

TO: Mayor Brockett and Members of City Council

FROM: Jeff Cahn, Municipal Court Judge  
De'Von Kissick-Kelly, Court Administrator

RE: YEAR-END REPORT

DATE: January 9, 2025

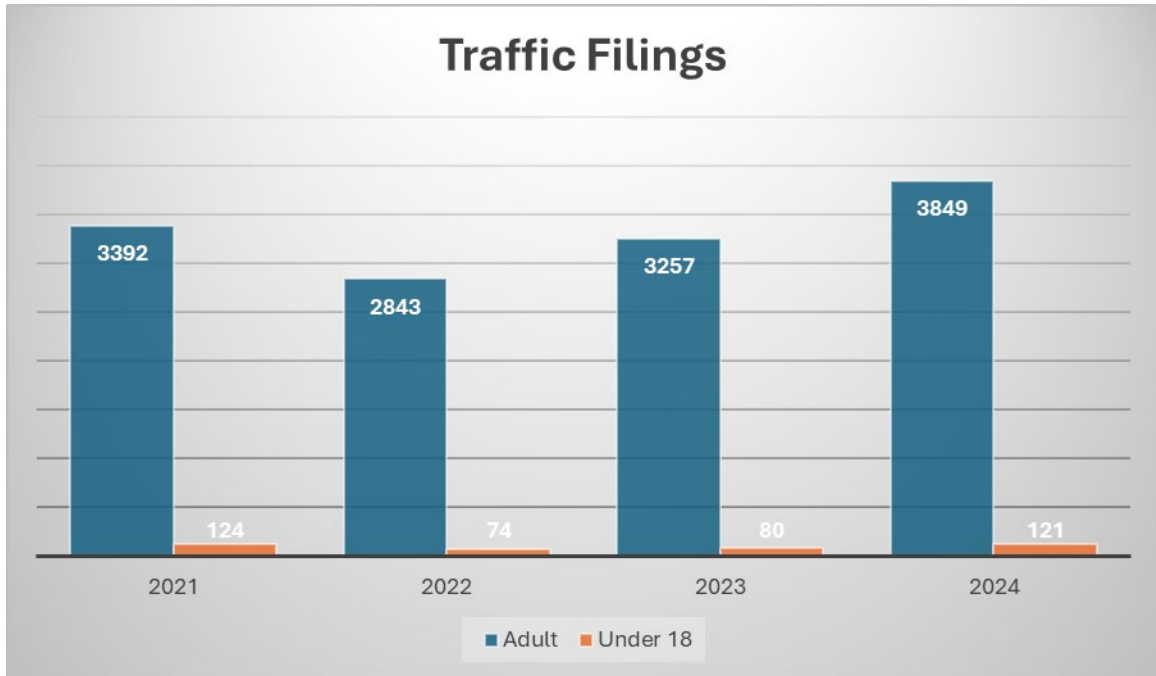
This memorandum supplements the court's January 9<sup>th</sup> City Council presentation. In the following discussion, we will address case filings for 2024 and the court's Workplan for 2025.

**A. CASE TYPES AND FILING DATA**

The Boulder Municipal Court presides over cases and disputes arising under the Boulder Municipal Code, including the following:

1. Traffic infractions and offenses;
2. Photo radar and photo red-light violations;
3. Parking violations;
4. Criminal offenses (petty offenses and misdemeanors only);
5. Animal and code violations; and
6. Civil appeals through the quasi-judicial review process.

Case Type	2021	2022	2023	2024
<b>TRAFFIC-ADULT</b>	3,392	2,843	3,257	2,849
<b>TRAFFIC- UNDER 18</b>	124	74	80	121
<b>PHOTO RADAR RED LIGHT</b>	34,628	35,823	25,375	38,463
<b>PHOTO RADAR</b>	16,715	16,552	18,453	16,847
<b>PHOTO SPEED ON GREEN</b>	0	0	0	6,139
<b>CRIMINAL-ADULT</b>	2,340	1,575	1,494	1,884
<b>CRIMINAL-UNDER 18</b>	103	30	14	24
<b>ANIMAL</b>	880	440	629	706
<b>PARKING</b>	77,846	81,682	95,855	79,652
<b>CIVIL APPEALS</b>	39	59	77	82



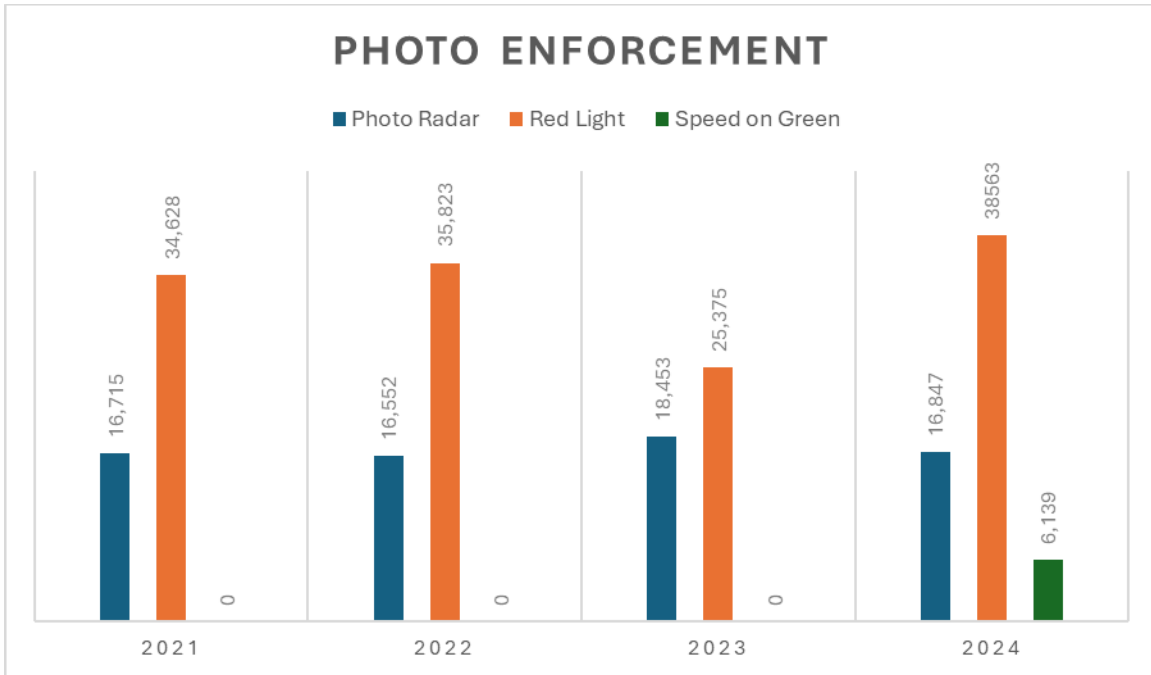
The chart above reflects the total number of adult and juvenile traffic filings during the years 2021 through December 15, 2024 (excluding photo enforcement citations). Filings were steady from 2021 through 2023, increasing modestly in 2024. The types of traffic charges filed in our court include traffic infractions like Speeding, Failure to Obey a Red Signal, Failure to Stop at a Stop Sign and more serious traffic offenses like Careless Driving, Reckless Driving and Failure to Provide Evidence of Insurance. Boulder Municipal Court does not have jurisdiction over DUI, DWAI or traffic accidents involving **serious** bodily injury or death. Those offenses are addressed in the state court.

For certain low-level infractions, defendants may accept a “pay and close” plea bargain option without appearing in court. More serious traffic offenses and charges involving an injury accident require a court appearance. Defendants under 18 must appear in court with a parent or guardian. Our goal is to provide a streamlined process that respects the time of all court participants. Out-of-town defendants, parents and those with challenging life circumstances may appear remotely via Zoom Video. Most traffic cases are resolved by plea agreement via the “pay and close” option or at a defendant’s first appearance in court.

Sentencing usually involves a modest fine, which is determined based on a variety of factors, including the underlying facts of the instant case, defendant’s driving history, financial circumstances and ability to pay. The prosecution team will often recommend lower fines or suspended fines for those individuals when financial hardship warrants such a recommendation. The City Attorney’s Office and Municipal Court are both mindful of the disproportionate impact fines can have on individuals based upon their economic circumstances and take steps to ensure that fines are fair and equitable.

Traffic classes are often imposed as part of plea agreements. **This year, 292 adults and 53 juveniles completed a traffic class as part of their sentence.**

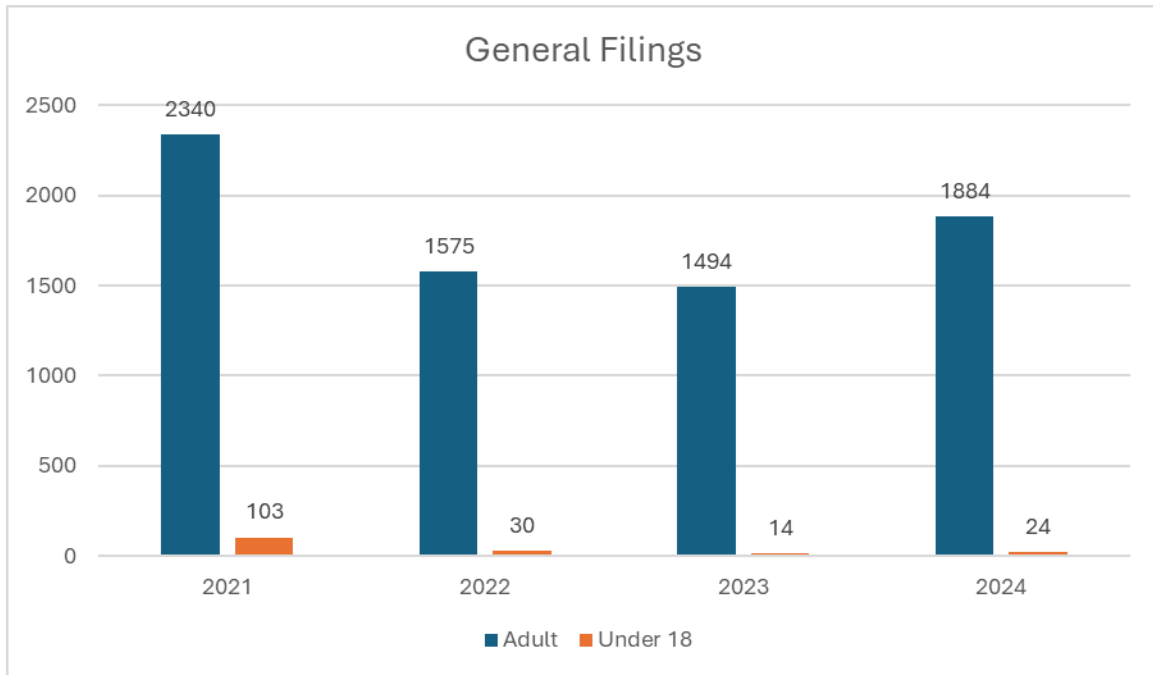
**PHOTO ENFORCEMENT FILINGS**



The chart above reflects the total number of photo radar and photo red light cases filed in our court between 2021 and 2024. Photo enforcement filings increased moderately in 2024. This is likely due to the activation of “speed on green” cameras at certain intersections, which occurred in the middle of 2024 as part of the city’s “Vision Zero” program. There were 6,139 “speed on green” citations issued between June and December 15, 2024. While not easy to predict, it is possible that photo enforcement filings will continue to increase in 2025 as more “speed on green” cameras are deployed on city streets.

Defendants receiving photo enforcement notices may pay on-line, by mail or in person. Defendants who wish to contest a citation are required to appear in court but may do so via Zoom Video. Many who appear choose to meet with a prosecutor and have the opportunity to review photo and video evidence of the charge at that time. Most photo enforcement cases are resolved with just one court appearance and without a trial.

## **GENERAL OFFENSE (CRIMINAL) FILINGS**



General offense cases include petty and misdemeanor criminal offenses, primarily for adults. The state court has a juvenile division, where most criminal charges asserted against defendants under 18 years old are addressed. Occasionally, a defendant under the age of 18 who is attending the University of Colorado will receive a Minor in Possession of Alcohol or Marijuana charge that is filed in municipal court. In 2024, the municipal court handled just 24 juvenile criminal charges.

**Approximately 1900 adult criminal cases were filed in the municipal court in 2024.** Adult criminal case filings include quality of life violations involving young adult offenders such as Nuisance Party, Minor in Possession of Alcohol or Marijuana, Disrupting the Quiet Enjoyment of the Home and other noise violations. Most of these charges were resolved through one of the diversion options offered by the prosecutors. Conditions typically imposed in these diversion agreements include defendant's commitment to participate in and complete the CU Restorative Justice Program, completion of the Community Living Class, completion of a substance abuse class or therapy (when appropriate) and completion of community service. Not all of these conditions are imposed in each case. Those who successfully complete the conditions of their deferred agreement earn dismissal of the charges, which results in the sealing of their record. **In 2024, over 90% of the defendants accepting deferred agreements successfully completed their conditions, earning dismissal of the pending charges.**

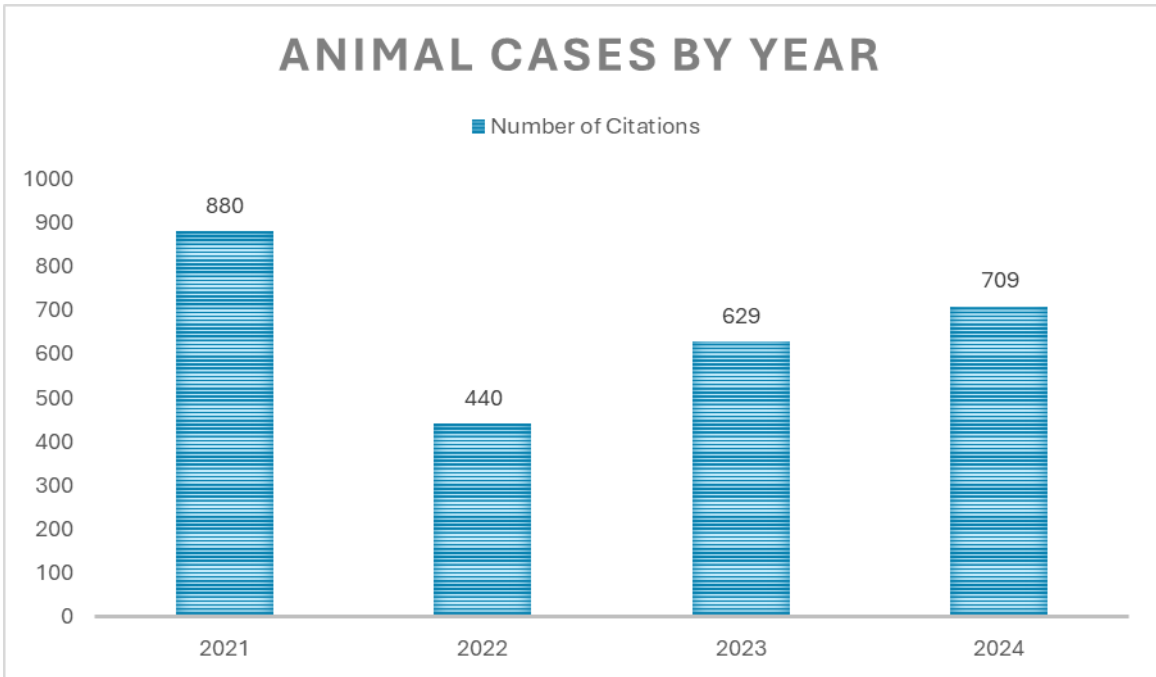
The court's criminal caseload also includes offenses involving the unhoused community, such as Camping, Trespass, Possession of Alcohol or Marijuana in Public, Smoking in Public and Use of Prohibited Items (primarily tents). The Community Court program, a collaboration between the City Attorney's Office and Boulder Municipal Court, is designed to address many of the less serious charges noted above. More serious charges, such as Assault, Disorderly Conduct, Harassment, Resisting Arrest and Obstructing a Police Officer are not eligible for the Community Court program.

Defendants facing one of these charges must address their charges through the traditional court process.

### **COMMUNITY COURT UPDATE**

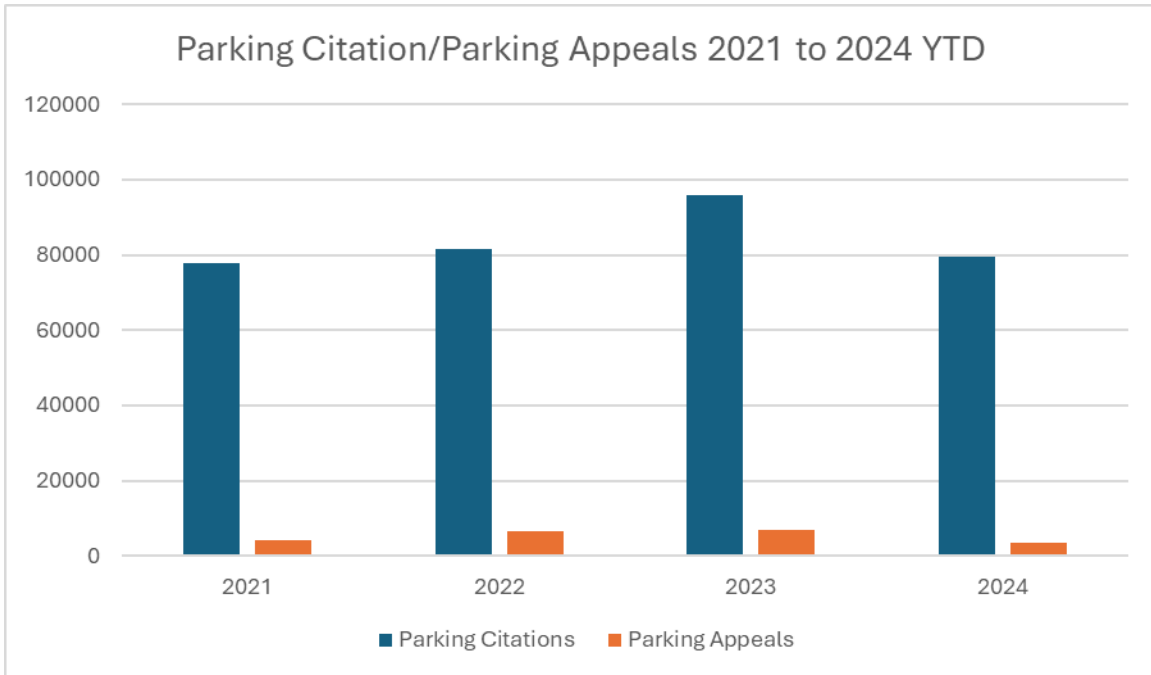
Our Community Court program has continued to be an effective tool for resolving cases in a humane and efficient way. **This year, 24 Community Court participants became housed through the combined efforts of our court navigators, city prosecutors and a wide array of community partners. 22 of those individuals are still housed.** While it is true that many of these defendants receive multiple citations while they are unhoused, most do not receive citations once they become housed.

**ANIMAL FILINGS**



709 animal-related charges were filed in the municipal court in 2024. This includes violations such as Dog at Large, Dog License Displayed, Subjecting an Animal to Unnecessary Suffering and Aggressive Animal violations. Most animal violations resulted in guilty pleas or plea agreements. Defendants who plead guilty to an Aggressive Animal charge are required to participate in an animal evaluation conducted by a court-approved evaluator or animal behaviorist. The court relies on the reports of these animal experts to set sentence conditions designed to protect the public from future aggressive animal incidents.

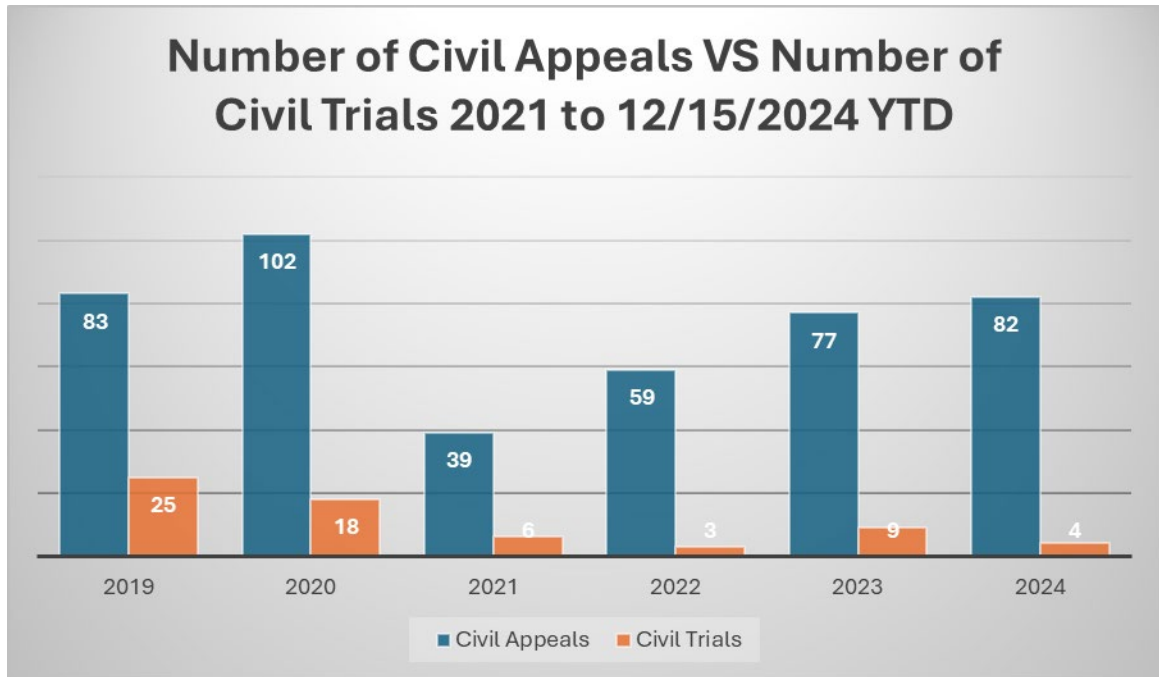
**PARKING FILINGS**



Parking filings fluctuated in a relatively tight range during the four-year period. Most parking citations are paid, either on-line, by mail or directly at the court’s Violation Bureau counter. Defendants who want to contest their citation have the option of appealing by mail or through the court’s on-line parking appeal program. The court also offers an informal parking add-on docket on Fridays, giving defendants the option of appearing in front of the judge to discuss citations in a setting that is less formal than an actual trial. This docket is used primarily to address vehicles that have been impounded or that are eligible to be impounded due to unpaid citations.

Very few parking cases proceed to trial. Between 2021 and 2024, just 11 parking cases proceeded to trial.

**CIVIL APPEALS**



Boulder Municipal Court has been designated as the hearing officer for all appeals filed by parties who have received civil penalty notices from various code enforcement officials. The types of civil cases heard by the court include appeals of bear trash citations, rental license violations, building code violations and marijuana license suspensions and revocations. In 2024, the court processed 82 appeals. Most of these appeals were resolved by agreements reached between the City Attorney and the Appellant.

**B. 2024 HIGHLIGHTS AND 2025 WORKPLAN**

**Personnel Changes**

2024 can best be summarized as a year of transition. From late 2022 through the middle of 2024, the court experienced a great deal of attrition at key positions. De’Von Kissick-Kelly became the Court Administrator in 2023, creating the need to hire a Deputy Court Administrator. José López-Nava became the Deputy Court Administrator in 2024. We also hired two new supervisors and three new line staff members. Presiding Judge Cooke retired in mid-2023 and Judge Cahn became the Presiding Judge in April, 2024. We have begun the process to recruit, hire and train an associate judge to fill the void created by Judge Cahn moving from Associate Judge to Presiding Judge. We have experienced a great deal of personnel change for a department with just 17 FTE. Onboarding and training this new team has been at the forefront of our 2024 Workplan and will continue to be a key part of our 2025 Workplan.

**Database management**

The court receives filings from a variety of different agencies, including Boulder Police Department, CU Police Department, Community Vitality (Parking filings) and Code Enforcement. Our team, led



by Data Analyst Josh Jackson, works in several different data bases to manage the filings and court cases that are created as a result of those filings. In 2023 and 2024, the Boulder Police Department and the CU Police Department each purchased new records management systems. In late 2024, the city also changed its parking management database. Our Data Analyst and other leadership team members oversaw the implementation of changes to our court processes necessary to allow for a smooth transition from the previous systems to the newly implemented systems. This has been a time-consuming but successful process. In 2025, we will complete the transition with the new parking management system.

Our Data Analyst led the court to be the first city department to become compliant with the state's digital accessibility statute. This required a significant overhaul of court forms and the court's website.

### **Community Court and Day Services Center**

In early 2024, the court was notified that we would no longer be able to hold our Community Court program at Trinity Lutheran Church. Assistant City Manager Mark Woulf and City Manager Nuria Rivera-Vandermyde worked closely with the court to provide access to the plaza in front of the Penfield Tate building for our Community Court operation. The court and our community partners are grateful for the support shown by CMO that allowed this transition. Our operation transitioned smoothly to the new location. Since June, we have addressed **315** cases at the Penfield Tate building. **Our Naropa partners were able to provide on-site counseling to 134 individuals during those Community Court programs**

Around the same time that we opened up at Penfield Tate, we began case outreach at the Day Services Center ("DSC") at All Roads in North Boulder. Our community partners are also bringing services to the DSC on a weekly basis. We are in the early innings of our relationship with the DSC, and look forward to working together in 2025 to improve access to programs and services for our unhoused Community Court participants.

### **2025 Workplan**

As mentioned above, we have a lot of work from 2024 that will still be on our plate in 2025. Our 2025 Workplan includes the following objectives:

- a. Onboard and train key personnel.** In 2025, the court will hire and train a new Associate Judge, a new Therapeutic Court Manager and a new Probation Administrative Assistant. We will also continue the onboarding and training of staff hired in late 2024.
- b. Improve access to court data.** This will be a year-long process that begins with a substantial overhaul of the way that we enter data and culminates with the creation of a data dashboard. Our goal is to be able to stand up a data dashboard that will be accessible to the public by the 4<sup>th</sup> quarter of 2025.
- c. Improve transparency and accountability for court programs.** Council members and interested community members have expressed a desire for the court to be more accessible and transparent with respect to our programs and policies. This is a legitimate

desire and one that we will take steps to address. This will include access to data as discussed above, consistent communications from the court to the public about court programs and implementation of appropriate metrics to evaluate these polices and programs.

Note that ethical rules for judges limit our ability to have direct interactions with individuals in the community.

- d. Identify improvements and potential collaborative opportunities to address mental health and addiction challenges of court participants.** Defendants appearing in our court often have co-occurring mental health and addiction issues. Unfortunately, the court does not have access to programs that readily meet the needs of these defendants. Over the past few years, court navigators and city prosecutors have improved communication with the state judicial system so that defendants who need addiction and mental health interventions have access to the programs offered by the state. In 2025, the court will be looking at our existing court operation with an eye toward providing greater access to mental health and addiction treatment for court participants.

The court looks forward to the January 9 City Council meeting and will be happy to address questions at that meeting.