



Judicial Department

FY 2019-2020 - Performance Report

November 1, 2019

Trust in the rule of law distinguishes our society from many others around the world. 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 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 statutory authority for Colorado's Courts is at Article VI, Colo. Const. and §13-4101, 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, polices the profession. In addition, the court oversees the State Court Administrator, Board of Continuing Legal Education, Board of Law Examiners, Commission on Judicial Discipline, and Unauthorized Practice of Law Committee.

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. Reviews 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's district courts serve citizens of each county in the state. There are currently 196 district judges serving 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 as well. County judges handle cases involving serious public safety issues such as misdemeanor cases, felony advisements, setting bonds, and preliminary hearings. There are 114 county court judges. County judges also issue restraining orders in cases involving domestic violence arrest, issue search warrants, and preside over traffic cases and civil actions involving no more than \$25,000.

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

PROBATION SERVICES

Adult and juvenile probation services are provided in all of Colorado's 22 judicial districts. This includes 23 probation departments with over 50 separate probation offices throughout the state. Colorado Probation is committed to public safety; victim and community reparation, through offender accountability; skill and competency development; and services to the communities of Colorado. The Division of Probation Services (DPS) collaborates with local probation departments, courts and stakeholders to facilitate system improvement. DPS promotes learning and skill development, and provides customer support to improve knowledge, research application, and probation effectiveness.

OFFICE OF THE STATE COURT ADMINISTRATOR

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

The State Court Administrator's Office (SCAO) provides administrative support and services to the trial and appellate courts to assist them in providing the citizens of Colorado meaningful, speedy and economical forums to resolve disputes. It also supports the management of probation services to enhance public protection 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. Innovative business processes and technologies are constantly under evaluation for possible introduction throughout the Department in order to improve efficiency and to make the courts more accessible to the citizens of Colorado.

Principle Strategies and Goals

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

Barriers to access range from difficulties navigating within the court and probation facilities to a lack of information on obtaining accommodations for people with disabilities or limited English proficiency 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, to make accommodations. Courts and Probation is 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 that ensure that 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 judicial officers 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 that trust and confidence, the system must be accountable to the people it serves by providing a fair and open process, communicating clear and consistent expectations for all who participate in that process, and being good stewards of the resources appropriated to it for the fulfillment of its mission.

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

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

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

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

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

Environmental Scan

The principal strategies and goals have been developed to identify and meet the challenges faced by the Colorado Courts and Probation in an ever-changing environment. Many factors impact the operations of Colorado's courts and probation, including:

- Increased number of self-represented parties
- Population growth
- Changes in demographics
 - Aging population
 - Increased number of residents speaking foreign languages
 - Increased reliance on technology

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

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

The following figures illustrate statewide survey results from 2016-2017, compared with 2018-2019:

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

■ 2016-2017 ■ 2018-2019

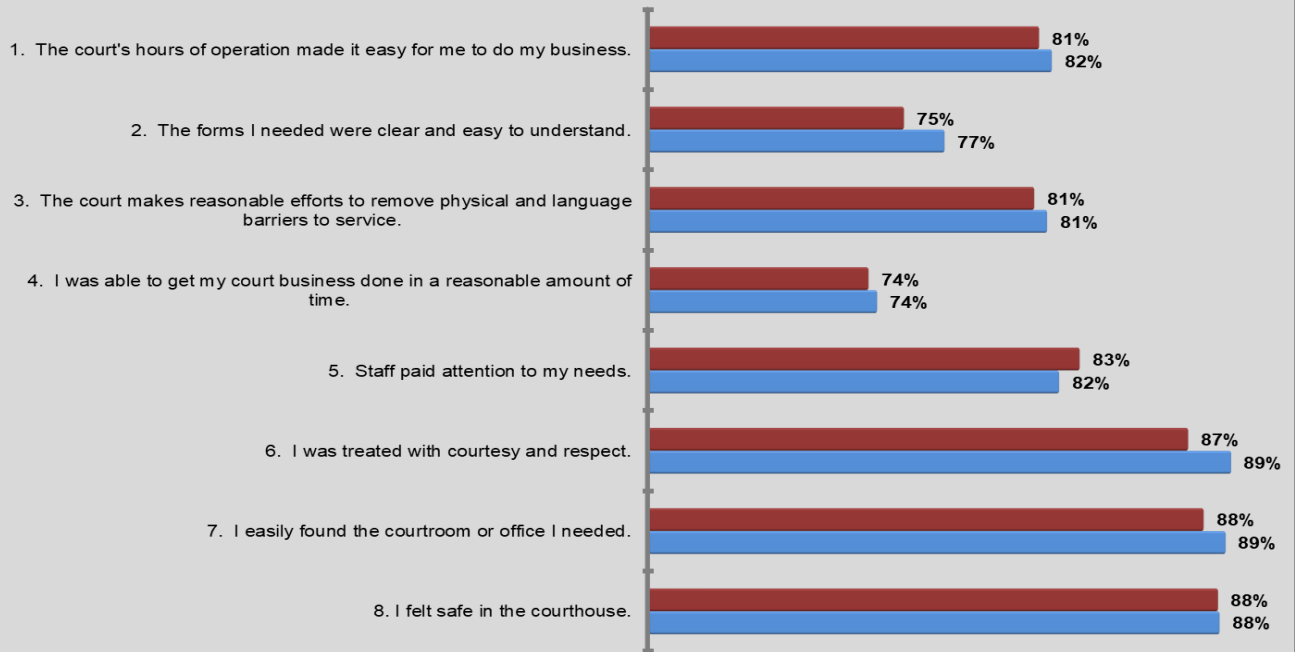
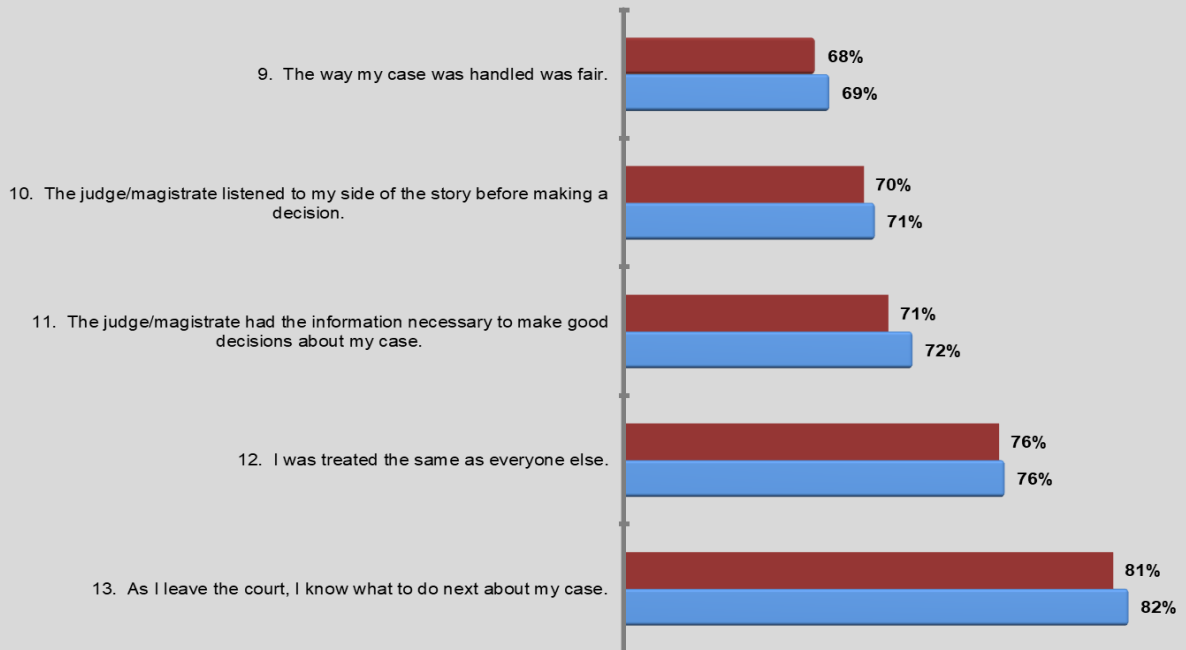


Table 2
Statewide Fairness Survey
Percentage of Respondents who "Agree" or "Strongly Agree"

■ 2016-2017 ■ 2018-2019



Increased number of self-represented parties

One complicating factor in providing access to the court system is that a shift has occurred over the past ten to fifteen years: citizens now generally expect to be able to fully participate in a court case without the services of an attorney. The court system, unfortunately, has struggled to keep up with the changing expectations and demand for providing services to self-represented parties, often referred to as pro se parties, particularly requests for one-on-one procedural assistance.

Self-represented parties strain the court system in several respects. They: (1) increase the amount of time necessary for clerks to handle the day-to-day business of the courts and put stress on the workforce; (2) often file incorrect or incomplete documents; (3) fail to properly prepare for the hearing or trial and bring the necessary evidence and/or witnesses; (4) do not understand why the clerk's office cannot provide free legal advice; (5) often struggle with computer literacy; (6) frequently don't have the capacity to print necessary documents ; and, (7) lack access and/or struggle to understand state statutes, court rules, and policies and procedures necessary to properly handle their cases.

In order to address this issue, the trial courts across the state have recognized that ultimately it is the court that must take leadership in addressing the procedural needs of self-represented litigants. By streamlining processes and providing informational resources, courts have become better situated to face the challenges related to self-represented litigants. Beginning in FY 2013, self-represented litigant coordinator positions were created to focus solely on providing procedural support to self-represented litigants. As of FY 2015, every judicial district has at least a part-time employee to help address the needs of self-represented litigants at the local level. In 2018, the self-represented litigant coordinators documented approximately 150,000 contacts from court users statewide. More than half of the contacts in 2018 were related to domestic relations matters. Given the complex nature of these cases, the assistance provided can be more involved and on-going as these matters frequently have activity after the divorce decree is granted. County civil and probate matters were the second and third most frequent case types self-represented litigant coordinators assisted litigants with based on the 2018 contact data. The provision of assistance to parties without attorney representation continues to be a significant demand on the trial courts and needs related to this issue continue to be monitored closely.

Population growth

Colorado's continued population boom affects the courts. In the most recent 10-year period (2008 to 2017), Colorado's population grew nearly 13 percent, from 4.9 million to more than 5.6 million, making Colorado the ninth fastest growing state in the country according to the Department of Local Affairs¹. Population projections estimate Colorado's population to exceed 7.5 million people by 2040. Rapid population growth often places pressure on civic institutions, and Colorado's courts are not immune from this pressure.

Changes in demographics

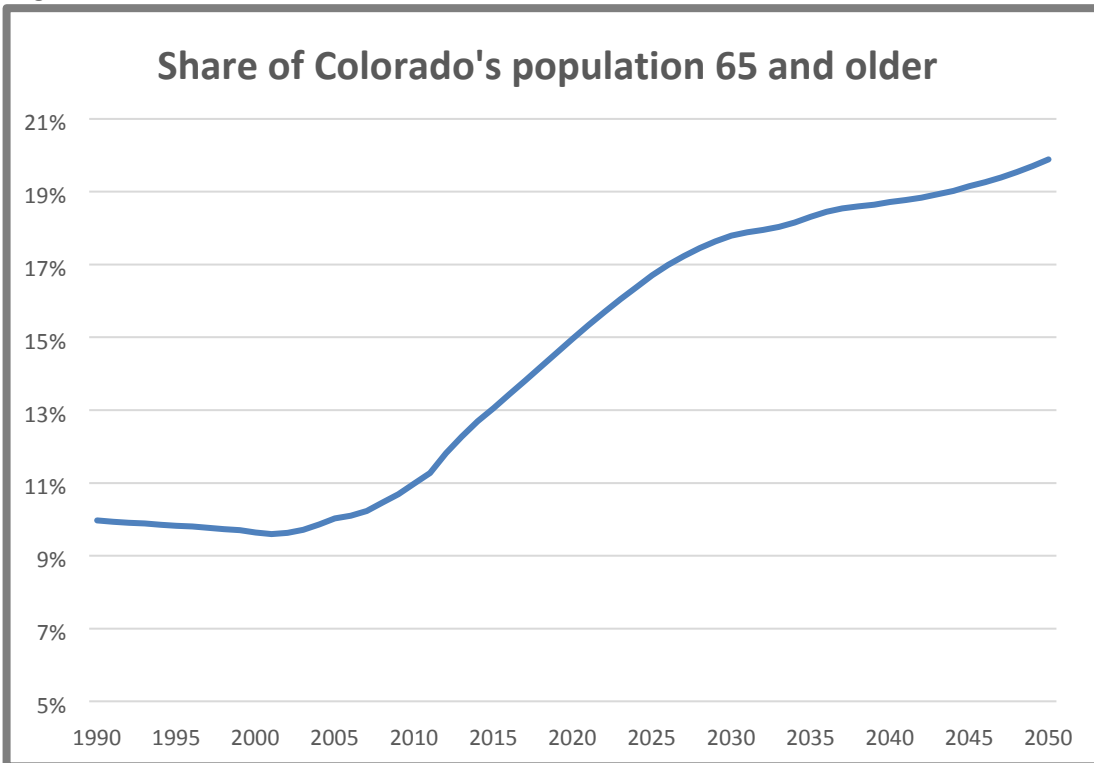
This dramatic growth in overall population has been accompanied by noticeable changes in the state's demographics. Colorado has begun to experience a rapid increase in population over the age of 65. Additionally, the population of Colorado continues to grow more diverse. These two demographic changes alone have a varied and significant impacts on the operations of Colorado's courts and probation.

¹ Measured by percentage. Source: Department of Local Affairs, <https://demography.dola.colorado.gov/>

Aging population

Colorado’s population is beginning to see sharp increases to the over 65 population as the “Baby Boomer” generation continues to age. Data from the Department of Local Affairs State Demography Office, which is displayed in Figure 1 below, shows the percentage of Colorado’s population that is age 65 and older. In 1990, that number was right at 10 percent. In 2017, nearly 14 percent of the state’s population was 65 and older. By 2030, Colorado’s 65 and older population is expected to be 125% larger than it was in 2010, growing from 555,000 to 1.2 million people over the age of 65. This represents a significant change for the State of Colorado which has historically been a “young” state in terms of age distributions.

Figure 1.

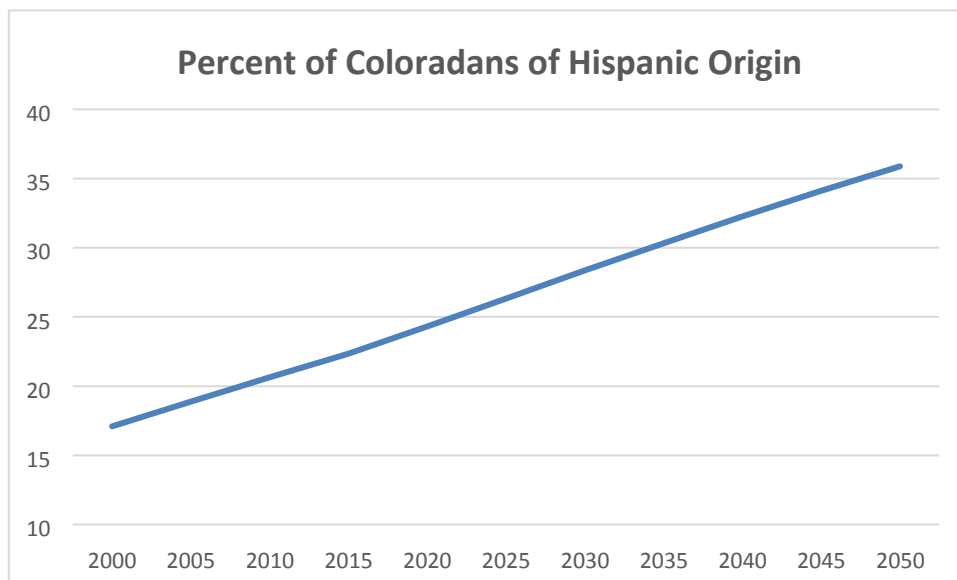


Source: Department of Local Affairs State Demography Office

As the population ages, the courts expect to see increases in probate, protective proceedings cases, guardianship and conservatorship proceedings. Unlike some types of court cases, which can be resolved in a year or less, many protective proceedings cases require long-term oversight by the courts. More than 3,000 new protective proceedings cases were filed in FY 2019, and roughly 15,000 probate matters are subject to ongoing court monitoring at any given time.

Foreign languages

The diversity of Colorado’s population has been steadily growing for the past two decades and is expected to continue growing in the coming decades. The Hispanic, Black, Asian and other minority share of the state’s total population is expected to increase from 29% in 2010 to 48% by 2050.



According to Census Bureau data, more than 300,000 Coloradans speak English “less than very well.” The Census Bureau has changed how it tracks data regarding people who speak more than one language so it’s difficult to measure the changes over time. However, the data shows that the roughly 300,000 people with poor English skills represent about 6 percent of the population. And more than two-thirds of those people speak English as their primary language.

Language and cultural barriers can create other obstacles such as misconceptions about the role of the court system and law enforcement. These challenges can keep litigants with limited English proficiency (LEP) from participating fully in their own court proceedings. In addition, these barriers can result in the misinterpretation of witness statements to judges or juries during court proceedings and can deter minority litigants from using the civil justice system as a forum to address grievances. These concerns coupled with the growth in the LEP population amplify the significance of court interpretation and translation as management issues for the trial courts, which are increasingly compelled to use language interpreters in court proceedings and translators for written documents.

The need for interpreter services adds another set of variables in the case management efforts of the state’s trial courts. Additional time is required to determine the need for interpreter services, to schedule the appearance of interpreters, to conduct proceedings using interpreter services, and to process payments for interpreter services. Further, if an interpreter is not available or does not show up to a hearing, proceedings must be delayed. These factors can add significantly to the time required to resolve cases.

Increased reliance on technology

The Department has become increasingly reliant on technology to process the large volume of paper associated with trial court and probation cases. The case management systems for courts, probation and financial services (i.e. ICON/Eclipse/JPOD) integrate with applications from other agencies and departments. These systems have been a critical mechanism in maintaining public service levels while reducing the need for additional resources.

The Department launched an in-house Public Access system (PAS) in 2010. Revenue raised from fees charged for public access to court data is now exclusively funding the PAS. In addition, the fees charged for public access helped fund the development of the new in-house e-filing system (Colorado Courts E-Filing, CCE). Development of CCE began

in 2011. All civil, criminal, domestic, water, probate and appellate cases throughout the state are now filed online. The Department is currently adding pro-se e-filing in domestic cases. Six of 64 court locations offer e-filing for self-represented litigants in domestic cases. Additionally, in 2019, third-party filing for attorneys was released statewide. This was phase one of a three phase plan for third-party e-filing. The ability for citizens, lawyers, and district attorneys to e-file court documents and view their cases electronically improves access to the court system and helps make the courts more efficient.

Management Strategies and Measurements

TRIAL COURTS

New Case Filings

While total trial court filings have declined slightly in the last year, the decrease has not been uniform. Some significant case types have increased over the past several years. For example, felony criminal filings have experienced robust growth, increasing 58 percent since FY 12. During this same time, mental health filings have increased 28 percent and probate filings have increased 15 percent. These case classes represent some of the most resource intensive matters that come before the trial courts.

County Court Filings by Case Class

Case Class	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
CIVIL										
New Cases Filed	206,954	200,250	193,282	174,466	158,525	144,868	138,631	140,462	143,591	142,877
Cases Terminated	205,545	199,308	192,635	174,554	132,170	144,018	137,744	138,286	142,319	142,038
INFRACTIONS										
New Cases Filed	95,557	84,610	75,464	67,581	69,515	70,375	69,782	66,561	65,344	65,572
Cases Terminated	95,786	87,072	76,228	68,033	67,854	71,664	70,107	66,823	65,996	65,343
MISDEMEANORS										
New Cases Filed	69,695	67,137	70,068	62,740	60,585	62,131	60,682	61,298	62,589	61,951
Cases Terminated	69,232	68,187	67,482	65,310	57,193	59,852	59,799	59,396	60,748	60,108
SMALL CLAIMS										
New Cases Filed	11,097	9,629	9,117	8,171	7,589	7,404	7,309	7,118	6,990	6,655
Cases Terminated	11,010	9,707	9,244	8,357	6,710	7,245	7,266	6,896	6,713	6,935
TRAFFIC										
New Cases Filed	141,493	126,788	121,112	115,465	117,389	124,922	118,215	115,370	113,865	112,733
Cases Terminated	146,373	135,046	124,842	115,706	114,112	114,989	116,252	114,885	113,648	110,139
FELONY COMPLAINTS (a)	16,795	16,851	15,328	17,832	16,794	16,247	18,095	19,546	21,515	23,018
TOTAL										
<i>New Cases Filed</i>	541,591	505,265	484,371	446,255	430,397	425,947	412,714	410,355	413,894	412,806
<i>Cases Terminated (b)</i>	527,946	499,320	470,431	431,960	378,039	397,768	391,168	386,286	389,424	384,563

(Does not include Denver county Court)

District Court Filings by Case Class

Case Class	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
CIVIL										
New Cases Filed	116,346	125,597	169,055	108,634	96,325	101,112	88,277	80,632	96,176	87,295
Cases Terminated	117,836	126,804	169,186	111,606	97,728	101,355	88,758	80,917	95,618	87,015
CRIMINAL										
New Cases Filed	36,993	35,966	35,551	37,888	37,966	40,903	46,004	51,775	54,479	56,292
Cases Terminated	37,905	36,324	34,957	37,293	37,615	39,343	42,730	47,998	51,258	54,573
DOMESTIC RELATIONS										
New Cases Filed	35,624	36,009	35,434	34,630	34,907	34,841	34,966	35,057	34,357	33,610
Cases Terminated	34,965	35,748	35,683	34,593	35,067	34,352	34,877	34,799	34,348	33,807
JUVENILE										
New Cases Filed	30,360	29,958	28,731	27,296	24,600	24,681	24,324	23,339	23,120	22,847
Cases Terminated	29,855	29,326	26,462	26,951	23,866	23,274	22,518	21,722	22,072	21,620
MENTAL HEALTH										
New Cases Filed	5,159	5,543	6,064	6,480	7,072	7,326	7,689	7,947	7,933	7,779
Cases Terminated	5,127	5,483	5,744	6,531	7,072	7,408	7,731	7,905	7,994	7,804
PROBATE										
New Cases Filed	12,189	13,655	14,042	15,553	15,203	15,728	16,309	16,619	16,738	16,191
Cases Terminated	12,777	14,067	17,387	15,578	15,387	15,718	16,151	16,699	16,751	16,116
TOTAL										
New Cases Filed	236,671	246,728	288,877	230,481	216,073	224,591	217,569	215,369	232,803	224,014
Cases Terminated	238,465	247,752	289,419	232,552	216,735	221,450	212,765	210,040	228,041	220,935

Trial Court Management Strategies

In managing its limited resources, the Department has focused on making the courts accessible to the public, ensuring that cases are resolved in a timely manner, and assisting individuals with navigating the court system. To achieve these goals, the Department in recent years has requested and received resources related to public access and the efficient and effective operation of the court system. These resources include: (1) judicial officers and case processing staff to ensure the courts are adequately staffed to process cases, (2) language interpreters and translators who help individuals who do not speak English as their primary language access the courts and understand the court process; (3) family court facilitators to improve the public's access to Domestic Relations court proceedings, expedite the processing of cases involving the dissolution of marriage and parental responsibility disputes, and provide early, active, and ongoing case management; and (4) self-represented litigant coordinators who provide self-represented litigants with the information they need to proceed with their cases, thereby increasing citizen access to justice and allowing for more streamlined case processing.

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. The following tables 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
	4th Quarter FY 2018	4th Quarter FY 2019	
Civil	9.58%	10.51%	No more than 10% of cases open more than one year.
Criminal	5.11%	5.23%	No more than 5% of cases open more than one year.
Domestic Relations	3.83%	3.86%	No more than 5% of cases open more than one year.
Juvenile Delinquency	3.44%	2.88%	No more than 5% of cases open more than one year.
Dependency and Neglect (over 6 years old) *	3.34%	3.53%	No more than 5% of cases open more than 18 months
Dependency and Neglect (under 6 years old) *	4.49%	4.64%	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.

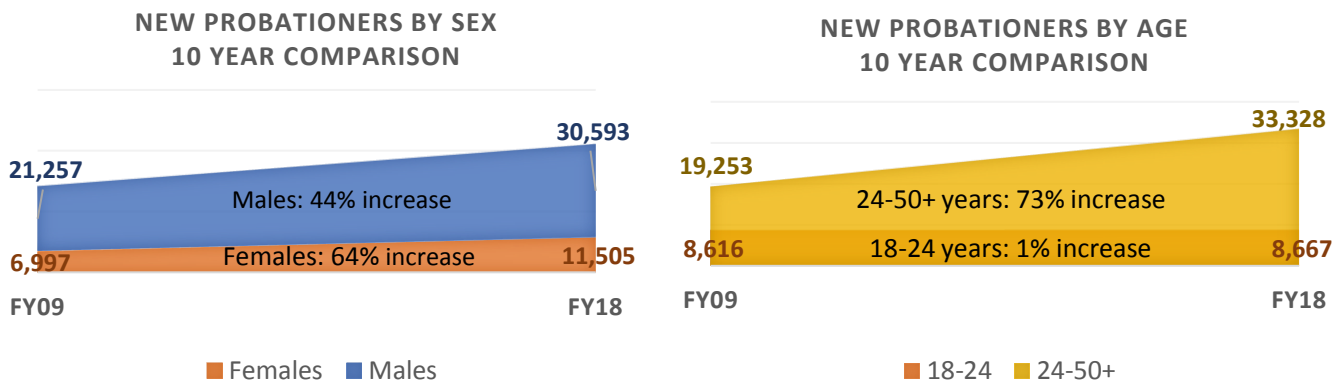
TABLE 2			
County Court Case Management Time Standards Established Pursuant CJD 08-05			
Case Class	Pending Cases Exceeding Target		Target
	4th Quarter FY 2018	4th Quarter FY 2019	
Civil	4.42%	5.94%	No more than 5% of cases open more than six months.
Misdemeanor	13.19%	13.47%	No more than 10% of cases open more than six months.
Small Claims	7.89%	9.62%	No more than 1% of cases open more than six months.
Traffic	7.67%	6.78%	No more than 5% of cases open more than six months.
DUI/DWAI	12.19%	12.48%	No more than 20% of cases open more than seven months.

PROBATION SERVICES

Colorado Probation provides community supervision for adults and juveniles sentenced to probation. Over the last ten years, there has been a decline in the number of adults sentenced annually to all probation supervision options: from 55,920 in FY2009 to 50,573 in FY2018. Also, during that same period, there has been a steady decline in the number of juveniles sentenced annually to probation: from 6,219 in FY2009 to 2,877 in FY2018.

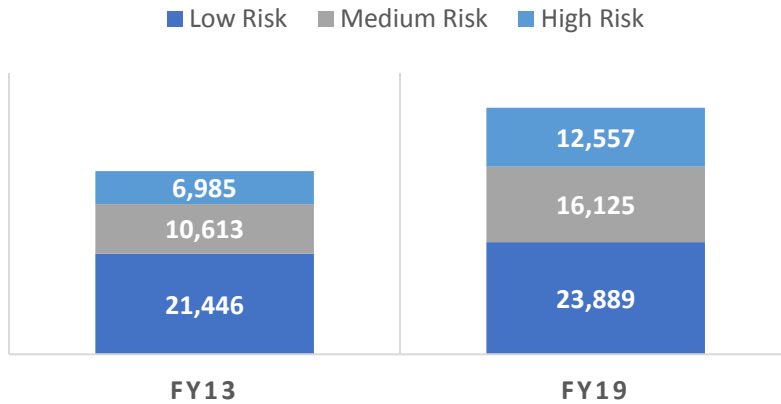
The reduction in the number of individuals being sentenced to probation is likely due to several contributing factors including diversion and early intervention programs, the introduction of recidivism reducing programs, and changes in legislation. Within probation’s population, several fluctuations are noted. For adults there has been an interesting shift in the percent and number of felony versus misdemeanor convictions sentenced to probation. In FY2009 the percentage of new adult cases sentenced to probation for a felony offense was 40% (n=11,244); in FY2018 it was 32%, however the number of individuals sentenced to probation with a felony offense increased to 13,506 in FY2018. The shift in the percent of adults sentenced to probation is not an indicator of reduced risk to reoffend amongst probationers, rather, it is largely a reflection of statutory changes, particularly in the decriminalization of drug crimes, theft and alcohol related driving offenses.

Other shifts include increases in the number and percentage of females sentenced to probation: in FY2009, 25% of new, regular adult probationers were female (n=6,997) and 75% were male (n=21,257), while in FY2018, 27% were female (n=11,505) and 73% were male (n=30,593). Additionally, over the last ten years, probation has seen a smaller percentage of new young adults on regular probation and a greater percentage of new probationers in the age range category of 25-40+. From FY2009 to FY2018, the percentage of probationers in the 18-24 year-old category decreased from 31% (n=8,616) to 21% (N=8,667) while the percentage of probationers in the 25-40+ range increased from 69% (n= 19,523) to 79% (n=33,328).



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

RISK LEVEL COMPARISON FY13 TO FY19



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

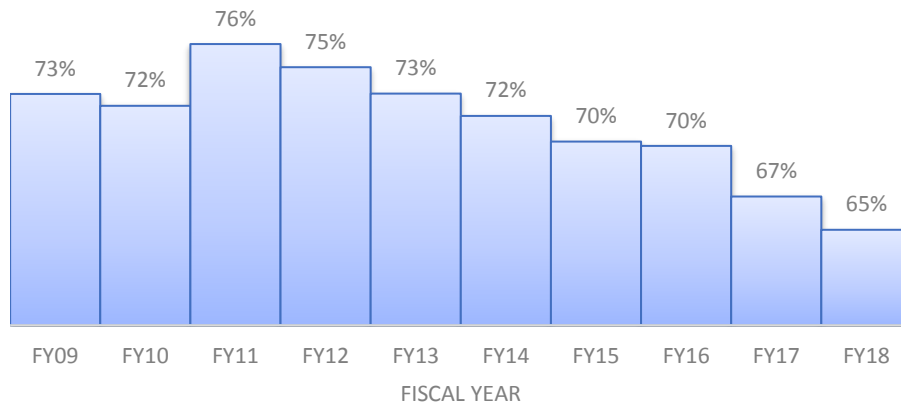
Moving into FY 2020, Probation is collectively staffed at 87.7% percent of need (90.5% probation officer, 82.3% support staff, 83.0% supervisors, and 72.1% probation managers). Probation supervisors play a vital role in the effective implementation of evidence-based practices and principles through quality assurance practices, performance feedback, and coaching. Tending to the daily management of their units is also necessary and contributes to the overall management of the department. As illustrated in the tables below, to fully staff probation in three years, the total staff required is 185 FTE (probation officers, support staff, supervisors, and probation managers).

Percent Staffed							
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Probation Officers	96.60%	93.80%	95.50%	95.80%	94.80%	92.20%	90.50%
Support Staff	77.30%	73.20%	73.80%	75.20%	76.40%	76.90%	82.30%
Supervisors	89.10%	68.60%	83.10%	80.40%	82.10%	80.70%	83.00%
Probation Managers	NA	NA	NA	NA	NA	55.50%	72.10%
Overall	92.10%	86.70%	91.10%	90.10%	90.10%	86.20%	87.70%

Allocations & Projected FTE Needs								
	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY21 thru FY23
Regular Probation Officers	0.95	0.00	0.00	21.60	30.00	30.00	30.00	90.00
Intensive Probation Officers	0.00	0.00	0.00	0.00	8.00	8.00	9.00	25.00
Support Staff	0.23	0.00	0.00	2.32	13.00	13.00	12.00	38.00
Supervisors	0.23	0.00	0.00	7.50	10.00	10.00	10.00	30.00
Probation Managers				3.00	1.00	1.00	0.00	4.00
Total FTE Need	1.4	0.0	0.0	34.4	62.0	62.0	61.0	185.0

Probation success rates have decreased for several years, although preliminary data for FY2019 indicates a rebound in the overall success rate (68%). Each probation department receives quarterly reports with individual district success rates that allow them to monitor their progress throughout the year. Probation departments modify local practices and may request technical assistance and additional training to assist them in developing plans to improve their outcomes. A combination of technical violations and absconders account for most of the increase in probation failures. Efforts to address these issues and improve successful termination rates in probation are summarized below under Probation Management Strategies.

10 Year Probation Programs Success Rates
(FY09-FY18)



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

Probation Management Strategies

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

- 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 three judicial districts are in some phase of implementation.
- The development of probationer typologies (a reflection of common characteristics of a group of probationers) and evidence-informed supervision strategies was initiated for the adult probation population. The program, based on an analysis of Probation's adult population, has been developed, most districts have been trained, and statewide implementation will be complete in FY2020. A new intensive supervision program (Casework Control Intensive Supervision – CCIP) was developed to specifically target higher risk/higher need probationers. Standards for the program have been approved; with several trainings conducted in FY2019, full implementation of the program will be completed in FY2020.
- Monthly publication and distribution of *Research in Brief* to all probation departments continues. Relevant criminal justice research is reviewed and summarized on a single page with a focus on providing enhanced understanding of current research and practical tips for application in probation.
- A variety of mechanisms to monitor low-risk probationers in a cost-effective manner that creates increased time to be devoted to the management of higher risk offenders' supervision, without the loss of accountability for a large segment of the low risk probation population, are utilized. Examples include telephone reporting for low risk clients and the utilization of large low-risk only caseloads.
- The Special Projects Program (formerly known as the Rural Initiative Program) continues to facilitate the training and state approval of domestic violence, sex offender and substance abuse treatment providers in rural counties. This effort is intended to provide quality treatment "close to home" for probationers who would otherwise be required to travel significant distances to secure treatment. More recently navigator services have been introduced to assist probationers successfully complete supervision and the requirements of their sentence. These initiatives are supported by offender pay cash funds.
- In addition to the required training delivered statewide by the Training 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 of coaching skills for supervisors through the creation of practice opportunities (e.g. at the Probation Academy, SBC). This is intended to help supervisors increase their support of staff as they implement best- and research-informed practices. More educational experiences for supervisors are also being explored.
- 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. The Probation Academy has been redesigned to generate higher retention of the material presented and greater skill development. This new method for training was initiated in CY2018 and continues this

year. To measure the adaptations, an evaluation was designed and initiated to determine the impact in and out of the classroom.

- During FY2019, 37 probation officers were trained in a cognitive-behavioral intervention program, MRT (Moral Reconciliation Therapy). Since the Division of Probation Services began offering this training in FY2015, 321 probation officers have been trained to deliver this effective, evidence-based intervention. The training allows officers to facilitate groups in their local jurisdictions, as well as work individually with probationers. Research indicates that the prevalence of trauma is higher than average in correctional populations. The symptoms of trauma (such as anger, emotional outbursts, memory disruption) can contribute to probation compliance issues. For the second time, officers were offered the opportunity to attend a trauma supplemental MRT training. Of the officers trained in MRT, 30 of them also participated in the supplemental training, equipping them with the information to utilize a trauma-informed approach with the MRT curriculum. The total of 54 officers have now been trained in the trauma-informed MRT curriculum.
- Probation officers are also trained in assessment and case planning. Twelve new trainers joined the pool of current assessment and case planning trainers in CY2019, bringing the total to 29 local trainers. These trainers 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.
- Performance feedback efforts continue, including quarterly statistical reports summarizing each district's current population and termination numbers, allowing departments the opportunity to be responsive and adapt accordingly.
- Probation has added several pilot locations around the state to test a Traumatic Brain Injury screening tool and a referral process to provide additional services and support for those requiring accommodations. This work continues in partnership with other organizations and the courts.