment of the litigants due to the illness or unexpected absence of a judge, judicial vacancy, judicial training and education, or an overscheduled docket when a judicial officer is double set with trials or other docket matters. The program added 13 new senior judge contracts between July 1, and October 1, 2021, representing an increase in 580 senior judge contract days to be utilized in the trial courts. The program will continue to add new senior judge contracts in the months to come.

Judicial Officer Diversity & Well-Being

Established by SB19-043, the Judicial Diversity Outreach program seeks to further the Colorado Judicial Branch’s mission to provide the communities of Colorado with a fair and impartial system of justice by ensuring that the courts reflect the communities they serve. By providing outreach and education regarding judicial officer vacancies and the application process, in the first year, these program initiatives contributed to an increase in the number of diverse judges appointed to the bench between September 1, 2020 and August 31, 2021, with 51% of 35 appointed judges being women, and 31% being non-white.

The Colorado Task Force on Judicial Well-Being¹ was convened in 2018 and has since developed strategies for enhancing well-being throughout the Colorado legal community. In 2020, the Chief Justice created the Colorado Judicial Well-Being (JWB) Standing Committee, which includes representation from all 22 judicial districts. The JWB Committee maintains a website² with well-being resources for both judicial officers and staff, and engages in projects aimed to enhance and support judicial well-being through the following areas of focus: connection, support, and community building; diversity, equity, and inclusion; educational programming focused on well-being; and leave support resources.

Forcible Entry & Detainer

Given state and federal eviction moratoria that were in place for FY21, the number of eviction, or forcible entry and detainer (FED), cases filed in FY21 was significantly lower than in previous years:

Table 1	
Fiscal Year	County Court FED Filings
FY21	15,959
FY20	26,112
FY19	38,183

It is anticipated that this reduction in FED filings is temporary, and in fact, that the Branch could see a surge in cases once all eviction protections have expired. As a result, the Judicial Branch continues to provide support to those at risk of eviction in several ways. Local Self-Represented Litigant Coordinators (SRLC’s, commonly referred to as “Sherlocks”) statewide are working to identify local agencies that can a) help facilitate rental assistance, and b) provide legal advice. Further, SCAO staff are working with statewide agencies including COVID-19 Eviction Defense Project, Colorado Bar Association, Colorado Legal Services, and others to identify and share information related to rental assistance, legal service providers, pro bono attorneys, and mediators. SCAO also collaborated with and make recommendations to the Department of Local Affairs (DOLA) to streamline the rental assistance application process and reduce the bottle neck on pending applications. Finally, there are volunteer mediation programs for FED cases when judicial officers and self-help staff are open to same. For example, in the 3rd Judicial Districts, the Office of Dispute Resolution (OD) trained community volunteers to conduct FED mediation. Additionally, the ODR has partnered with Colorado Legal Services in the 4th Judicial District to pilot an Eviction Diversion Program to assist pro se tenants and pro se landlords explore resolution of eviction cases in lieu of a formal

¹ <https://coloradosupremecourt.com/Current%20Lawyers/TaskForceWellBeing.asp>

² <https://judicialwellbeing.colorado.gov/>

court hearing. Phase I of the program will begin with failure to pay rent cases, however, phase II hopes to receive referrals for non-compliance cases which may result in eviction.

The SCAO also manages the Eviction Legal Defense Fund program, which was established by the General Assembly in 2019 to help indigent persons at risk of or experiencing eviction obtain legal services at no cost to them. To be eligible, organizations must be non-profit and currently serving the legal needs of indigent persons at risk for or experiencing an eviction. Successful organizations must be prepared to provide full legal services, including but not limited to representing indigent tenants in any forcible entry and detainer proceeding or action for monetary damages or other lease violation; providing legal assistance prior to the filing of an eviction or for any other judicial action in which legal representation is necessary to protect the interests of an indigent tenant. Additional information regarding the fund and qualifications for organizations receiving grants may be found in §13-40-127, C.R.S. For FY22, a total of six organizations applied for and received grant funding totaling \$1.94 million. Additional funding has also been made available to these organizations through the American Rescue Plan Act of 2021.

Management Strategies and Measurements

TRIAL COURTS

New Case Filings Overview

Although the effects of the COVID-19 public health crisis continued to impact the overall filing numbers for FY2021, the data show that several case classes appeared to be returning to pre-pandemic filing rates in the final months of FY21, including county court traffic, and district court criminal case classes. Although most case classes in both county and districts courts saw a decrease in filings for the second year in a row, there are some notable exceptions. District court mental health and probate case filings were at a 10-year high in FY21. In addition, the number of domestic relations cases filed in FY21 increased from FY20. It is difficult to know whether these *increases* might be the result of the pandemic, though it does provide some explanatory power.

While district court criminal case filings have decreased overall, of note is that violent case types appear to be on the rise. Specifically, 717 homicide cases were filed in FY21, an increase from 651 in FY20 and 573 in FY19. Similar increases occurred in assault, kidnapping, and menacing case types.

Table 2: County Court Filings by Case Class

Case Class	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
CIVIL										
New Cases Filed	193,282	174,466	158,525	144,868	138,631	140,462	143,591	142,877	118,329	108,339
Cases Terminated	192,635	174,554	132,170	144,018	137,744	138,286	142,319	142,038	117,864	108,363
INFRACTIONS										
New Cases Filed	75,464	67,581	69,515	70,375	69,782	66,561	65,344	65,572	63,572	50,152
Cases Terminated	76,228	68,033	67,854	71,664	70,107	66,823	65,996	65,343	60,317	53,259
MISDEMEANORS										
New Cases Filed	70,068	62,740	60,585	62,131	60,682	61,298	62,589	61,951	61,550	60,490
Cases Terminated	67,482	65,310	57,193	59,852	59,799	59,396	60,748	60,108	50,519	52,188
SMALL CLAIMS										
New Cases Filed	9,117	8,171	7,589	7,404	7,309	7,118	6,990	6,655	5,364	4,561
Cases Terminated	9,244	8,357	6,710	7,245	7,266	6,896	6,713	6,935	5,323	4,871
TRAFFIC										
New Cases Filed	121,112	115,465	117,389	124,922	118,215	115,370	113,865	112,733	104,402	93,678
Cases Terminated	124,842	115,706	114,112	114,989	116,252	114,885	113,648	110,139	91,288	85,597
FELONY COMPLAINTS (a)										
	15,328	17,832	16,794	16,247	18,095	19,546	21,515	23,018	18,899	17,542
TOTAL										
New Cases Filed	484,371	446,255	430,397	425,947	412,714	410,355	413,894	412,806	372,116	334,762
Cases Terminated (b)	470,431	431,960	378,039	397,768	391,168	386,286	389,424	384,563	325,311	304,278

Table 3: District Court Filings by Case Class

Case Class	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
CIVIL										
New Cases Filed	169,055	108,634	96,325	101,112	88,277	80,632	96,176	87,295	104,632	81,781
Cases Terminated	169,186	111,606	97,728	101,355	88,758	80,917	95,618	87,015	105,175	81,049
CRIMINAL										
New Cases Filed	35,551	37,888	37,966	40,903	46,004	51,775	54,479	56,292	51,378	43,834
Cases Terminated	34,957	37,293	37,615	39,343	42,730	47,998	51,258	54,573	47,714	41,489
DOMESTIC RELATIONS										
New Cases Filed	35,434	34,630	34,907	34,841	34,966	35,057	34,357	33,610	30,697	31,465
Cases Terminated	35,683	34,593	35,067	34,352	34,877	34,799	34,348	33,807	31,180	31,089
JUVENILE										
New Cases Filed	28,731	27,296	24,600	24,681	24,324	23,339	23,120	22,847	18,545	14,954
Cases Terminated	26,462	26,951	23,866	23,274	22,518	21,722	22,072	21,620	18,580	16,064
MENTAL HEALTH										
New Cases Filed	6,064	6,480	7,072	7,326	7,689	7,947	7,933	7,779	7,533	7,798
Cases Terminated	5,744	6,531	7,072	7,408	7,731	7,905	7,994	7,804	7,765	7,887
PROBATE										
New Cases Filed	14,042	15,553	15,203	15,728	16,309	16,619	16,738	16,191	15,785	17,777
Cases Terminated	17,387	15,578	15,387	15,718	16,151	16,699	16,751	16,116	16,126	17,742
TOTAL										
<i>New Cases Filed</i>	288,877	230,481	216,073	224,591	217,569	215,369	232,803	224,014	228,570	197,609
<i>Cases Terminated</i>	289,419	232,552	216,735	221,450	212,765	210,040	228,041	220,935	226,540	195,320

Trial Court Management Strategies

One measure the Judicial Department utilizes to monitor workload and the ability to effectively process matters before the trial 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, the courts continue to address a backlog of cases that was acquired during the most severe public health restrictions. This period of significant disruption that began in March 2020 and extended into FY21 created delays in the processing of existing cases and in certain types of cases. Additionally, various state and federal executive orders prohibiting the filing of eviction cases were in place for most of FY21. It is anticipated that now that those restrictions are lifted, the trial courts will experience a substantial influx of eviction proceedings. 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 207.5 FTE statewide as a result of mandatory budget reductions for FY21, and even though most of those positions have since been reinstated, the time it takes to recruit, hire, and train new staff means that the courts continue to dig out of a backlog of cases.

In addition to the limitations on case processing described above, a moratorium on jury trials was also issued. 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 a potential 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. The allocation of 16.60 magistrate positions acquired through the FY22 budget amendment process to assist with case processing across the state has supported many locations holding jury trials at or near pre-pandemic rates. However, conducting these trials required more resources in FY21 than before the pandemic. For example, one location noted these proceedings increased the number of staff needed to provide direction and monitoring of people within the courthouse. Court reporters also faced challenges that increased the time it took to do their recording work partly they could no longer read lips which made accurately hearing and recording statements with all parties masked much more difficult.

Table 4								
Jury Trials Held Statewide								
	March	April	May	June	July	August	Sept	Total
2019	237	276	258	219	227	274	176	1,667
2020	127	0	0	1	19	77	98	322
2021	145	217	205	220	221	209	170	1,387

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

TABLE 5			
District Court Case Management Time Standards Established Pursuant CJD 08-05			
Case Class	Pending Cases Exceeding Target		Target
	4th Quarter FY 2020	4th Quarter FY 2021	
Civil	15.19%	19.50%	No more than 10% of cases open more than one year.
Criminal	7.45%	10.89%	No more than 5% of cases open more than one year.
Domestic Relations	6.39%	5.62%	No more than 5% of cases open more than one year.
Juvenile Delinquency	5.67%	8.96%	No more than 5% of cases open more than one year.
Dependency and Neglect (over 6 years old) *	3.00%	5.36%	No more than 5% of cases open more than 18 months.
Dependency and Neglect (under 6 years old) *	5.67%	10.35%	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 6			
County Court Case Management Time Standards Established Pursuant CJD 08-05			
Case Class	Pending Cases Exceeding Target		Target
	4 th Quarter FY2020	4 th Quarter FY 2021	
Civil	7.29%	7.64%	No more than 5% of cases open more than six months.
Misdemeanor	19.36%	22.34%	No more than 10% of cases open more than six months.
Small Claims	12.97%	9.17%	No more than 1% of cases open more than six months.
Traffic	14.10%	15.29%	No more than 5% of cases open more than six months.
DUI/DWAI	23.62%	25.61%	No more than 20% of cases open more than seven months.

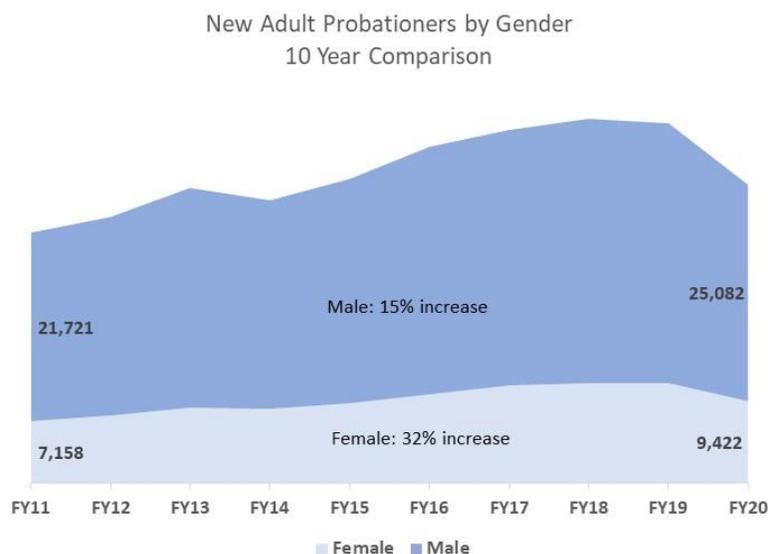
Another measure of trial court performance and alignment with organizational goals is through Access and Fairness surveying. The Colorado Courts and Office of State Court Administrator (SCAO) have administered an annual, in-person Access and Fairness survey since 2007. The survey assesses court users' view of court services, access, and fairness; and evaluates court practices to facilitate improvement. The survey is collected in half of all the judicial districts each year. However, due to risks from in-person administration of the survey during a pandemic, the Access and Fairness survey was not administered in FY20 or FY21. While the survey provides valuable information to the courts and the Legislature, there are some ongoing issues with the survey such as burdensome workload on the courts to administer the survey, and results producing minimal actionable insights. Currently, the Department is revising the survey to address these issues and capitalize on available opportunities such as expanding accessibility and reporting. By revising the survey, the Department aims to continue to assess court users' experience and improve practices, but also aims to ease the burden of administration, expand participation, distill actionable insights, and collect informative metrics for the courts.

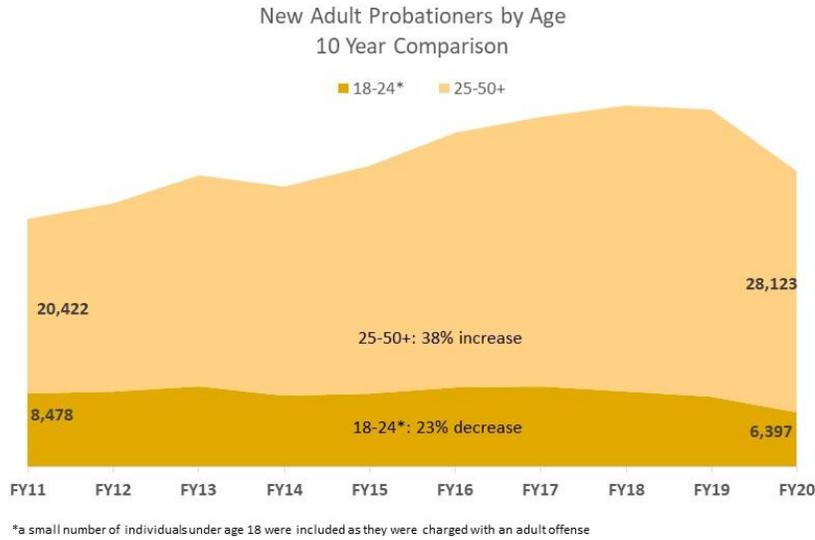
PROBATION SERVICES

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 been trending downward. Coupled with the COVID-19 pandemic’s impact on court and probation operations, the probation population took a sharp decrease in the last half of FY20. There were approximately 7,000 fewer adults sentenced to probation in FY20 (n=42,486) compared to FY2011 (n=49,501) and 2,808 fewer juveniles sentenced to probation in FY20 (n=2,231) compared to FY2011 (n=5,039). While the pandemic led to a temporary reduction on the probation population, a rebound is expected in new sentences to probation in the coming years as the courts address a backlog of criminal filings and trials.

There are several contributing factors that have resulted in a downward trend in probation’s population over the last decade including diversion and early intervention programs, the implementation of recidivism reduction programs, changes in legislation and the impact of COVID-19 pandemic on court and probation operations. 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. The number of individuals sentenced to regular probation with a felony offense increased from 10,313 in FY11 to 11,134 in FY20, which constitutes an 11% 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 FY11, 25% of new, regular adult probationers were female (n=7,158) and 75% were male (n=21,721), while in FY20, 27% were female (n=9,422) and 73% were male (n=25,082). 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 FY11 to FY20, the percentage of probationers in the 18-24-year-old category decreased from 29% (n=8,478) to 19% (N=6,397) while the percentage of probationers in the 25-40+ range increased from 71% (n=20,422) to 81% (n=28,123).

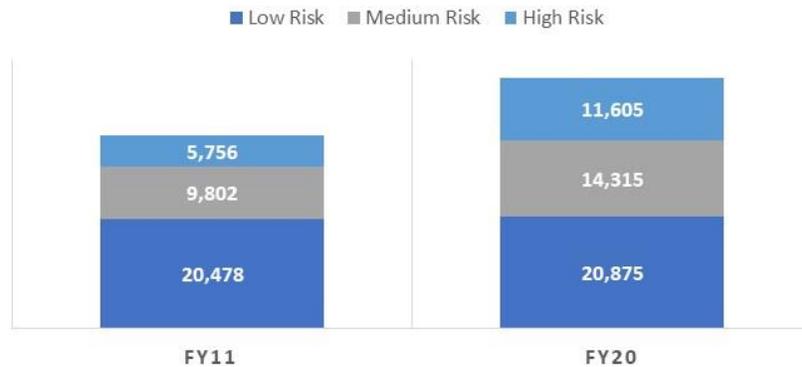




Note: Regular adult supervision excludes intensive programs, private probation, and DUI monitoring.

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 individuals 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 FY11 TO FY20



Probation continues to work to identify and utilize assessments, processes and programs that uphold public safety, are cost effective, and 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.

Probation success rates have steadily declined over the last 10 years with a slight rebound in the last two years. The overall success rate increased to 68% in FY20 and preliminary numbers for FY21 indicate another increase in success rates to a projected 69%. These increases in success could be contributable to lower caseloads experienced during the pandemic. Lower caseloads help probation officers use their time to help clients recover from behavioral health issues and engage in new skill development for behavior change. At this time, it is unclear how the COVID-19 pandemic may have impacted supervision and termination practices in local jurisdictions; therefore, data should be interpreted with caution. As a means of providing regular performance feedback to local probation departments, each jurisdiction receives quarterly reports with individual district termination rates that allow them to monitor their progress throughout the year. Probation departments may use this information to modify local practices and programs and may request technical assistance or additional training to assist them in developing plans for supervision practices. A combination of technical violations and absconders account for most of the failures on supervision. Probation continues to work to advance excellence in our services to clients, victims, and communities with ongoing training, implementation, and evaluation of programs that are aligned with best practices. We will continue to report our success rates in future years and continually work toward quality improvement in practices and outcomes.

**10 Year Probation Programs Success Rates
(FY11-FY20)**



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

Probation Management Strategies

To improve outcomes, Probation continues to pursue the following goals: adequate staffing, implementation of applicable research-informed programs and practices, and training and skill development for staff. Probation’s current efforts to improve outcomes include the following:

- In early FY21, the Juvenile Justice Reform (JJR) Committee finalized a process by which assessment results could be transmitted to the court, so the judicial officer can order individualized terms and conditions for each juvenile. In the latter half of FY21, the Division of Probation Services’ staff trained over 200 probation officers in the administration of a suite of assessments and case planning, as well as the JJR process. As of July 1, 2021, all juveniles on probation are assessed using the YLS/CMI 2.0, the Substance Use Survey-Revised (SUS-R) and the Massachusetts Youth Screening Instrument - Version 2 (MAYSI-2). Additionally, all juvenile defendants may be ordered to complete these

assessments through the new process developed by the JJR or through the long-established presentence investigation process.

- Probation’s responsibilities, regarding the implementation of Juvenile Justice Reform efforts as part of SB19-108, were completed by the end of FY21. New Standards for Probation in Colorado were issued by the Supreme Court on July 1, 2021. In the month of June, multiple trainings on the new Standards were offered to probation staff. These Standards address multiple practice changes that were driven by SB19-108, such as protocol for requesting early terminations and limiting the reasons to request a warrant for a probation violation.
- 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 Juvenile Justice Reform efforts as part of SB 19-108, all juvenile probation officers have been trained in SBC or their local version of structured decision-making in FY21.
- The use of probationer typologies (a reflection of common characteristics of a group of probationers based on an analysis of Probation’s adult population) has been implemented for the adult probation population and most probation staff have been trained. Intensive supervision programs were developed to specifically target higher risk probationers, with special attention to reducing their specific criminogenic needs.
- A variety of mechanisms to monitor low-risk probationers have been adopted. These efforts are cost-effective, safe, and increase the amount of time that probation officers can devote to the management of higher risk offenders, without the loss of accountability for a large segment of the low-risk probation population. 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 with probationers successfully completing 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 involved 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 includes 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 leadership development are also being explored.

- Judicial trainers continue to use research-based approaches to facilitate learning. These approaches are designed to give training participants a more rounded approach to learning and to increase content retention and skill development. Due to the COVID-19 pandemic, many trainings were adapted for online delivery in FY21. Extensive planning and attention to evidence-based approaches to learning were utilized to maximize learning and skill development.
- Probation officers are also trained in assessment and case planning. A total of 16 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.
- 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 to changing justice-involved populations.
- Probation has trained and is providing ongoing support and technical assistance for brain injury screening to four probation departments. Probation collaborates with the courts and other agency stakeholders to research, implement, train, and provide technical assistance for brain injury screening efforts for justice-involved adults and juveniles across the state.

Summary

The Colorado Judicial Branch continues to demonstrate adaptability as they recover from budget cuts and navigate ongoing changes related to the COVID-19 pandemic. Despite the challenges that it has faced over the last year and half, the Branch continues to demonstrate a commitment to improving practices and services to the people of Colorado who turn to the courts in pursuit of justice. The courts and probation have prioritized continued access to services while maintaining safety for employees and the public. Maintaining high standards of training for both the courts and probation has continued to be a priority. The various training in new practices to improve services and the training needed to onboard new staff during this period of increased turnover have been critical to the Branch's ongoing mission to provide access to justice and ensure public safety to the communities of Colorado. Overall, the Branch continues to maintain high levels of service to the people of Colorado.