

**JUDICIAL BRANCH
FY 2010-11 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Meeting with District Attorneys
Tuesday, December 15, 2009
11:00 am – noon**

District attorneys attending the meeting are asked to respond to the questions listed in bold font below.

DA Reimbursements for Duplicating Discoverable Materials

Background Information: The Joint Budget Committee (JBC) requested that the Judicial Department review and analyze the impact of Colorado Supreme Court Rule 16 on state expenditures, and to determine whether amendments to Rule 16 and/or statutory changes are warranted. Specifically, the Department was requested to collect and analyze data concerning rates currently charged to state agencies by each district attorney's office for duplicating discoverable material, the methodology used by each office to calculate these rates, as well as the timing and frequency of rate changes. The Department was further requested to determine the following:

- (a) whether existing rates are consistent with Part V (c) of Rule 16 and appropriately reimburse district attorneys' duplication costs; and*
- (b) whether the existing process of establishing these rates allows state agencies to effectively manage their resources.*

In its report to the JBC, the Department identifies the variance in rates charged by various district attorney offices, but it indicates that the separation of powers doctrine prohibits it from setting policy for these offices. The Department indicates that if the General Assembly would like to see standard reimbursement rates, it would need to be addressed through legislation. Alternatively, the Department indicates its willingness to address the issue through either a Chief Justice Directive or a modification to Rule 16.

In addition, during the Judicial Department hearing with the JBC, the State Court Administrator and the State Public Defender suggested that the General Assembly consider shifting state moneys currently appropriated to the Public Defender's Office (PDO) and the Office of the Alternate Defense Counsel (OADC) for the costs of copying discoverable material to the "District Attorney Mandated Costs" line item appropriation. These state moneys would then be administered by the CDAC, and the CDAC would be responsible for justifying any requested increase in the annual appropriation.

- 1. What do district attorneys understand is meant by "actual costs of copying"?**
- 2. Do district attorneys recommend any statutory changes to establish standard reimbursement rates or to clarify what types of costs the "actual cost of copying" is intended to cover? If so, what specific changes do you recommend?**

3. **Do district attorneys recommend that Rule 16 be amended? If so, how?**
4. **Do district attorneys support the suggestion to shift funding from the PDO and OADC to the "District Attorney Mandated Costs" line item?**
5. **CDAC only: Please describe how the "District Attorney Mandated Costs" line item is currently managed and allocated among district attorney offices. Further, if the General Assembly were to choose to include in this line item funding for duplication of discoverable materials, how would the CDAC manage and allocate these funds?**
6. **Do district attorneys have any other suggestions for the General Assembly or the Judicial Department to consider to reduce state expenditures or increase state revenues?**

Sharing of Data Between District Attorney Offices and the State Court System

Background Information: The JBC has learned that Denver County Court does not share any of its data with the State Court System, including data on charges, convictions, and sentences. In addition, the Judicial Department has indicated that the Denver District Attorney's office has migrated to a case management system that is not compatible with the statewide data system for prosecutors, requiring court clerks to manually enter data a second time upon receiving information in a paper format from the Denver District Attorney's office.

The Judicial Department has also indicated that District Attorneys in the 9th and 18th judicial districts have recently stopped sending their data to the statewide data systems for prosecutors housed at CDAC. The Judicial Department states that sharing data electronically within one system is critical to ensure public safety, to ensure that judicial officers and prosecuting attorneys have the information necessary to make fully-informed decisions, and to avoid inefficient and redundant data collection and data entry.

1. **For Representatives for the 2nd, 9th, and 18th Judicial Districts only: Why are you no longer sharing data with the state court system?**
2. **What action(s) could the General Assembly or the Judicial Department take to remedy this situation?**