

Colorado's Quality of Life Courts: Challenges and Ethical Considerations Facing Our Municipalities

- JUDGE BOB FRICK
LONGMONT MUNICIPAL COURT
- JUDGE ANNE STAVIG
LAKEWOOD MUNICIPAL COURT

Municipal courts give the public their
primary impression of the criminal justice system




Municipal courts can
be described as the
first line of defense a
community has
in dealing with
criminal behavior






Municipal Courts handle "quality of life" problems for communities that don't rise to the level of serious criminal behavior.

Municipal courts relieve pressure on the state criminal justice system and social services making a more efficient system



The most serious cases in municipal court are the county courts' least serious cases. The municipal court can focus more resources and attention on first offenders reducing the chances that perpetrators will reoffend.





Municipal Courts are in a better position to handle the low level crimes of the chronically homeless.

"Laboratories of democracy"

is a phrase popularized by U.S. Supreme Court Justice [Louis Brandeis](#) to describe how a "state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."



Many cities are fortunate to have probation departments who monitor compliance with court orders for:

- Drug & alcohol treatment
- Mental health treatment for individuals and families
- School attendance and achieving educational goals
- Community service
- Attendance at classes
- No further criminal violations



Substance Abuse Treatment



mental health treatment





Municipal Court Veterans Program

- The court focuses on stabilizing returning veterans
- Reintegrating them
- Encouraging sobriety and mental health
- Reducing recidivism
- Improving compliance with court orders
- Leveraging the resources of the U.S. Department of Veterans Affairs



- Many courts use therapeutic and educational programs to help prostitutes
- Evidence shows that "Johns" classes for the customers of prostitutes reduce reoffending
- Classes emphasize the victimization experienced by the sex worker and the crime promoted by this industry
- "Blaming" and "shaming" are not effective for either group.


City of Loveland's "Jumpstart" program for the homeless

Case manager meets offender

- Identify top 3 "needs"
- Resources are found
- Offender attends monthly court dates
- Once the 3 needs are addressed and goals accomplished the case is closed with no further penalty
- Graduations from the program are celebrations



Juveniles



What
Does
the
Risk
Level
Mean?



Risk-Needs-Responsivity

Basically the risk-need-responsivity model tells us that the risk and needs of an offender should determine the strategies.



Juvenile Risk Assessment

- ▶ Low risk
 - Few risk factors, or presence of protective factors
 - Low intensity management/supervision sufficient
 - If left alone or with minimal management, would likely not reoffend
- ▶ High risk
 - Many risk factors, or some critical risk factors
 - High intensity management/supervision necessary
 - If left alone or with minimal management, would likely reoffend
- ▶ Moderate risk: neither high nor low risk




Graffiti clean up programs teach kids good work habits and benefit our cities.




Underage Substance Use:
Individualizing Treatment in a High Volume Court

- ▶ Defendants self-administer the AUDIT/ CUDIT-R screens (18 questions); these reflect alcohol and cannabis use patterns
- ▶ Court staff score the screen and use a matrix to assign treatment based on score, gender, & history of substance-use related offenses
- ▶ Assigned treatment (4 options) is evidence-based and was developed collaboratively with local treatment providers; using existing treatment resources is also acceptable



Girl Circle Juvenile Programing



The Girls Circle group is a 12-week structured support group for girls designed to foster self-esteem, develop connections with peers and adult women, minimize self-doubt and allow for self-expression through verbal sharing and creative activity.

Collaboration with Colleges and Other Agencies

- Red Rocks Community College Career Success program
- The Arvada Municipal Court worked with Red Rocks Community College to have defendants meet with counselors to discuss career and educational options
- This process is being formalized and will be available to all the Jefferson municipal courts soon



Treatment for indigent defendants

- ▶ The Arvada Municipal Court, among others, charges an additional nominal fee for each case
- ▶ The fees go into a fund which pays for treatment of indigent defendants
- ▶ Other courts, including the Westminster Municipal Court, are looking into similar ways to fund needed intervention

Trends & Court Challenges

- Public perception
- Legislative changes
- Jail constraints
- Advocacy groups challenges

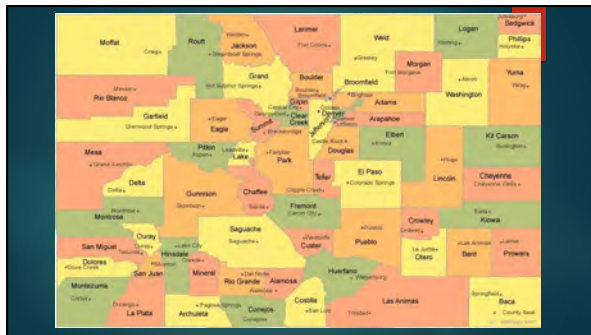





Defendants held in jail too long

CML and the Colorado Municipal Judges' Association worked together with the ACLU to limit the time a defendant waits in jail before seeing a judge to 48 hours.








HB 16-1309

Requires public defender for detainees at first court appearance



HB17-1316 Delayed the implementation of the public defender bill

- ▶ House Bill 16-1309 was enacted by the 2016 general assembly but this bill delayed implementation until July 1, 2018
- ▶ The reason for the delay was the cost to cities amounting to millions of dollars to pay for additional public defender appearances

Advisement to meet felony standards per 16-7-207 by municipal court for any Guilty Plea except traffic infractions.

- ▶ Defendant must be reminded of all rights advised of at 1st appearance
- ▶ AND the Court must determine that the Defendant is advised of and confirms that he understands:
 - ▶ Nature of Charges
 - ▶ Elements of the offenses to which Defendant is pleading guilty
 - ▶ Effect of plea
 - ▶ Plea is voluntary and not the result of coercion or undue influence
 - ▶ The right to trial by jury
 - ▶ The possible penalties
 - ▶ That the Court will not be bound by representations about penalties unless included in a formal plea agreement accepted by the Court, and
 - ▶ That there is a factual basis or a waiver of factual basis
- ▶ AND per Municipal Court Rule 210, the court shall inform the defendant of the right to have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in defendant's behalf.



HB16-1311

- ▶ Prohibits municipal court from issuing failure-to-appear warrant if payment is the only condition of non-compliance



HB17-1208 Sealing of Records

- Municipal courts can now order municipal records sealed after acquittal or dismissal just as the state courts
- Municipal courts will get the \$60 fee for the sealing
- CML and the municipal judges worked together on this bill for the convenience and fairness to the defendants



Expungement of Records HB17-1204

- ▶ All municipal juvenile records can be expunged
- ▶ They can still be provided to law enforcement, probation and other exempted agencies.
- ▶ The courts are responsible for determining who has the record
- ▶ The courts are responsible for the notification
- ▶ The law is retroactive and courts must go back 2 years for records



A great compromise OJW Bill HB 17-1162

- ▶ OJW warrants are issued when an offender fails to appear for court or fails to pay their fine.
- ▶ The warrant causes revocation of a drivers' license can result in the charge of Driving under Revocation
- ▶ An original bill prohibited these warrants thus eliminating incentive to appear or pay
- ▶ CML, the CMJA and the bill sponsors compromised to create a new type of revocation with minimal fines and points for FTA and fines not being paid



"IT'S TOUGH TO MAKE PREDICTIONS, ESPECIALLY
ABOUT THE FUTURE"
(YOGI BERRA)



A Bill of Rights for the homeless did not pass again this year. A similar bill might someday become law and have significant effects on municipalities and municipal courts

Educating the Municipal Judges

- ▶ The Colorado Municipal Judges' Association has 2 educational conferences per year
- ▶ Daily discussions of legal issues occur on the CMJA List Serve
- ▶ The first annual "boot camp" for municipal judges was held in April 2017




Coming soon ... April 7, 2017 ... to a courtroom in Arvada ...

Colorado Municipal Judges Boot-Camp

Nine hours of action-packed adventure. Information, discussion, innovation.

Guaranteed success (well, not really guaranteed) on the Municipal Court bench.

Short modules 20 - 30 minutes in-depth.

End-to-End Process - Service to Appeals

Special guest on ethics!

Get Credit by the Boot-Camp!

Day/Date: Friday April 7, 2017
 Time: 8:00 a.m. to 5:00 p.m.
 Location: Arvada Municipal Court
 8101 Wadsworth Rd.
 Arvada, CO

Price: Twenty Bucks, includes lunch!

Contact: Val Morris,
 Court Administrator Extraordinaire

Colorado Supreme Court Office of Attorney Regulation Counsel





Colorado Code of Judicial Conduct

1. A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
2. A judge shall perform the duties of judicial office impartially, competently, and diligently.
3. A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.
4. A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence integrity, or impartiality of the judiciary.

Questions?





2016 City Council Redistricting Final District Report

The City of Colorado Springs has a Council-Mayor form of government. The nine member City Council acts as the City's legislative body and the members are elected by the people to serve a four-year term of office. The nine members include three at-large members and six district members. The Mayor, a fulltime position, acts as the Chief Executive Officer of the City and is elected by the people to serve a four-year term of office.

City Clerk Redistricting Process & Requirements

- City Charter requires the City Clerk to redraw the six City Council district boundaries every four years.
- Only complete El Paso County voting precincts will be moved from one district to another.
- The preliminary district report was released on September 28, 2016
- A public hearing to receive feedback on that report was held on October 18, 2016.
- The final district report, setting the district boundaries for the next four years, is released on November 14, 2016.
- There is no approval of any plan by the City Council or Mayor.
- Districts must be substantially equal in population, contiguous, and comply with the Voting Rights Act, City Charter and City Code.

Districting Process Advisory Committee

- The Advisory Committee, appointed by City Council on May 24, 2016, was charged to oversee the public process, educate the public, assist the City Clerk and advise City Council on the redistricting process.
- The Committee conducted seven meetings to solicit input from the public and several committee meetings.
- The Committee prepared a preliminary Advisory Committee report which they submitted to the City Clerk and City Council at the August 8, 2016, City Council Work Session.
- The Committee will prepare a final Advisory Committee report which they will submit to City Council in November or December.

Colorado Springs Population Data

Estimated population data was purchased from ESRI (Environmental Systems Research Institute). The data shows population at the census block level as of July 1, 2015. Redistricting requires City population to be reported for each county precinct. A process to reapportion population, based on County Assessor housing units, distributes the population identified at the census block level to a county precinct level while also accounting for areas of unincorporated El Paso County.

To ensure the most recent population figures are used in the redistricting process, additional population growth is calculated based on building permits issued by the Pikes Peak Regional Building Department. Both processes use metrics, gathered by the State Demography Office of the Colorado Department of Local Affairs, concerning average number of people per housing unit, local vacancy rate and typical lag time from building permit issuance to the creation of units ready for occupancy. This allows estimation of City population to October 1, 2016.

Final District Report

This document as well as supporting maps and information can be downloaded from the Colorado Springs Redistricting web page at <http://coloradosprings.gov/redistricting>. See the attached written descriptions for detailed information on the boundaries.

13 precincts to change districts

Precinct	2012	2016
107	1	3
108	1	3
111	1	3
163	2	6
178	3	5

Precinct	2012	2016
601	3	4
195	4	5
196	4	6
453	4	6
650	4	6

Precinct	2012	2016
125	6	1
148	6	1
152	6	1

Pros & Cons of the district changes (with associated precincts)

Pros:	<ul style="list-style-type: none">• Brings together Org. of Westside Neighbors (111)• Brings together Mesa Neigh. Assn. (112/108/107)• Keeps together Mesa Springs Comm. Assn. (107/108)• Brings together most of Bridle Pass HOA (142/143/146/163/164/401/402)• Brings together adjacent neighborhoods (163)• Brings together NE Garden Ranch HOA (121/124/125/152)• Brings together area south of Hwy 24 (421)• Brings together more than half of Mid Shooks Run Neigh. Assoc. (173/176/177/178/179)• Keeps airport and Peterson Air Force Base together (196/650/421)• Keeps Banning Lewis Ranch together (420/421/650)
Cons:	<ul style="list-style-type: none">• Splits Friends of Quail Lake (601)• Neighborhood dwellings separated from district boundary by commercial area (601)• Mid Shooks Run Neigh. Assoc. still split (173/176/177/178/179)

Colorado Springs Population by City Council District

	2012	Deviation from 2012 Ideal Population		2016 ¹	Deviation from 2016 Ideal Population	
District 1	69,629	-183	-0.3%	72,701	-583	-0.8%
District 2	70,015	203	0.3%	73,209	-75	-0.1%
District 3	69,653	-159	-0.2%	73,931	647	0.9%
District 4	68,569	-1,243	-1.8%	73,958	674	0.9%
District 5	70,654	842	1.2%	73,467	183	0.2%
District 6	70,350	538	0.8%	72,440	-844	-1.2%
City	418,870	(spread ²)	(3.0%)	439,706	(spread ²)	(2.1%)
Ideal District Size	69,812	(6-district population)		73,284	(6-district population)	

¹ This table shows 2016 population as distributed by the preliminary district report.

² Deviation spread is the total percentage from minimum to maximum.

Comments and/or Protests on the Preliminary District Report

Four comments and/or protests of the Preliminary District Report were received either by letter or in-person during the public hearing. The comments pertained mainly to uniting more communities of interest, in particular moving precinct 605 into Council District 4. The common theme was to allow for larger population deviation among the districts in order to unite these communities. After careful consideration of the comments, review of the City Charter and Code, and thorough scrutiny of the population data and preliminary map, I have decided to make no changes to the preliminary redistricting map. This final plan unites more communities of interest and neighborhoods than the 2012 district plan and addresses the growing population in the Northern and Eastern portions of our city.

COLORADO SPRINGS

2016 City Council Districts

November 2016

LEGEND

City Limits

999 Precinct Boundary

Military

County

Council District

1

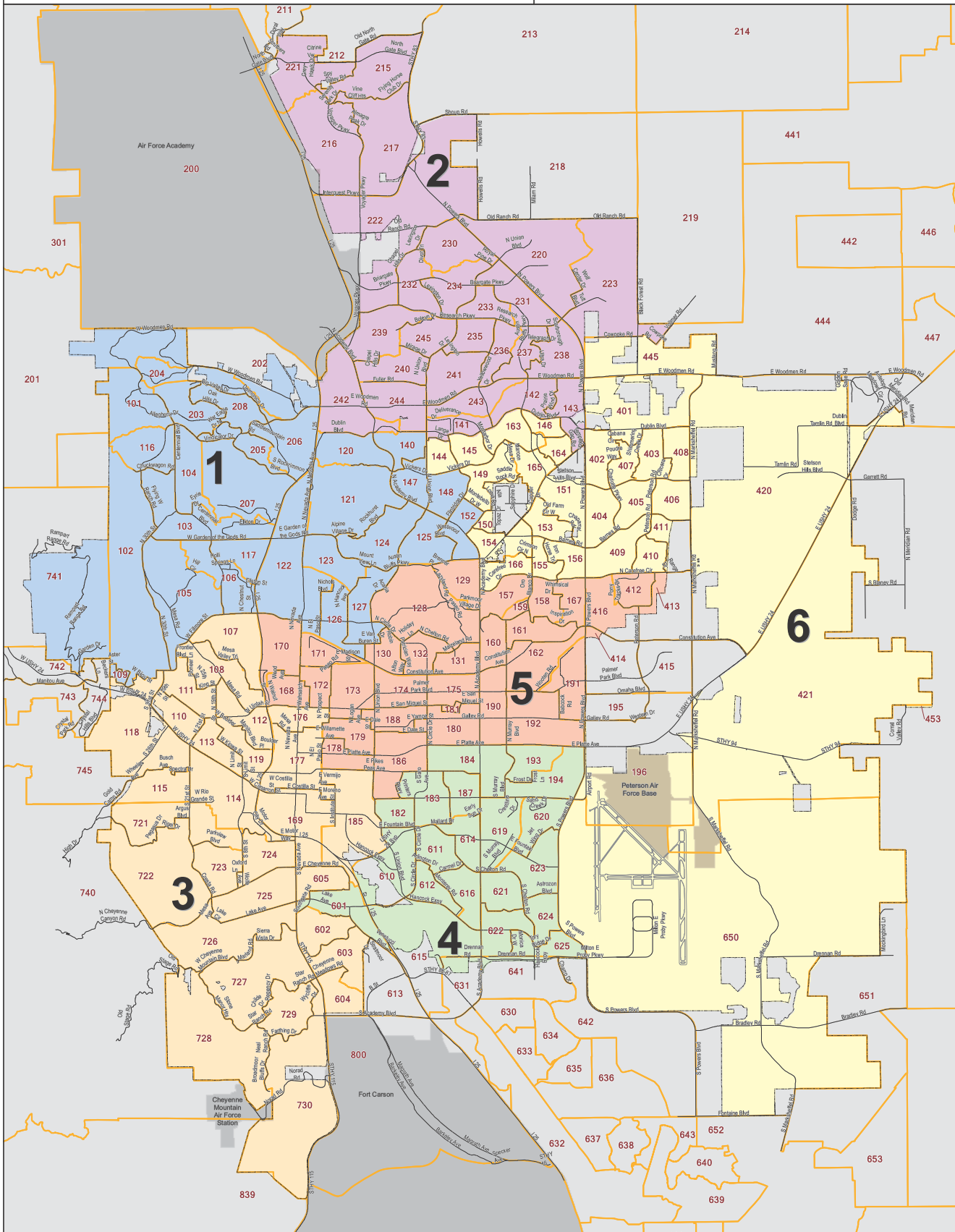
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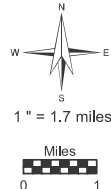
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Office of the City Clerk - November 2016



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District	Population	Deviation from Ideal
1	72,701	-583 -0.8%
2	73,209	-75 -0.1%
3	73,931	647 0.9%
4	73,958	674 0.9%
5	73,467	183 0.2%
6	72,440	-844 -1.2%
City Total	439,706	
Deviation Spread		2.1%
Ideal District Population	73,284	