



National Prosecutors' Consortium

Survey Highlights

Colorado



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COLORADO REPORT Acknowledgements

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BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



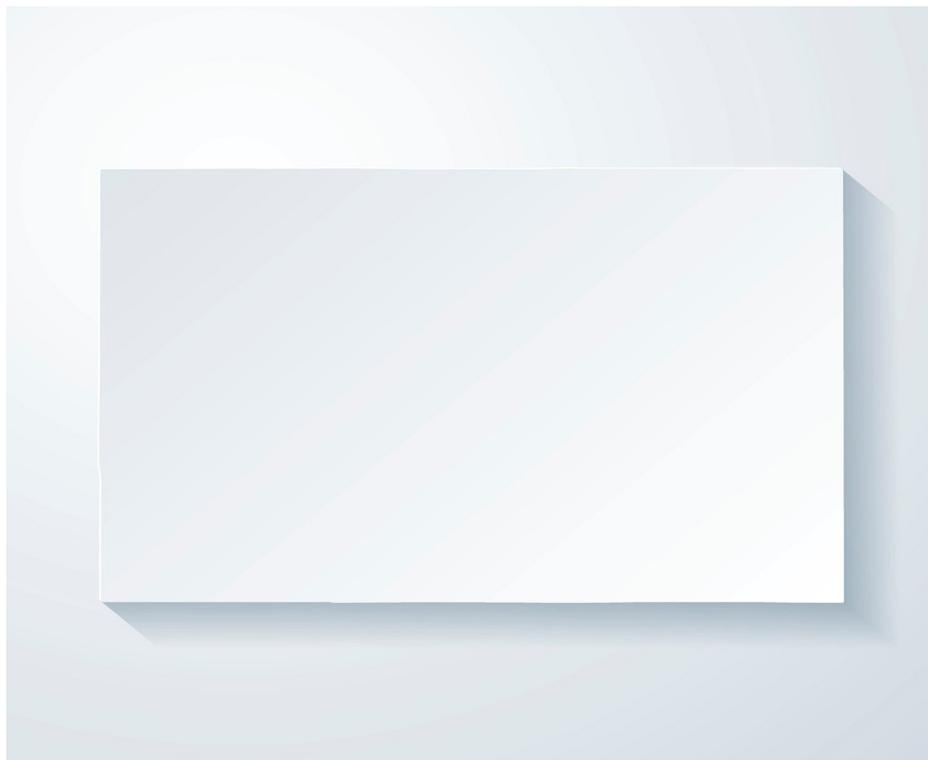
METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey is designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey is delivered through an online, secure, cloud-based service using the Qualtrics survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we have identified a battery of 84 questions that represent the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses is compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - COLORADO

This report discusses preliminary results from the state of Colorado. Colorado's 64 counties are divided into 22 judicial districts, each with its own prosecutor's office. Out of the 22 judicial districts operating in Colorado, at the time of this report (May 30, 2019), 16 offices (73%) had completed the survey.



TYPES OF CASES

Figure 1 depicts the percentage of prosecutors' offices handling specific types of cases. All offices reported handling all or at least some felonies, misdemeanors, and juvenile cases. Thirteen offices (81%) reported handling infractions. Approximately 69% of the responding offices (N = 11) reported handling civil matters. **Figure 2** highlights the percentage of prosecutors' offices involved in various types of civil matters. Nine offices reported handling FOIA or Public Information Requests. Civil forfeitures were reported by eight offices. Six offices reported handling mental health commitments, and three offices reported handling nuisance abatement. No offices reported handling child protection, adult protection, or child support cases.

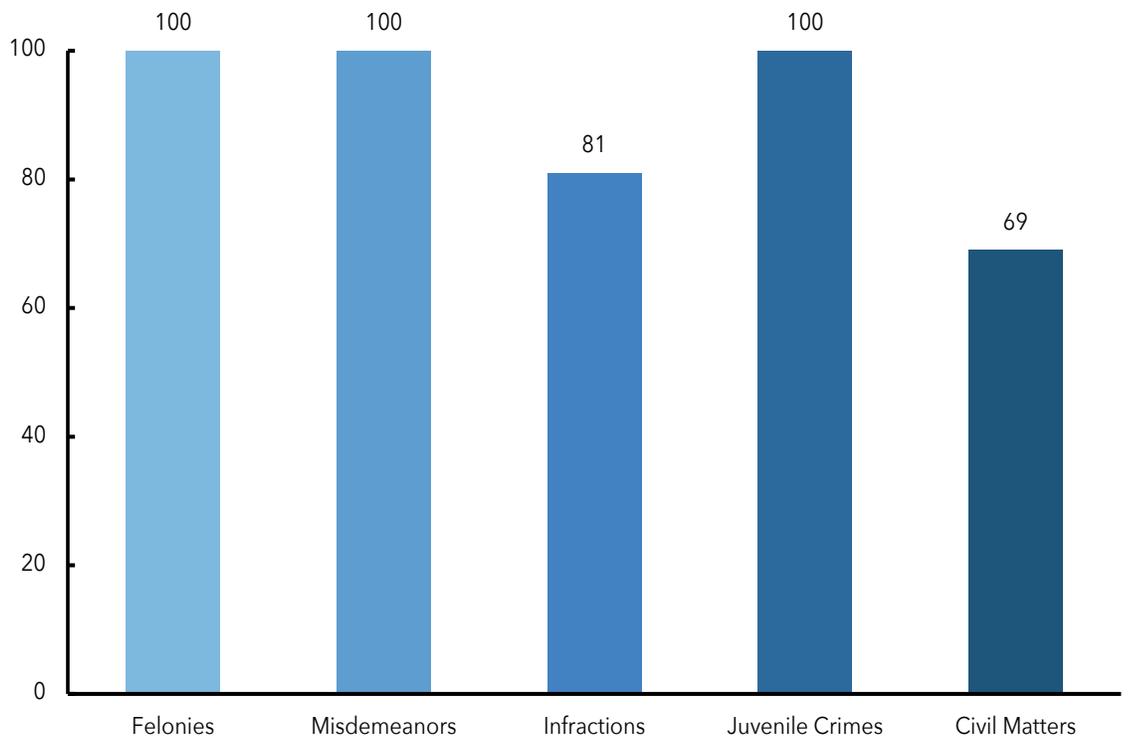


Figure 1. Percentage of Prosecutors' Offices with Jurisdiction over Cases by Type (N = 16).

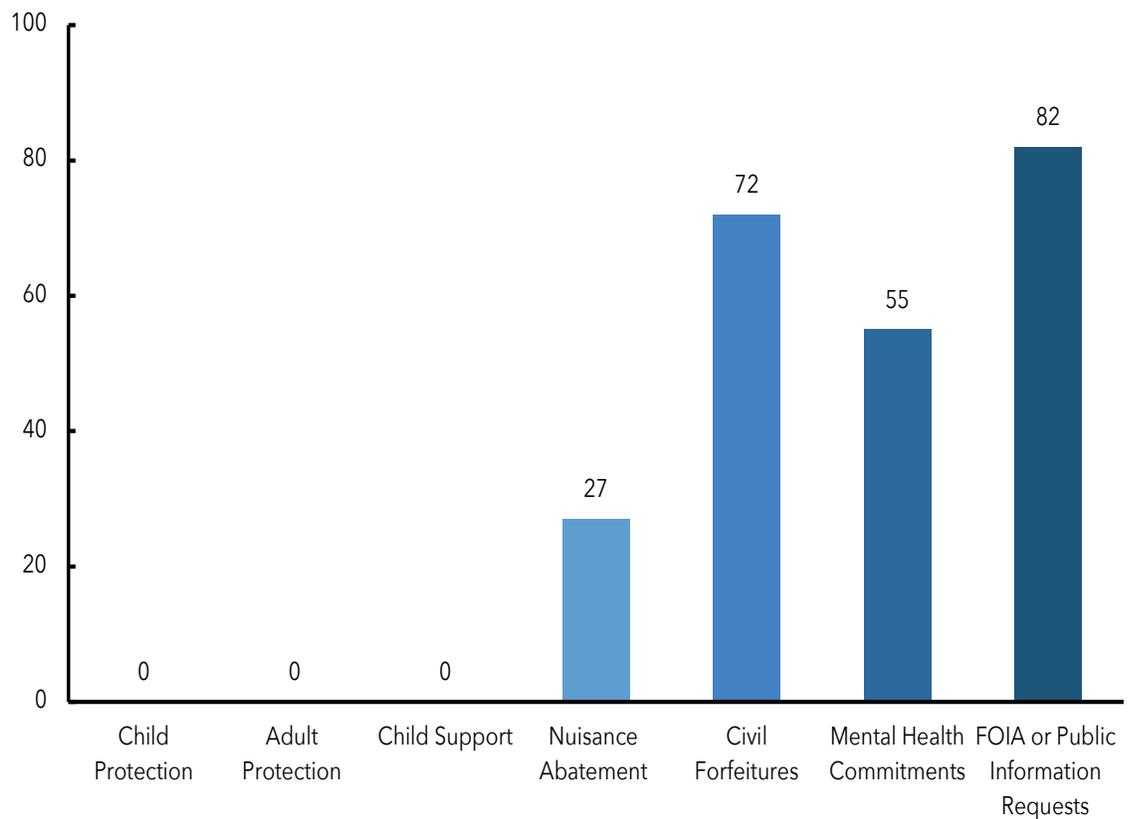


Figure 2. Percentage of Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 11).

CHIEF PROSECUTOR

All 16 judicial districts indicated that their Chief Prosecutor was elected. On average, Colorado’s Chief Prosecutors have been in office for about 5 years. The tenure of the Chief Prosecutor ranged from about one year to 14 years. As seen in **Figure 3**, 12% of the Chief Prosecutors have held their positions for about a year to two years, 44% 3-4 years, 12% 5-7 years, 19% 8-10 years, and 13% for over 10 years.

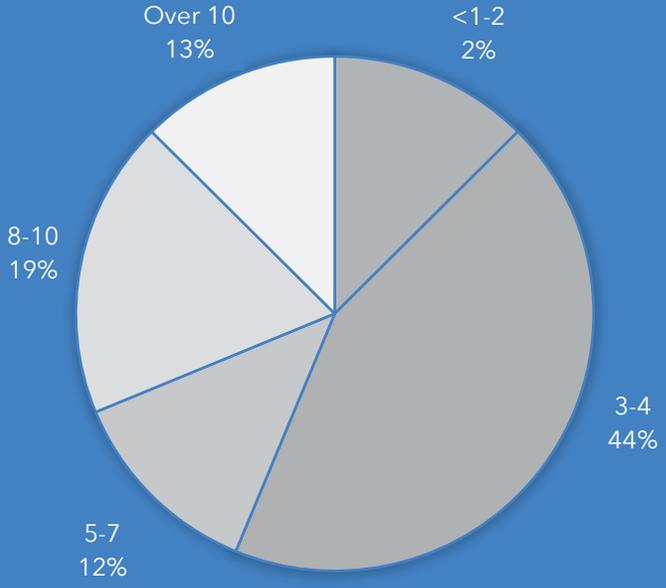


Figure 3. Chief Prosecutor Years in Office (N =16).

OFFICE BUDGET

The 2018 average budget for prosecutors’ offices was approximately \$6,841,789. **Figure 4** depicts that 25% of the offices reported a budget under \$2,000,000, 38% had budgets between \$2,000,000 and \$4,999,999, and 37% had budgets over \$5,000,000.

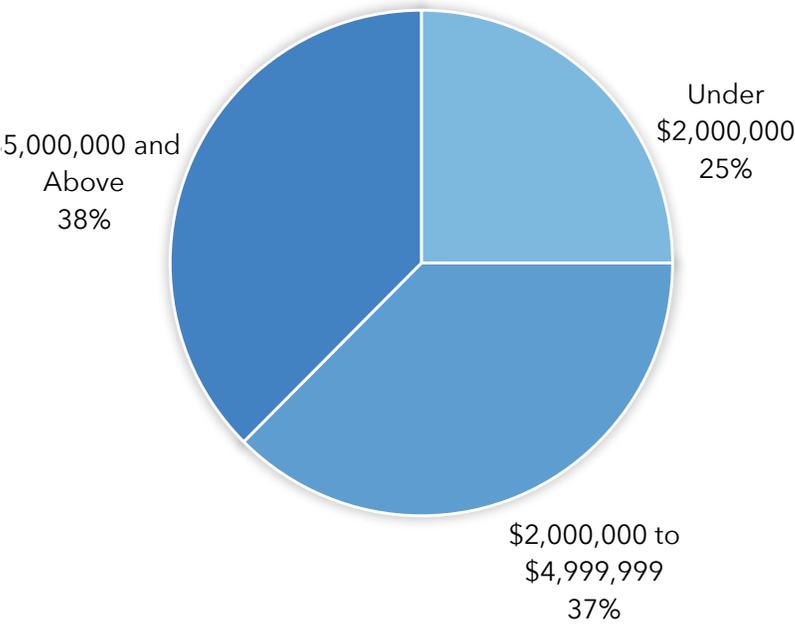


Figure 4. Ranges of 2018 Total Budgets (N = 16).

The average 2018 personnel budget for Colorado prosecutors' offices was approximately \$6,191,903. **Figure 5** shows that 38% of respondents reported a personnel budget of under \$2,000,000, 25% had a personnel budget of \$2,000,000 to \$4,999,999, and 37% had a personnel budget over \$5,000,000.

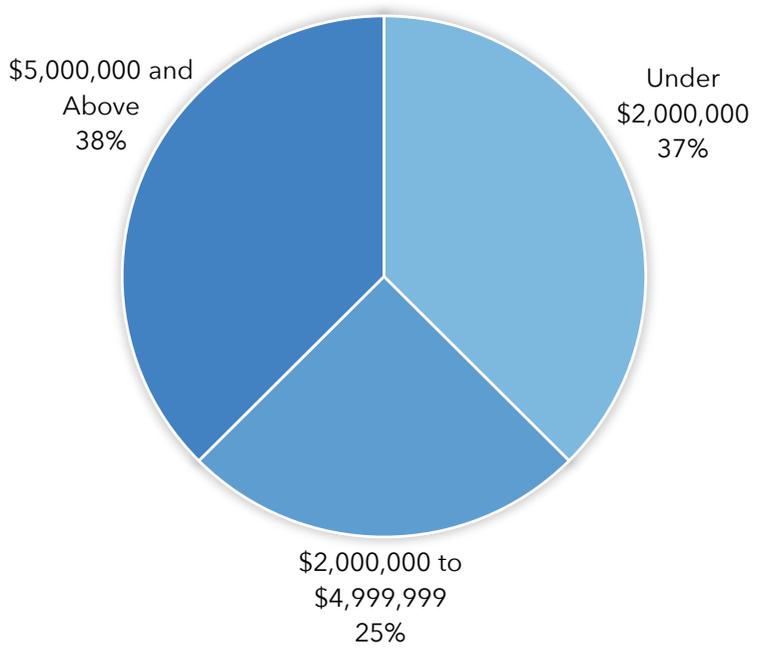


Figure 5. Ranges of 2018 Personnel Budgets (N = 16).

The average percentage of personnel to total budget by budget category is displayed in **Figure 6**. This graph provides a method to determine whether agencies with large budgets spend a disproportionate amount of their budget on personnel costs. Among survey respondents, offices with a larger budget spent a larger proportion of that budget on personnel.

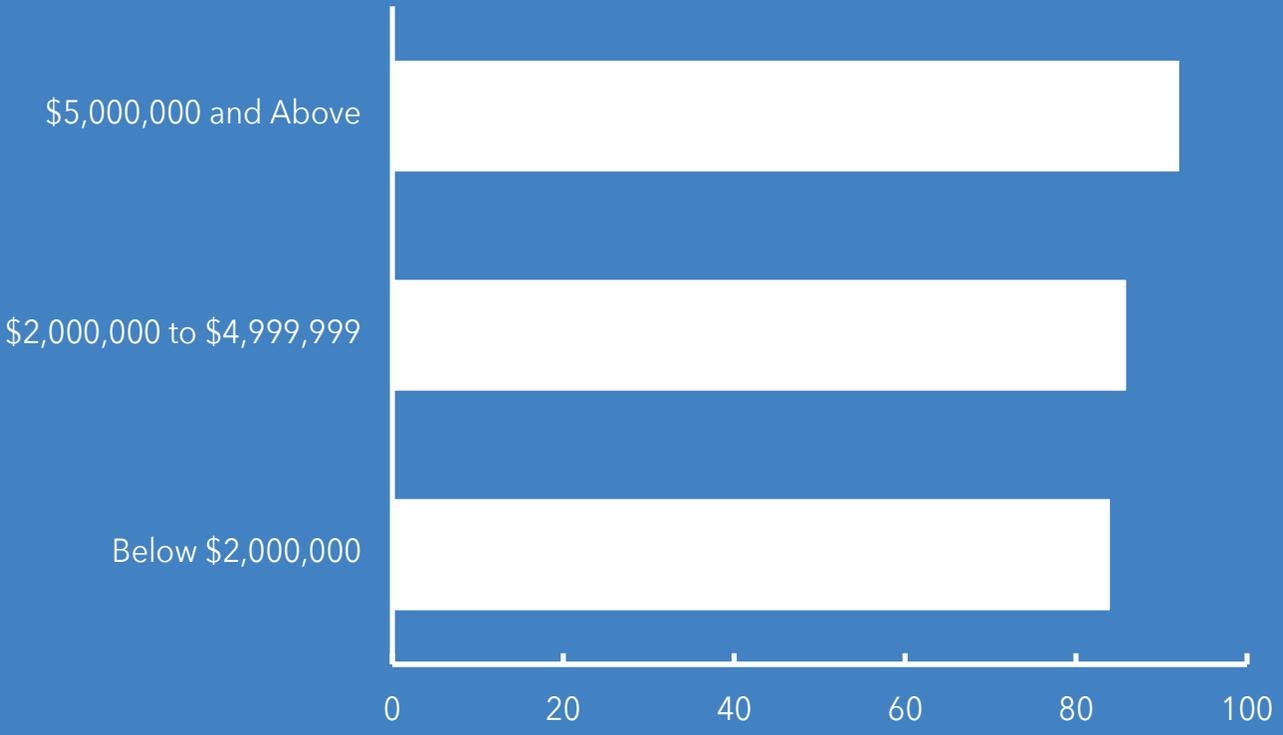


Figure 6. Average Percentage Personnel to Total Budget by Budget Category (N = 15).

STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors in Colorado ranged from a minimum of \$50,000 to a maximum of \$74,426. The average of the 16 responding offices was \$59,770.

CASE PROCESSING

In 2018, the offices surveyed averaged 2,987 felony cases charged, 2,318 felony cases convicted, and 443 felony cases diverted. Further, these offices reported 6,004 misdemeanor cases charged, 4,851 misdemeanors convicted, and 1,372 misdemeanors diverted. Finally, on average, the offices charged 504 juvenile cases resulting in 312 juvenile cases convicted and 227 juvenile cases diverted.

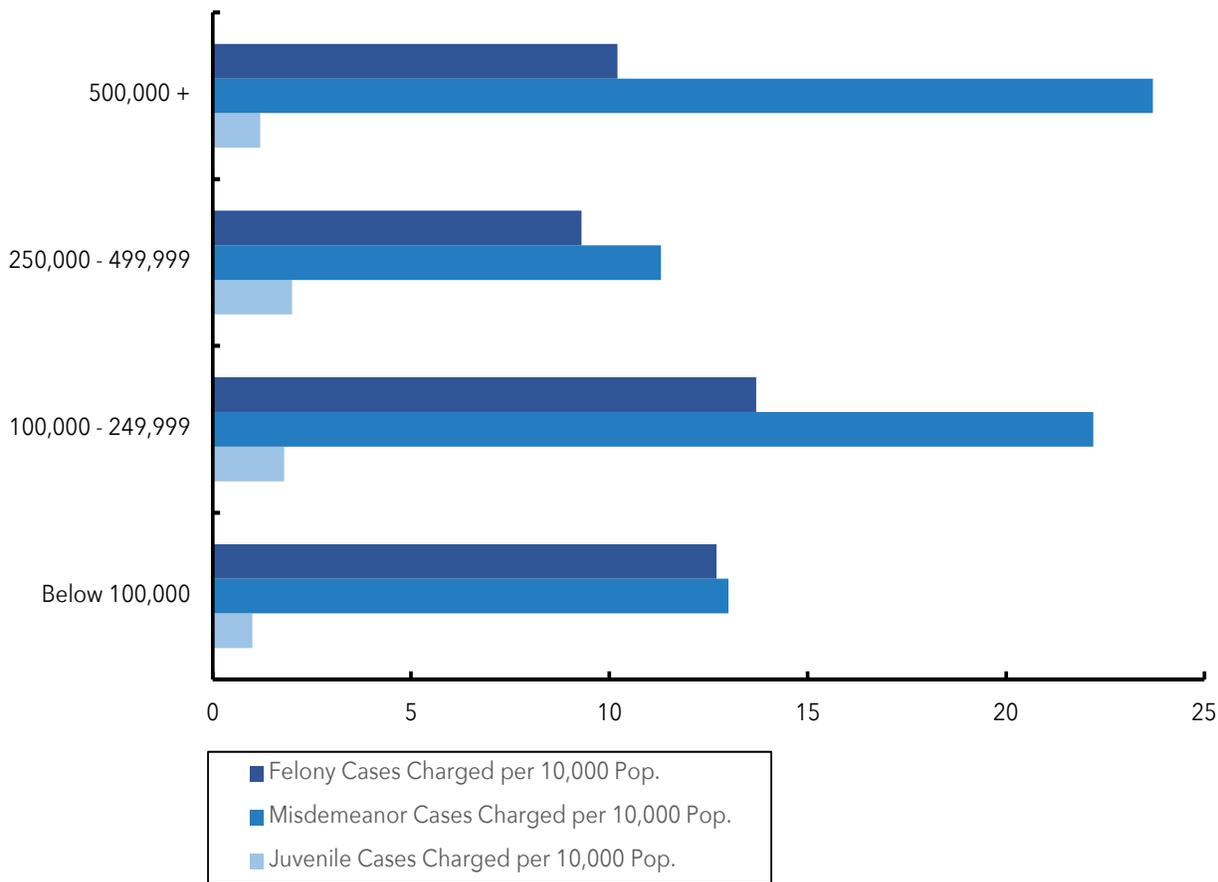


Figure 7. Cases Charged per 10,000 Population by Population Category (N = 16).

Figure 7 depicts the number of felonies, misdemeanors, and juvenile cases charged by judicial district population category. There is little variance in the number of felony and juvenile cases charged per capita. There are slight differences in rates of misdemeanor cases charged, as the largest judicial districts and districts with 100,000 to 249,999 residents charged more misdemeanors per 10,000 residents compared to the districts with 250,000 to 499,999 residents and the smallest judicial districts.

Figure 8 presents the average number of charged cases per full-time attorney for felonies, misdemeanors, and both felonies and misdemeanors combined. While these data are limited, the estimated workloads can provide a useful benchmark for agencies. Across reporting offices, there were an average of 101 charged felony cases per full-time attorney and 126 charged misdemeanor cases per full-time attorney. Overall, this resulted in an average of 230 charged misdemeanor and felony cases per full-time attorney.

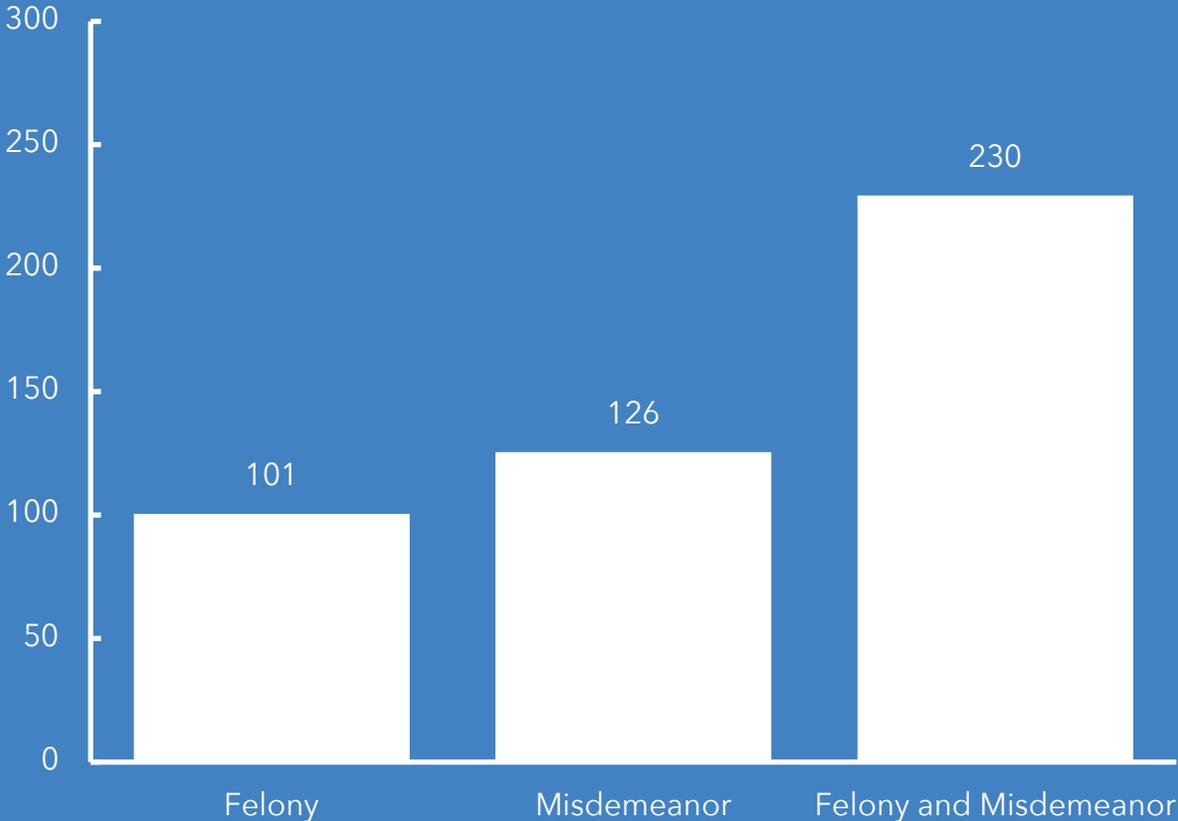
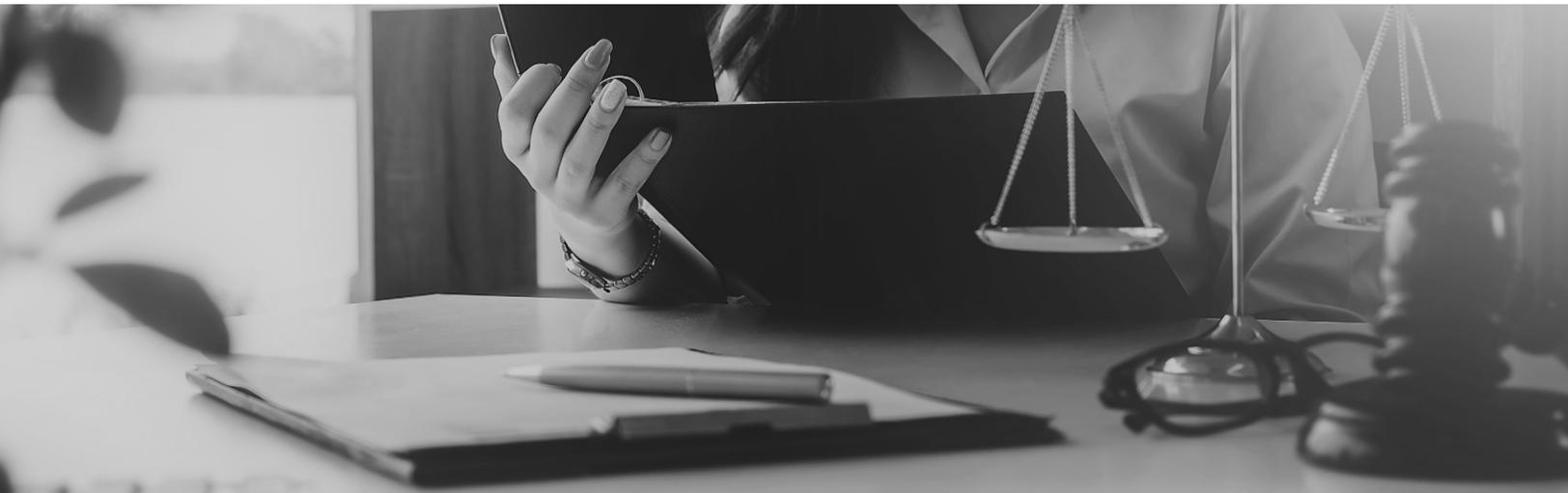


Figure 8. Average Number of Cases per Full-Time Attorney by Type of Case (N =12).



NUMBER OF EMPLOYEES

On average, prosecutors' offices in Colorado reported employing 29.4 full-time attorneys and 0.4 part-time attorneys. These offices also reported employing 43.4 full-time non-attorneys and 2 part-time non-attorneys.

Figure 9 presents the number of full-time employees per 10,000 population by population category. Offices covering between 250,000 and 499,999 residents had the lowest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents. Offices covering fewer than 100,000 residents had the highest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents.

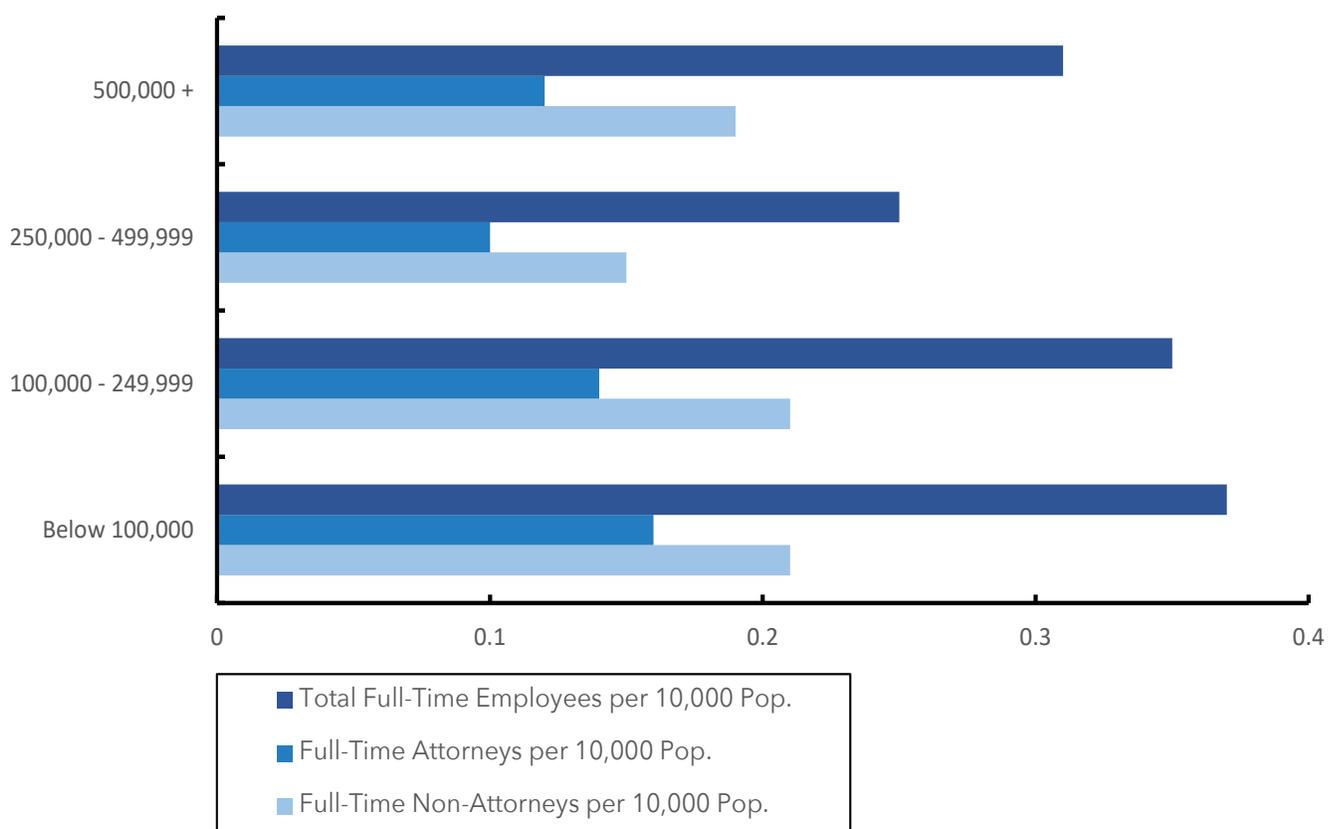


Figure 9. Full-Time Employees per 10,000 Population by Population Category (N = 16).

A different strategy for examining staffing information is to consider the ratio of staff to a measure of workload. **Figure 10** presents the average number of full-time employees per 1,000 felony and misdemeanor cases charged. Judicial districts covering between 100,000 and 249,999 residents had the lowest number of full-time attorneys, non-attorneys, and total employees per 1,000 cases charged.

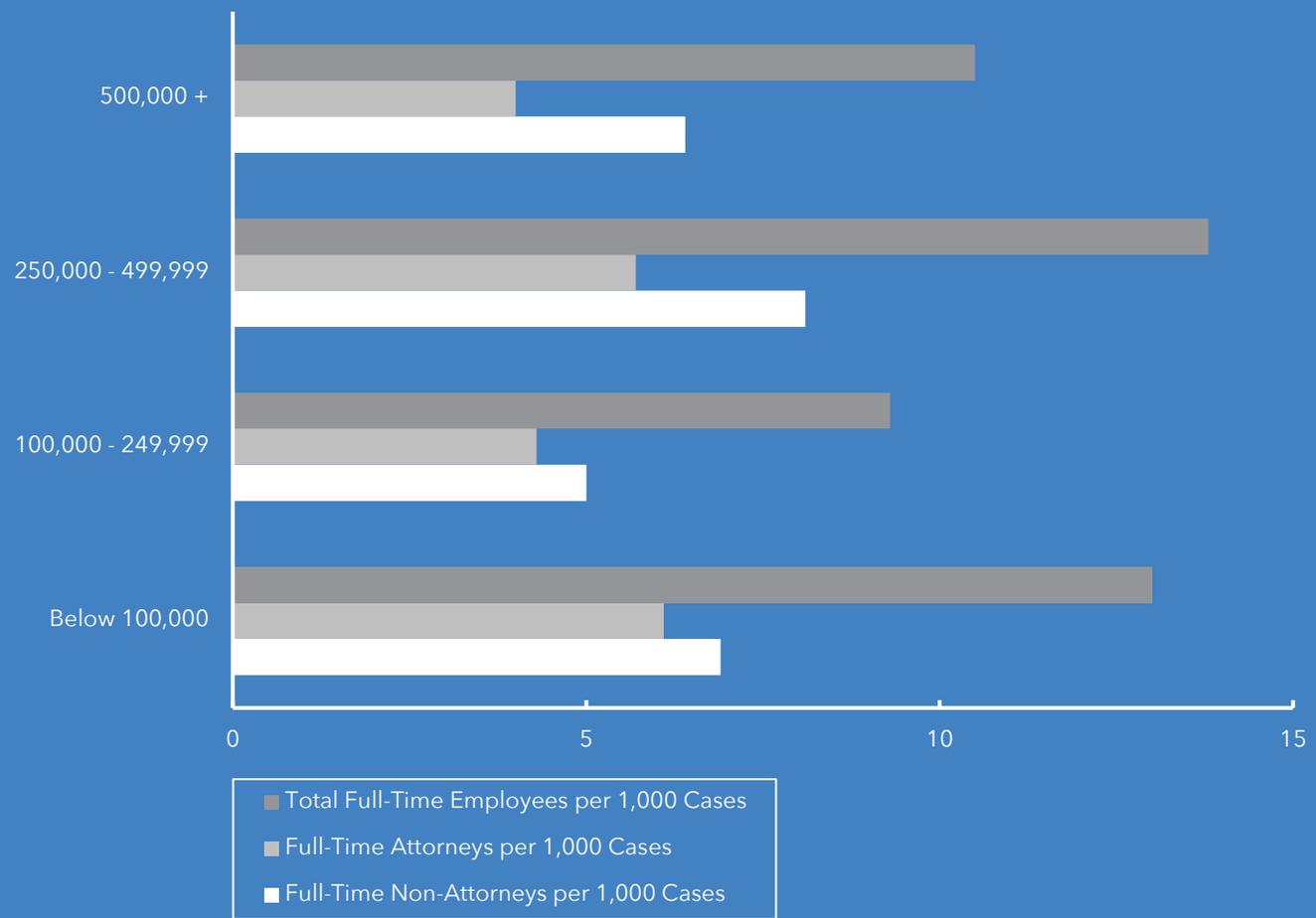


Figure 10. Average Number of Employees per 1,000 Felony and Misdemeanor Cases by Population Category (N = 11).



PROSECUTOR INITIATIVES

All offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. A majority of judicial districts reported that individuals with offenses involving low-level felonies (94%), misdemeanors (75%), and non-violent felonies (63%) were eligible for participation in these programs. A smaller number of offices (25%) reported that offenders with violent felonies were eligible for these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Driving Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 11** provides the frequency of judicial districts with each type of specialty court in 2018. While a large majority of judicial districts reported Drug courts (81%), just half reported Alcohol/Driving Sobriety courts (50%), and fewer than half reported Mental Health (38%), Veterans' (25%), Community (6%), and Homeless (6%) courts. None of the participating judicial districts reported specialty Human Trafficking, Domestic Violence, or Re-entry courts.

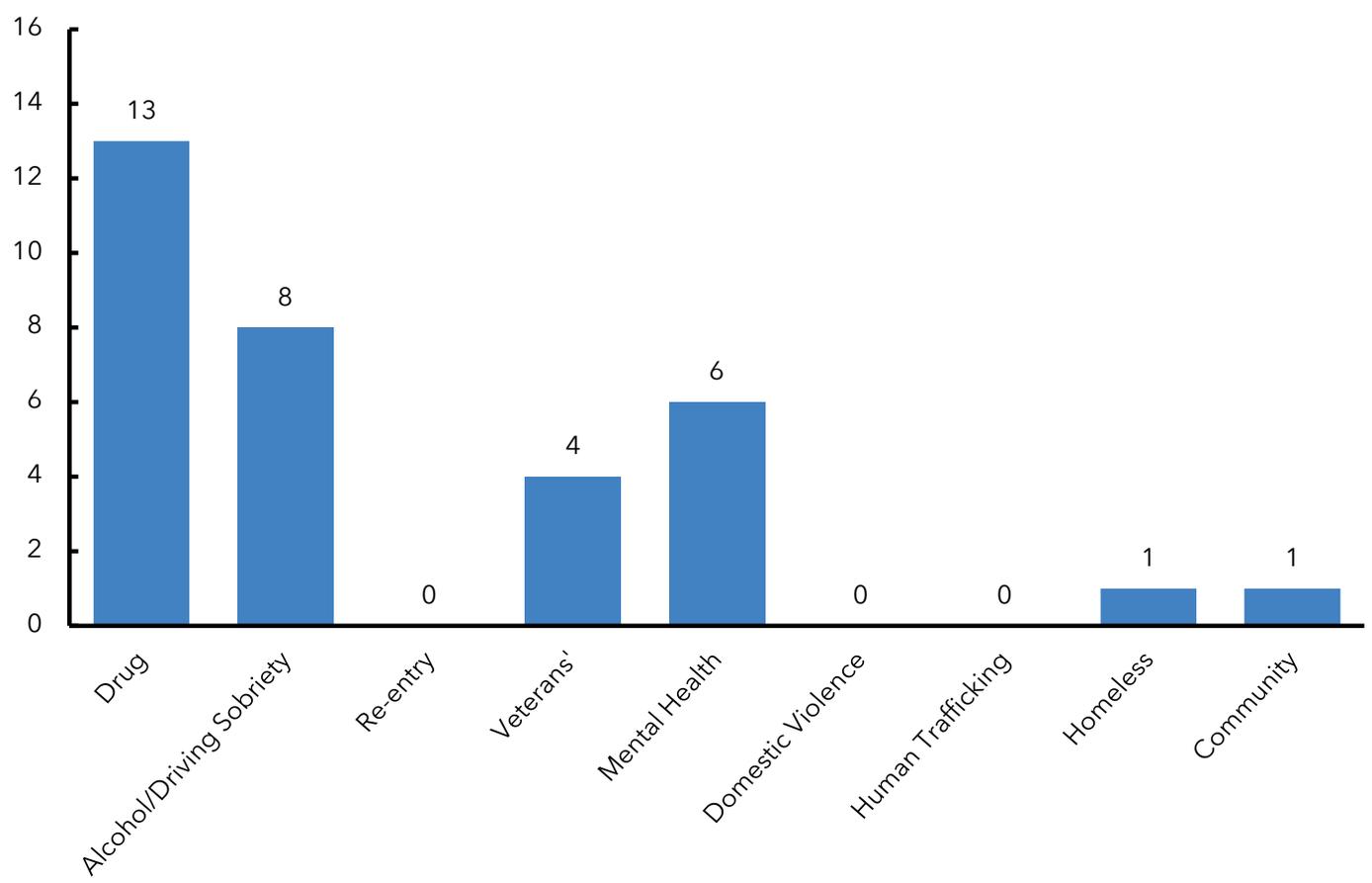


Figure 11. Number of Districts Reporting Specialty Courts by Type (N = 16).

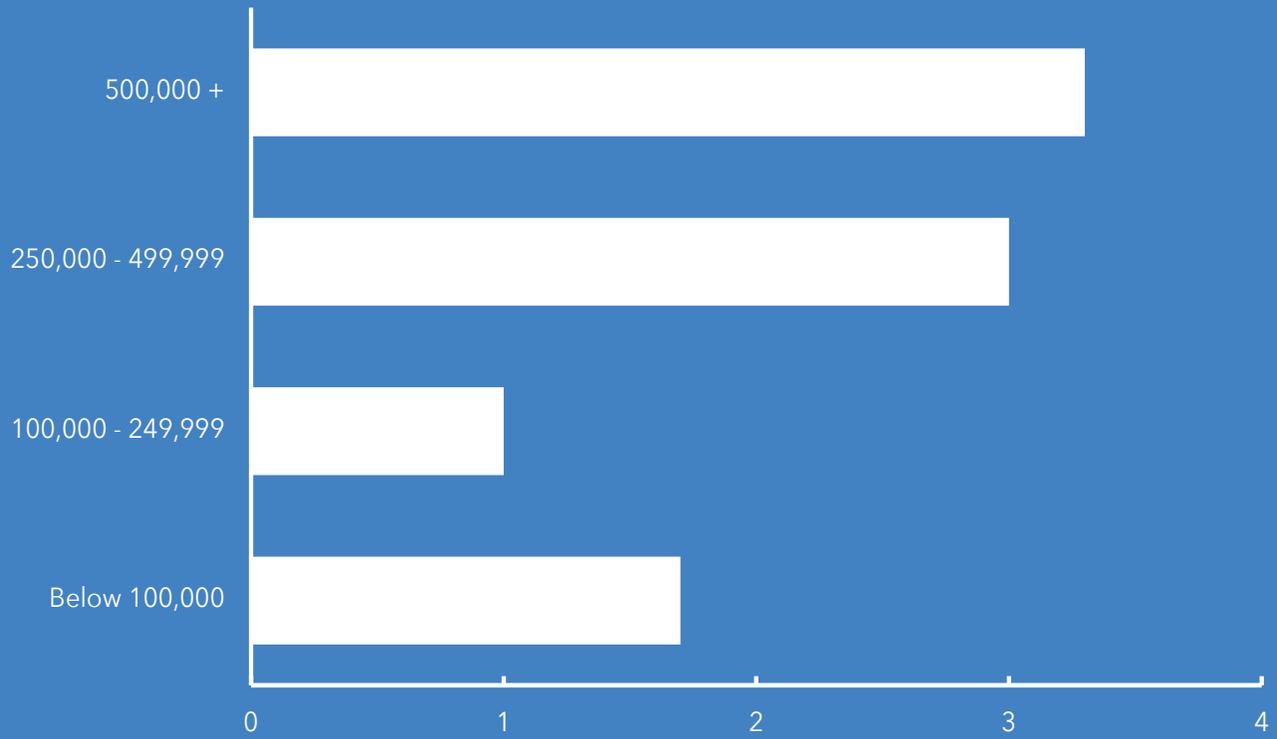


Figure 12. Average Number of Special Court Types by Population Category (N = 16).

Figure 12 shows the number of specialty court types compared to the population category of the judicial district. Judicial districts with more than 500,000 residents had more specialty court types on average compared to the other districts.





ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each judicial district offered alternatives to incarceration in 2018, as shown in **Figure 13**. About 67% of offices reported offering community service. Sixty percent (60%) of offices reported drug treatment, anger management, and restorative justice programs. Mental health programs were offered in 53% of judicial districts. Less common were training/education (47%) and deflection (40%) programs.

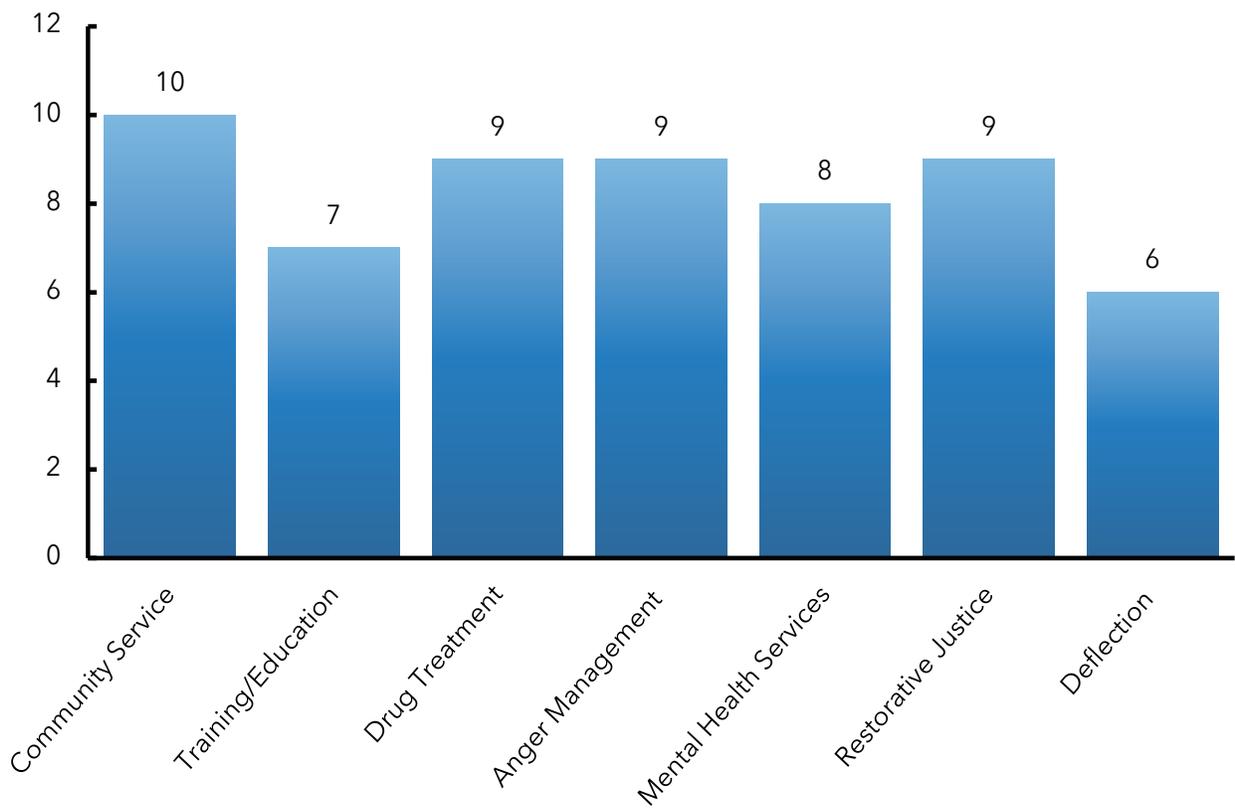


Figure 13. Number of Districts Reporting Alternatives to Incarceration by Type (N = 15).

SPECIALIZED PROGRAMS

Figure 14 presents the number of prosecutors' offices that reported operating specialized programs. The most common programs were Victim Assistance and Restitution, which were both reported by 100% of offices. Less common were Witness Assistance (69%), Victim/Witness Relocation programs (69%), Victim Services without Arrest (63%), Community Affairs Unit (44%), and Community Prosecutors (25%). Rarely did prosecutors' offices report running a Crime Strategies Unit (19%) or a Conviction Review Unit (13%).

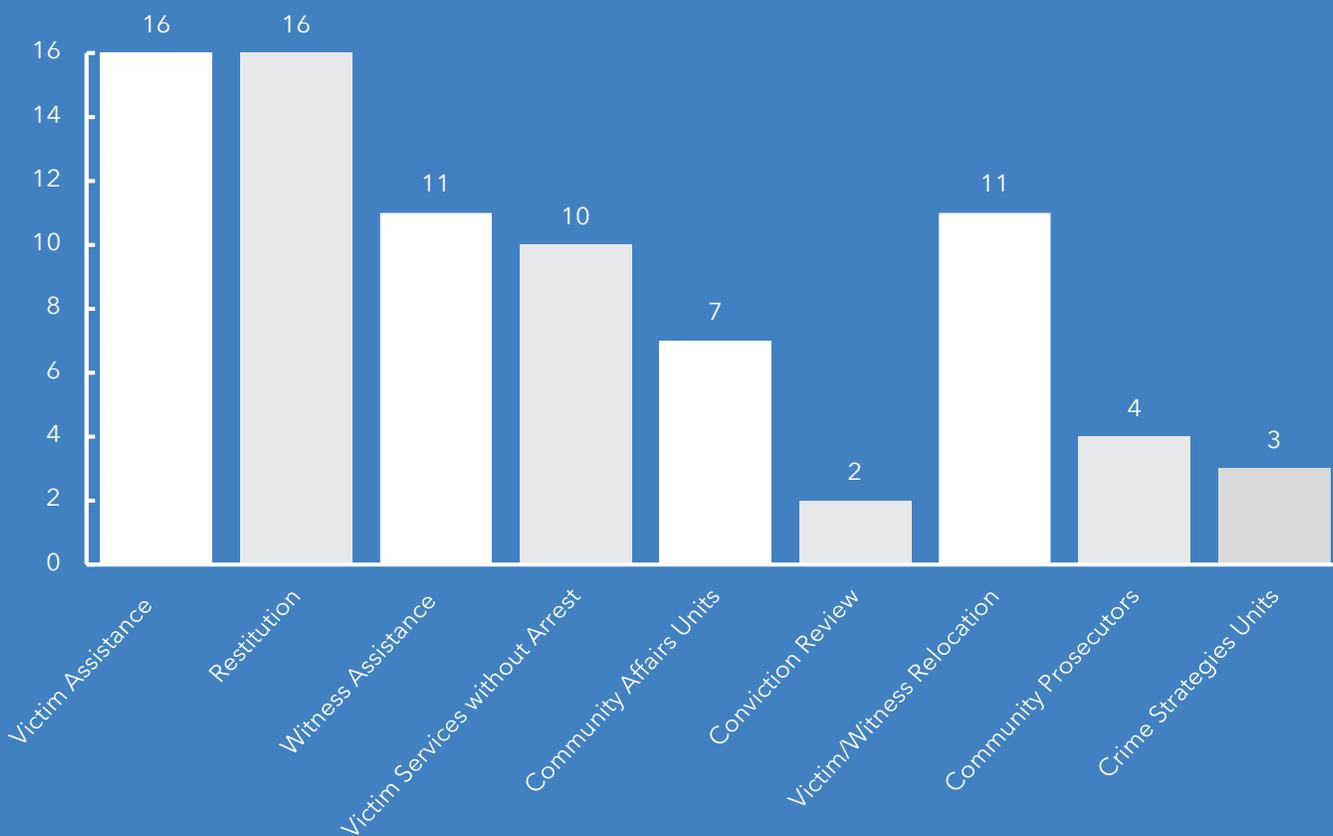
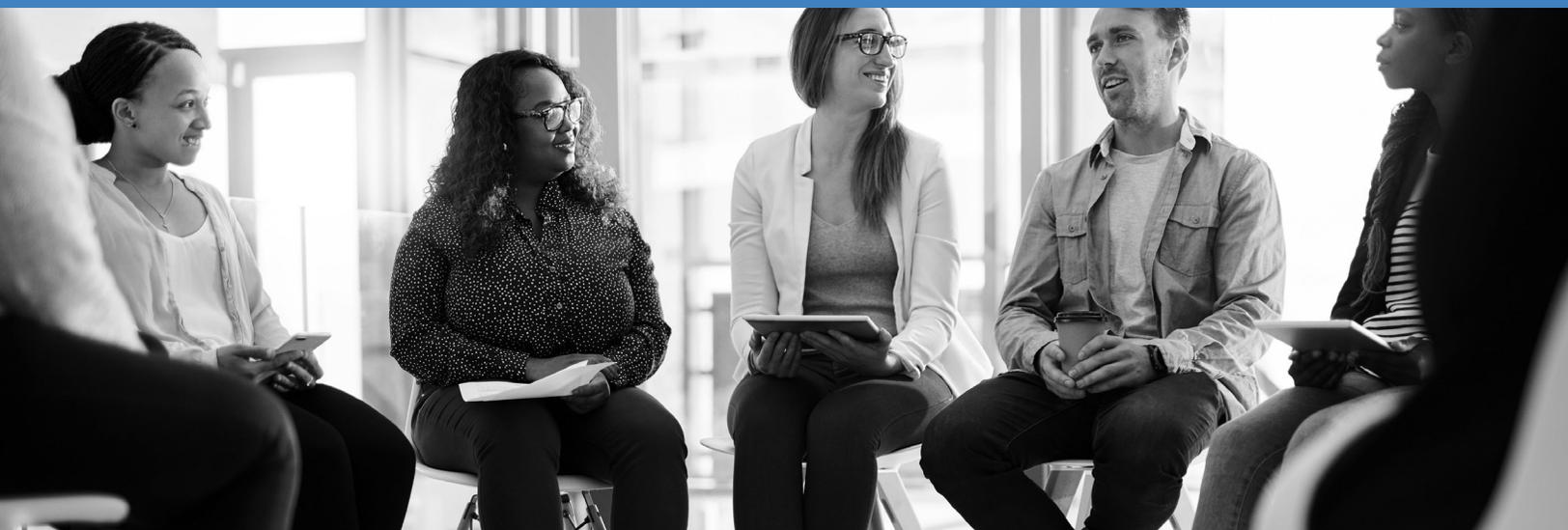


Figure 14. Districts Reporting Specialized Programs by Type (N = 16).



COMMUNITY PROGRAMS

Finally, we asked whether Colorado prosecutors' offices ran or participated in several different community programs. These results are presented in **Figure 15**. The majority of offices reported participating in Community Engagement programs (75%), Youth Education programs (69%), Co-located Child Abuse (56%), and Adult Education Programs (50%). Slightly fewer offices reported participating in Violence Reduction (31%), Co-located Domestic Violence (31%), and Neighborhood Clean-up (13%) programs. Considerably fewer offices reported participating in Neighborhood courts (6%) and Truancy programs (6%). No offices reported participating in Children of Inmates programs, Sports Programs, or Re-Entry Programs.

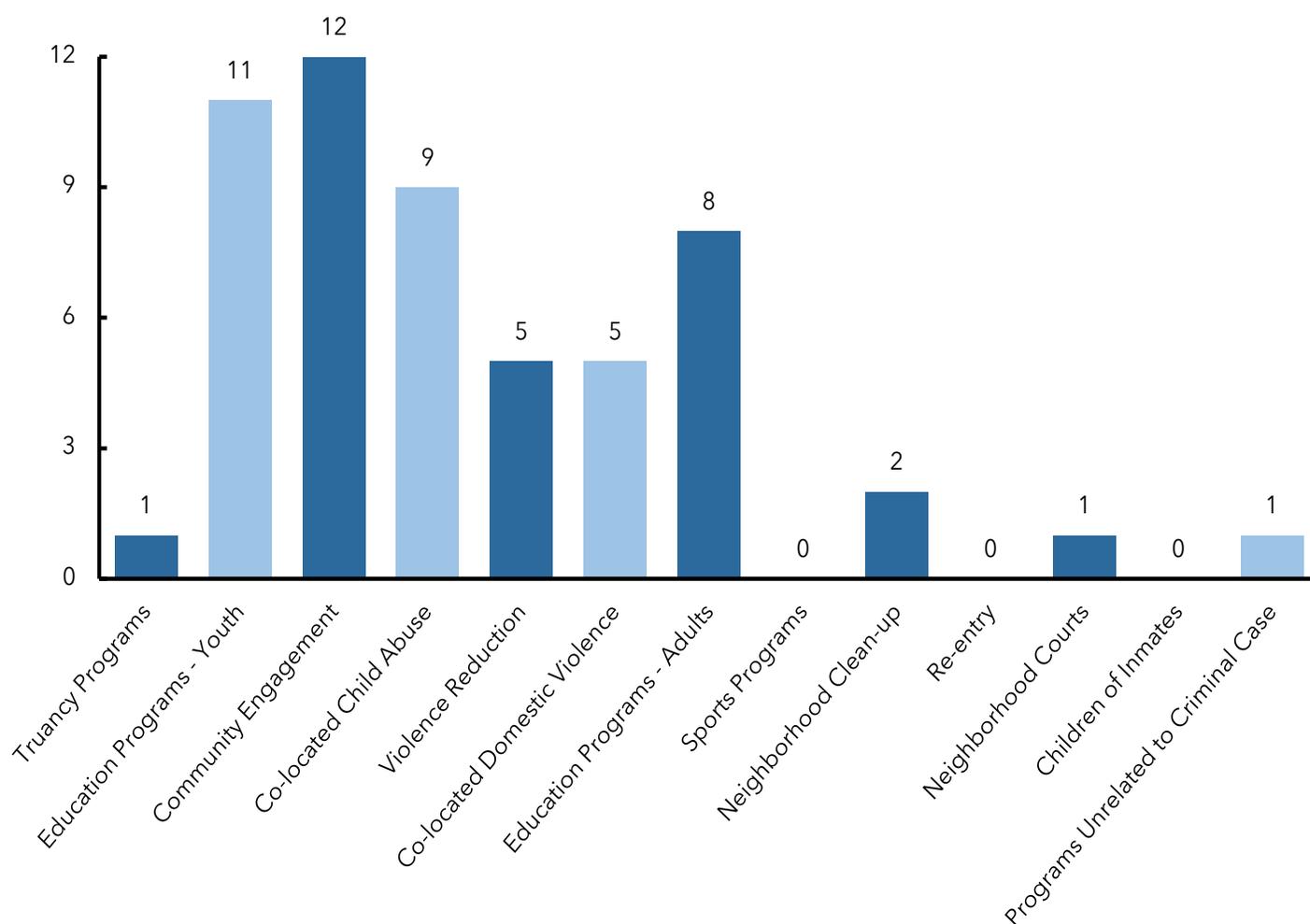


Figure 15. Participation in Community Programs by Type (N = 16).

TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. These results are presented in **Figure 16**. Thirty-eight percent (38%) of judicial districts reported having a technology unit responsible for the computers, data, software, and hardware functioning within their own offices. All offices reported using an electronic case management system, while all offices but one (94%) reported using electronic discovery. All offices (100%) reported using technology in their courtrooms, and 63% reported having staff to support them with the use of this technology.

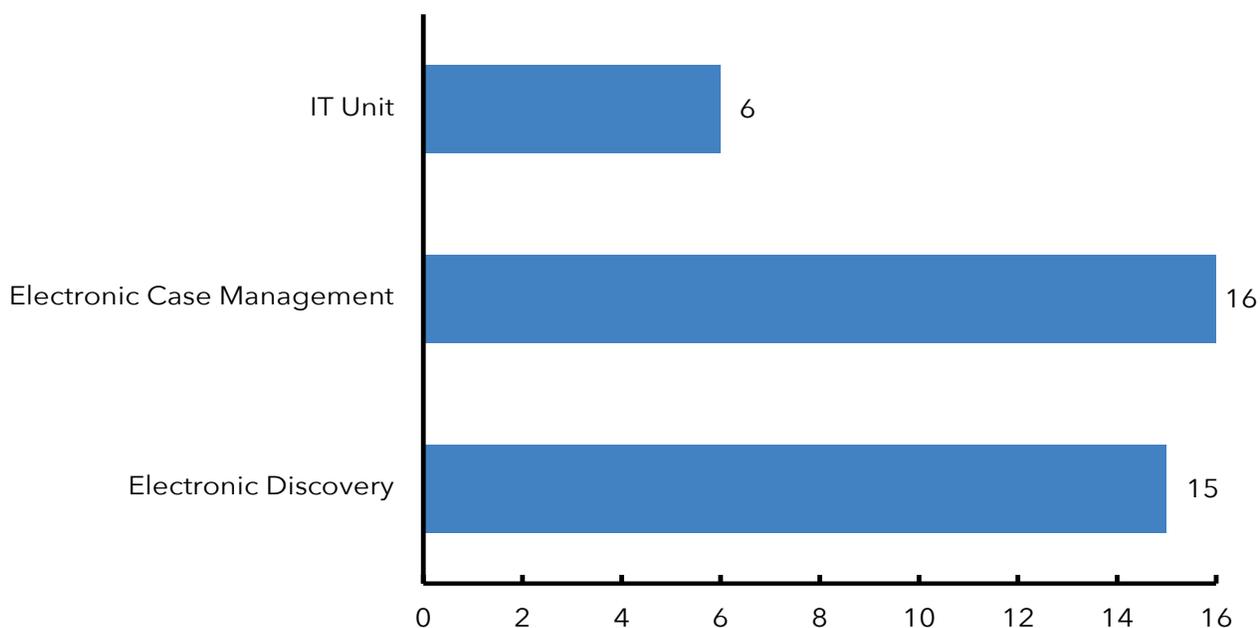


Figure 16. Technology Use within Prosecutors' Offices by Type (N = 16).



BODY-WORN CAMERAS

In addition, all of the respondents (100%) reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. **Figure 17** presents the method of delivery for BWC video. Of those receiving BWC video, 19% are using cloud-based interfaces, 6% are using DVDs, 31% are using both cloud and DVD interfaces, and 44% are using other means. Sixty-nine percent (69%) of the offices reported needing additional staff to review and manage the evidence collected by BWCs.

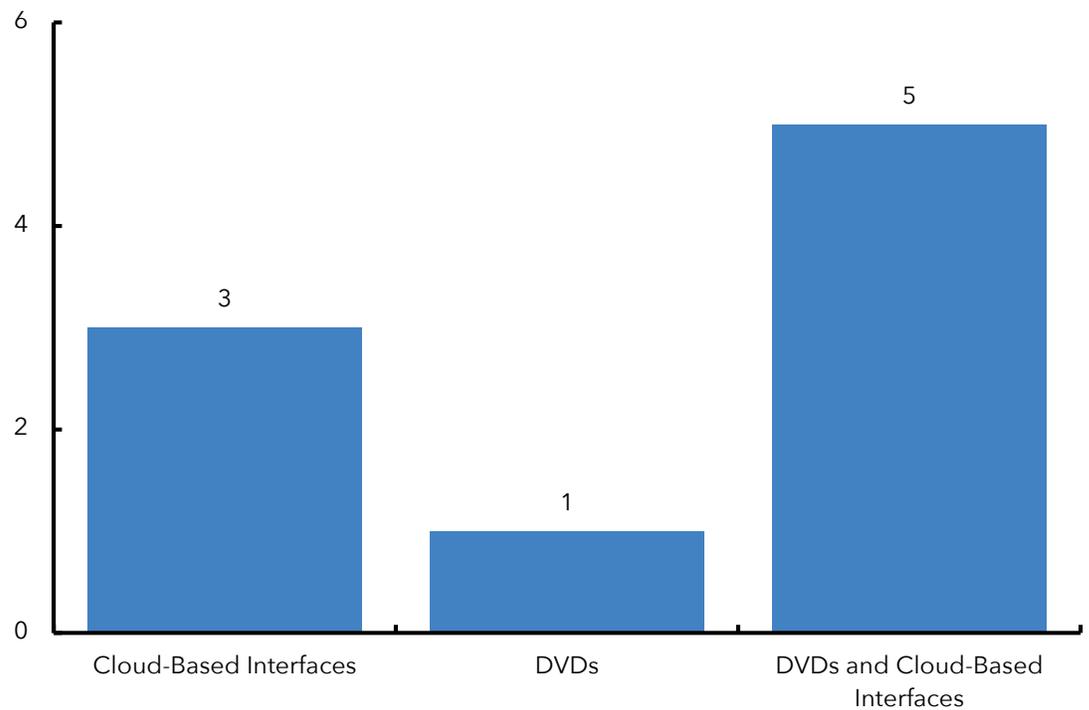


Figure 17. BWC Recordings Received by Prosecutors' Offices by Type (N = 16).

Figure 18 below shows the percentage of offices by jurisdiction size who reported needing additional staff to review BWC footage. More than half of the offices in each population category stated that they needed additional personnel to review BWC footage. Every office in the districts with 100,000 to 249,999 residents (n=3) reported needing additional staff.

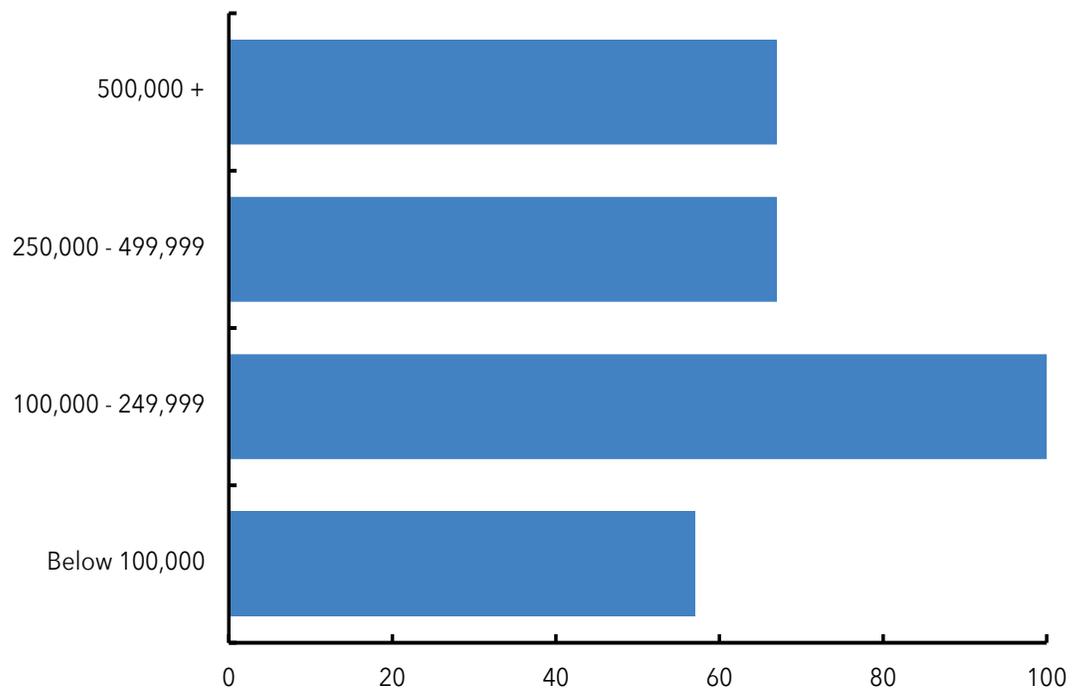


Figure 18. Need for Additional Staff to Review BWC Footage by Jurisdiction Size (N = 16).

WEBSITES

Asked what they share with the public online, 81% of survey respondents reported having office websites and 77% reported updating their websites routinely (monthly, quarterly, or annually).

RESEARCH

Research and analysis were reported by a minority of the responding offices. About 19% of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Sixty-nine percent (69%) reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. No responding offices provide an annual report to the public on the work of the office.

Sixty-nine percent (69%) of the responding judicial districts have participated in major U.S. Department of Justice grant-based programs. Six percent (6%) of offices have participated in Project Safe Neighborhoods programs, 63% have participated in Violence Against Women Act programs, 50% have participated in Federal Victims of Crimes Act programs, and 13% have participated in a Smart Prosecution Initiative or Innovative Prosecution Solutions program.



CONCLUSIONS

The statewide survey administered by JSS and PCE has provided many insights into the day-to-day functioning of Colorado prosecutors' offices. From the survey, we can determine that all Colorado prosecutors' offices handle at least some felonies, misdemeanors, and infractions, and that the majority of responding offices also handle juvenile and civil matters.

All of Colorado's Chief Prosecutors are elected and have served for an average of five years. Sixty-three percent (63%) of the offices had budgets under \$5 million and 37% had budgets over \$5 million. The number of full-time employees per 10,000 population is highest for the smallest judicial districts.

The per capita rates of felony and juvenile cases charged are very similar for districts in the largest two population categories. The smallest population category (Below 100,000 residents) had the highest number of employees (attorney, non-attorney, and total) per capita.

Nearly all offices offer specialty or problem-solving courts and some courts are significantly more common than others. While a majority of offices reported offering Drug courts, few reported offering Alcohol/Driving Sobriety, Mental Health, Veterans', Community, and Homeless courts.

No offices offered Human Trafficking, Domestic Violence, or Re-entry courts.

Most offices reported running specialized programs. Restitution and Victim Assistance were the most commonly offered. Only a few offices offered Witness Assistance programs and Victim/Witness Relocation.

Over half of respondents reported providing specific community programs to the areas they serve. The most common offerings were Community Engagement, Youth Education programs, and Co-located Child Abuse programs.

This research has provided great insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. Specifically, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the Colorado offices that completed the statewide prosecutor survey have provided vital data that have increased the knowledge base on the functioning of Colorado prosecutors' offices as well as on the role of Colorado prosecutors.