



Municipal Court City Council Presentation  
Chief Judge Jill Hueser  
Senior Assistant City Attorney Dawn Downs

## Types of Cases:

- Traffic Infractions
  - Speeding up to 25 MPH over, Failure to Yield, etc.
- Traffic Misdemeanors
  - Careless and Reckless Driving, No Proof of Insurance, Speed Exhibition and Speed Contest
- Petty Offenses
  - Littering, Disorderly Conduct, Unreasonable Noise
- Civil Infractions
  - BEWS violation, Animal Disturbance, Refuse and Rubbish, Code compliance
- Misdemeanors
  - Theft, Assault, Trespass, Criminal Mischief, Open Container
- Camera Radar/Red Light
  - Speeding and Running Red Lights

- Liquor Licensing Authority
- Marijuana Authority
- Natural Medicines (Mushrooms)
- Parking Violations
- Appeals
  - Prosecutors handle appeals from judge decisions in District Court.
  - Municipal Judge is appellate authority for referee decisions.
- Compliance with State Law Changes
- Probation
  - Supervision
  - Revocations
- Problem-Solving Courts and Programs

## How is a case filed?

- Fort Collins Police Services
- CSU Police Department
- Camera Radar/Red Light
- Poudre Fire Authority
- Liquor and Marijuana Enforcement
- Code Enforcement and Specially Commissioned Officers, including:
  - Animal Control
  - Natural Areas Rangers
  - Park Rangers
  - Parking Enforcement
  - Neighborhood Services/Code Enforcement
  - Building/Zoning
  - Public Nuisance
  - Utilities
  - Environmental Services

## What happens after a ticket is written?

- Defendant comes to court – has chance to meet with prosecutor, plead guilty, plead not guilty and represent self, or ask for attorney.
- If case does not resolve on first appearance, additional hearings are set.
- If set for trial, a pretrial readiness hearing and trial will be set.
- Trials for infractions are to the court, i.e., the judge determines whether the case is proven.
- Trials for misdemeanors may be to the court or to a jury. It is the defendant's choice.
- Post-trial or post-plea, sentence is imposed.
- Defendant fails to appear.
  - If case is an infraction, a default judgment enters in the amount of the standard fine. A letter is sent, and defendant has 7 days to request it be set aside.
  - If the case is a petty offense or misdemeanor, a warrant is issued.
- For warrant cases, once picked up on a warrant, the defendant may post bond and appear with the same options as any first appearance.
- If a defendant is held in custody (either due to state cases or multiple failures to appear), the Court holds in-custody hearings Mondays, Wednesdays, and Fridays.

All defendants are advised of their rights and given a chance to meet with a prosecutor if they choose to do so. Prosecutors offer plea bargains in most cases.

## **Considerations by Prosecutors**

- Equitable outcomes for all
- Facts of the case
- Strength and weakness of evidence
- Witness reports
- Review body worn camera footage from police (average 3-5 officer cameras per case)
- Criminal history of a defendant (municipal and state)
- Defenses
- Victim input
- Other considerations - accountability, demeanor, life circumstances, etc.

## Types of Plea Agreements from Prosecutors

- Reduction in severity or number of charges, and points for traffic charges
- Classes
- Community Service
- Location Diversion
- Restitution to victims
- Suspended fines or jail and deferred judgments
- Fines
- Probation and problem-solving court options (The Right Track, Traffic Circles)
- Restorative justice and mediation
- Jail

- **Fine**
  - Only option for infractions and petty offenses but may be reduced or suspended in plea bargain or as part of a program or class requirement – Maximum is \$3000
  - If indigent, court costs are waived and defendant may choose to perform useful public service rather than pay the fine.
- **Probation**
  - Traditional probation with requirements such as classes, substance abuse evaluation and treatment, sobriety, etc.
  - The Right Track – non-traditional problem-solving probation
  - Drug Court (when launched)
- **Diversion/Deferred Sentence – Restorative Justice Options**
  - Mediation
  - Restorative justice
  - Restorative Traffic Circles



- **Traditional Deferred Sentence**
  - Typically stay out of trouble and comply with conditions for ultimate dismissal
- **Jail**
  - Suspended on conditions or served
  - Defendant is credited for any time already served
  - Maximum per municipal ordinance is 6 months (state allows municipalities to have up to 1 year)

- Participants are typically people who have multiple prior cases involving homelessness related charges and are facing a possible jail sentence based on their criminal history and misdemeanor charges
- Participation is voluntary (i.e., judge does not sentence to program unless they express they are willing to do the program)
- Referrals from prosecutors to TRT program at pre-trial conference.
- Participation is goal oriented based on each individual needs. Goals are generally geared towards improving quality of life.
  - Examples of goals- Obtaining a drivers license or birth certificates, seeking employment, housing vouchers, filling out and obtaining benefits such as SSI, entering sober living, mental health treatment, etc.

## **Prosecution Process to Determine Participants Eligibility**

- Consider charges, criminal history, defendant's needs, and whether defendant currently being supervised elsewhere
- Seek input from probation and officers on candidates' fit for program
- Extend TRT offer as alternative to jail

## **Program Process**

- Probation, prosecution, and police hold monthly review meetings
- Discuss participants' successes / challenges
- Provide input on rewards / promotions / revocations

## **Court Process**

- Monthly Court hearings are held after the reviews with Judge, program participants, prosecution, and probation
- Show support for participant efforts, address any challenges, provide encouragement and assess overall progress in the program, revocation if necessary
- Promotions and graduations
- Treats and guest speakers after docket

- Young people (20 and under) facing serious traffic charges or with multiple cases with an option to resolve with their case in a meaningful way.
- Referrals from prosecutors to probation at pre-trial conference.
- Participants are given a low-point deal with a deferred to the high-risk behavior (if they fail to complete the program, the points will be assessed)
- Participants must listen to a panel presentation (traffic enforcement police officer, insurance agent, community members impacted by traffic offenses), meet in small groups to discuss accountability and create a personalized action plan to address the impact of the traffic incident.
- The action plan includes 20 “restorative hours,” which includes 8 hours of community service.

- This process brings parties together to discuss a conflict situation and find a mutually acceptable solution.
- Court process
  - The Prosecution can refer Defendants aged 18 and up.
  - Typically used for Animal Disturbance cases, animal at large or unreasonable noise.
  - Both defendant and party in conflict must agree to mediate.
  - If an agreement is reached the defendant returns to court to meet with prosecutors and reach a plea agreement, typically a deferred judgment
  - Compliance with the mediated agreement would be a condition of a deferred judgment and sentence accepted by the court.

- A City program for Defendants aged 10-22
  - This program implements a range of restorative practices to identify harm caused by the offense and hold the responsible people accountable.
- Referrals are made to RJ by the prosecution when a Defendant admits their part in an incident and shows accountability for their actions.
- The types of cases that are typically referred:
  - Theft, trespassing, criminal mischief, disorderly conduct
- The RJ process includes the responsible party, those harmed, a trained RJ facilitator and community members.
  - This process takes 20-24 hours to complete.

- **Drug Court**
  - Using evidence-based practices to identify individuals whose criminal behavior stems from substance use disorders
  - Creating a team environment where law enforcement, courts, prosecutors, probation, defense attorneys, and treatment providers work together towards rehabilitation.
- **TAC-21 in Partnership with Center for Family Outreach**
  - A program in early development stages for a juvenile diversion partnership.
- **UCHealth Partnership**
  - Program in development for mental health/substance use diversion targeting behavior in treatment facilities

## Case Statistics

- 8,886 Camera Radar/Red Light cases completed
- 954 defaults
- 3,799 dispositions (defendant pled guilty)
- 421 cases where court-appointed counsel was appointed
- 1,751 failures to appear
- 20 jury trials scheduled (1 held)
- 3,269 new cases filed
- 2 appeals filed (both are now closed)
- 38 Court trials scheduled

## Workload Statistics

- 508 Pretrial conferences with defense counsel
- 947 cases addressed electronically by prosecutors (not including parking and camera radar/red light)
- 1,479 cases addressed electronically by judge
- 231 petitions of indigence reviewed/ruled upon
- 1,315 pretrial conferences without defense counsel
- 66 pretrial readiness hearings
- 396 cases seen during in-custody video dockets
- 857 warrants issued
- 831 warrants cleared



## Restorative Traffic Circle Data:

- Program started in 2021 (with only 1 session held that year)
- Participants:
  - 2021 – 6
  - 2022 – 22
  - 2023 – 54 (through 7/18/23)
- Successful completion = 54
- Still in program = 25
- Unsuccessful = 3 (3.7%)
- Recidivism rate (receiving a new traffic violation within 24 months of completion): 13%

## Fort Collins Police Services

### 2022

4,467 Traffic Citations

1,110 Summons/Arrests

### 2023 January-June

2,532 Traffic Citations

591 Summons/Arrests

If trend continues, traffic citations would be up 13% year over year and summons/arrests would be up 6.5%.

- **What drives numbers?**
- Behavior of individuals
- Enforcement decisions
- Directives from prosecutors