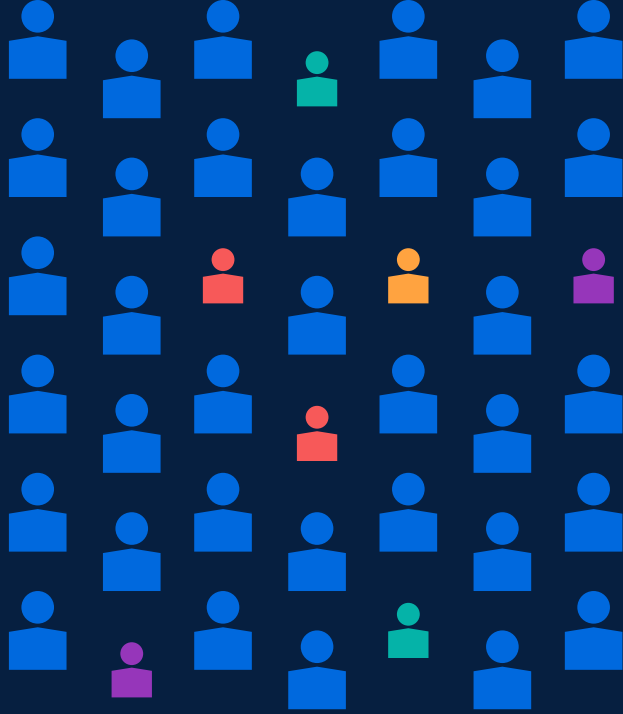
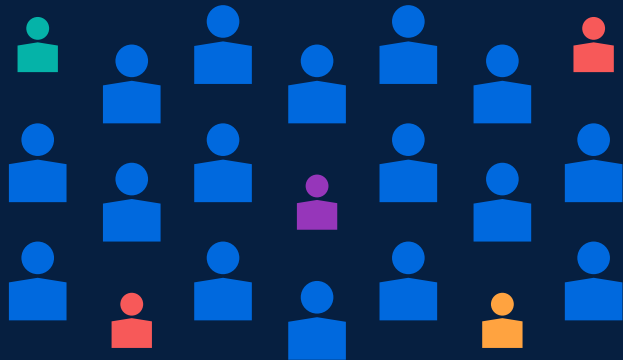




Unrepresented And Unseen

A Closer Look at the Harmful Impacts
of Municipal Courts on Youth, Families



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Executive Summary

Every year thousands of youth in Colorado face charges in municipal courts. With over 215 municipal courts statewide, there is currently no comprehensive data available to capture the experiences of these young individuals.² Existing data show, however, a concerning trend of youth being ticketed for alleged school-based offenses. For instance, during the 2022-2023 school year, Colorado law enforcement ticketed or summonsed youth at a public school, during a school event or activity, or in a school vehicle over 4,800 times.³ Of these, only 705 incidents were matched to a county or district court record with final or pending dispositions, indicating that many of these cases likely entered the municipal court system, which lacks a centralized record-keeping system.⁴

The absence of robust data and information about municipal court processes underscores the need for greater understanding of how these courts affect youth and their families. This report aims to illuminate the municipal court system and practices through the lens of the Lakewood Municipal Court, analyzing the most frequently charged offenses against youth and the consequences they face. It details the court process that youth and their families encounter after receiving a ticket and identifies the barriers youth and their families face as they navigate the municipal court system. While focused on Lakewood, the report also examines practices and reforms from other municipalities across Colorado.

Lakewood was chosen for this case study due to its size—being the fifth largest city in Colorado with 152,000 residents—and several key factors, including the severity of penalties, the frequency of charges, the volume of cases, and the types of charges heard. The information and findings in this report are based on documents obtained from the Lakewood Municipal Court in response to a request made via the Colorado Open Records Act (CORA), observations of municipal court proceedings, discussions with court personnel and others with personal experience with the municipal court system, and conversations with parents and youth.

Analysis of the data and court observations revealed numerous problems:

- The court can impose fines and fees up to \$2,650 per violation, which youth are unable to pay;
- The court has handled over 8,000 charges involving youth from 2016 to 2022 for incidents occurring in community and school settings;
- Youth are not provided with legal counsel, making it difficult for youth to understand their rights and adequately defend themselves against city attorneys;
- Youth receive tickets at schools for minor misconduct, contributing to a troubling pipeline from schools to municipal courts.

The repercussions of involvement in municipal court are severe and often can affect youth long into adulthood through punitive measures like probation, fines and fees, detention, and criminal records.

To address these issues, this report calls on municipal courts, policymakers, police departments, school districts, and advocates to take action. It emphasizes the necessity for reforms that prioritize the needs of youth and their families to reduce the number of young people entangled in Colorado's municipal court system and to protect their rights.

Recommendations include:

- **For Municipal Courts:** Appoint legal counsel for youth, provide discovery at no cost, expand collaborations with community organizations, and eliminate fines and fees.
- **For Policymakers:** Enact legislation to abolish municipal court fines and fees for youth, raise the minimum age for prosecution, mandate legal representation for youth, and require comprehensive data collection on ticketing and municipal court outcomes.
- **For Police Departments:** Limit or cease the issuance of tickets for school-related offenses.
- **For School Districts:** Revise disciplinary codes to decrease the likelihood of student ticketing for minor infractions and adopt restorative justice practices.

These recommendations will help Colorado municipal courts function more effectively for youth, families, and communities.

Overreliance on Tickets in Lakewood Municipal Court

The City of Lakewood frequently tickets youth for alleged ordinance violations.⁵ Lakewood filed over 8,000 charges against youth in municipal court from 2016 to 2022.⁶ This section provides a brief introduction to municipal courts, describes how youth and their parents are informed about a municipal court ticket, analyzes the most common alleged offenses, and explains how municipal tickets further the school-to-prison pipeline.

How Youth Receive Tickets: The First Step into a Complex System

A youth's experience with Lakewood Municipal Court begins when a police officer or school resource officer tickets them for allegedly violating a local ordinance. Youth receive tickets at schools and in their communities. The youth must sign the criminal ticket when it is issued, which acts as an acknowledgment that they received the ticket and will appear in court.⁷ Signing the ticket does not mean that the youth acknowledges guilt.⁸

The municipal court sends a letter to the parents or guardians of the ticketed youth, notifying them of the youth's municipal ticket, the date and time of the municipal court hearing, and the requirement that they must appear at the hearing with the youth.⁹ The letter instructs the parent or guardian to go to the Violations Bureau if they need to reschedule the court date; however, the letter does not explain what the Violations Bureau

is or where it is located.¹⁰ The letter warns the parent or guardian that if the youth fails to appear, then the court will issue a bench warrant for their arrest.¹¹

The court can join "the parent or guardian and the person with whom the juvenile resides" to the youths' case, which means that, beyond having to appear at the hearings, the parent or guardian is held jointly responsible for the ordinance violation.¹²

Introduction to Municipal Courts

The Colorado state legislature mandated the municipal government of each city or town to establish municipal courts to hear and try all alleged violations of its local ordinances, which are laws made by the municipal government.^{S1.1} State law provides requirements for the operation of municipal courts, but "home rule" municipalities may supersede these requirements via charter or ordinance which provides for local control.^{S1.2} Municipalities can charge both youth and adults in municipal courts. The municipality may charge youth for violating local ordinances applicable to both youth and adults, such as disorderly conduct, and for status offenses, which are offenses that only apply to youth, such as curfew.^{S1.3} Some municipalities hear youth and adult cases at the same time; other municipalities have separate youth dockets. Lakewood holds a separate youth docket.^{S1.4}

If the court joins a parent or guardian to the case, they will send a notice¹³ to the responsible adult that the court may order

them to perform community service, attend a parental responsibility training program, pay money, ensure the youth complies with all the court's orders, and meet any other requirement the court specifies.

Municipal Court Judges

Municipal court judges oversee cases in municipal court. The municipality appoints judges to serve terms of at least two years; the municipality can reappoint these judges to subsequent terms, and the judges can only be removed for cause.^{S2.1}

State law requires municipal court judges to meet only minimal requirements. Although the three judges in the Municipal Court in Lakewood are lawyers, municipal judges need only be a qualified elector of the jurisdiction and a high school graduate or someone who successfully completed a high school equivalency exam such as a GED.^{S2.2} The statute instructs municipalities to give preference, when possible, to individuals licensed to practice law in Colorado or those trained in the law.^{S2.3} However, the statute does not mandate that municipal court judges have any legal training.

Municipal court judges have a broad range of powers. Instead of granting municipal court judges a specific, limited set of powers, state law empowers municipal court judges with "all judicial powers relating to the operation of [the judge's] court."^{S2.4}

The conduct of municipal court judges is governed by rules at both the state and local level. Municipal court judges must follow the municipal rules of procedure established by the Colorado Supreme Court.^{S2.5} They must also follow any local municipal court rules that are issued by the presiding municipal judge.^{S2.6}

The notice also warns the parent or guardian that failure to obey a court order will lead to contempt sanctions, which include a maximum fine of \$1,000 and/or six months in jail.¹⁴

Major Problem, Minor Offenses: Understanding the Gravity of Small Violations

Youth are cited for a variety of conduct such as littering, loitering, underage drinking, shoplifting, and assault.¹⁵ From 2016 to 2022, Lakewood police and school officials filed 8,112 municipal court charges against youth. More than half of the tickets issued against youth were for a variety of low-level offenses, most commonly failure to appear, shoplifting, disorderly conduct (fighting in public), possession/consumption of marijuana, and assault.¹⁶ Serious municipal court offenses such as those allegedly involving weapons were rare—only 0.6% of charges involved weapons.¹⁷

Failure to appear was the most common offense charged.¹⁸ Some of the most common underlying offenses for a failure to appear charge were shoplifting, disorderly conduct (fight in public), and possession/consumption of marijuana. Lakewood Municipal Court does not appoint counsel, and without legal representation youth may not understand when they are expected to appear in court. Further, it may be difficult for youth to appear in court because youth generally rely on their parents or guardians for transportation, and court proceedings occur during school and work hours.¹⁹

Table 1.

Five Most Common Alleged Offenses Charged for Youth in Lakewood Municipal Court, 2016-2022

Alleged Offense	Number of Charges	Percentage of all Charges
Failure to Appear	2,638	33%
Shoplifting	1,118	14%
Disorderly conduct (fight in public)	618	14%
Possession/consumption of marijuana	594	7%
Assault ^{T1.1}	385	5%

Table 2.

Five Most Common Alleged School-Based Violations, 2019-2022

Offense	Count
Disorderly conduct (fight in public)	157
Possession/consumption of marijuana	88
Assault	63
Possession of drug paraphernalia	58
Harassment—strikes/shoves/kicks	28

Propelling the School-to-Prison Pipeline: How Ticketing Fuels a Dangerous Cycle

A significant number of youth are ticketed for school-based conduct. While the information from Lakewood Municipal Court did not specifically track the number of youth who are ticketed at school, the Court did track the location of the alleged violation starting in 2019. Based on this information, from 2019 to 2022, 779 youth charges originated at the address of a school.²⁰ During that time, there were approximately 3,518 youth cases, so school-based cases accounted for at least 22% of youth cases.²¹

Students may receive tickets for a variety of school-based offenses. In Lakewood, the two most frequent school-based charges were fighting (disorderly conduct, assault,

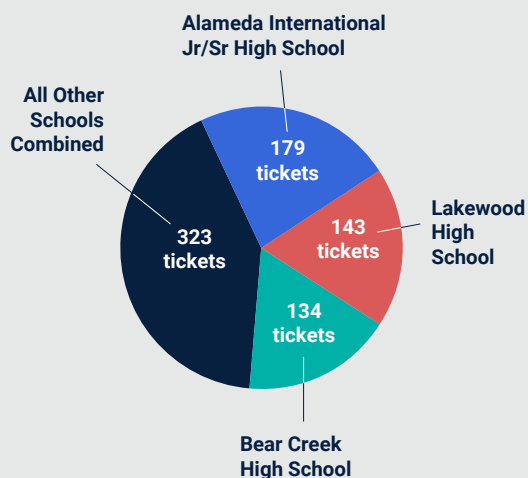
and harassment—strikes/shoves/kicks) and drug-related (possession/consumption of marijuana, possession of drug paraphernalia).²²

From 2019-2022 youth were ticketed at seventeen schools in Lakewood, but only three schools were responsible for over half of tickets for school-based conduct. During that time, students received 179 municipal court tickets at Alameda International Jr/Sr High, 143 tickets at Lakewood High School, and 134 tickets at Bear Creek High School. These three schools represent 58% of school-based referrals.²³ They also have the highest percentage of BIPOC (Black, Indigenous, and People of Color) enrollment among high schools in Lakewood, except for Brady High and Longview High. BIPOC enrollment at Alameda International Jr/Sr High ranged

from 87% to 88% each year between 2019 and 2022. During that same time, BIPOC enrollment ranged from 47% to 51% at

Lakewood High School and 54% to 55% at Bear Creek High School.²⁴

Court Referrals to Municipal Court by School



Conduct Through Suspension and Municipal Court Tickets

Students in Colorado often face double punishment for school-based conduct, creating a cycle of disciplinary measures that significantly disrupt their education. Families in Lakewood, Commerce City, and Pueblo have reported instances where a child is suspended from school for specific conduct, only to receive a municipal court ticket upon returning to school after their suspension. This dual punishment exacerbates the impact on their academic performance and mental health, as they must navigate both school disciplinary processes and the municipal court system. This process not only results in additional missed school days for court appearances but also subjects the youth to further consequences, such as probation, fines, and fees.

Navigating the Obstacles in Lakewood Municipal Court

Lack of Access to Counsel: Youth Left to Navigate the Court Alone

In Lakewood Municipal Court, youth as young as 10 years old can be charged and are typically expected to navigate the court system without legal representation.²⁵ Unlike juvenile courts, municipal courts are not required to provide youth with court-appointed attorneys.²⁶ In response to the CORA request, Lakewood Municipal Court stated it “does not appoint counsel because the youth does not face jail time.”²⁷ As a result, youth are left to handle complex court procedures and defend themselves against the city attorney without the guidance of legal counsel.²⁸

Instead of appointing an attorney to represent youth, Lakewood Municipal Court simply provides youth with a short list of “low cost” attorneys, a general advisement of rights, and a two-page overview of court procedures.²⁹ Without appointed counsel, most youth end up representing themselves. According to the court’s records, of the 4,243 cases from 2016 to 2022, youth were represented by an attorney in only 118 cases (2.8%).³⁰ In some circumstances, such as the youth being in the foster care system, parent(s)/guardian is the alleged victim, or parent(s)/guardian co-defendants, the court can appoint guardian ad litem (GALs) to represent the best interest of the youth, but only did so in 62 cases (1.5%).³¹ Further, parents told us that they would call attorneys from the court list

and leave messages, but rarely do they ever hear back from those attorneys. As such, the majority of youth in municipal court must proceed without the assistance of legal counsel.

Right to Counsel in Municipal Court Under Colorado Law

Under state law, the right to court-appointed counsel in municipal courts only applies if the individual faces the possibility of incarceration.^{S4.1} Youth can face incarceration in some situations in municipal courts under state law. For instance, municipal courts can order youth confined in a juvenile detention or temporary holding facility for up to forty-eight hours for contempt of court.^{S4.2}

The Colorado Municipal Court Rules of Procedure potentially afford a broader right to appointed counsel by providing counsel “[i]n an appropriate case.”^{S4.3} Unfortunately, there is little guidance in the court rules or case law on what constitutes an “appropriate case” that would afford youth the right to appointed counsel.

The lack of legal representation also raises significant issues around competency and whether youth understand their rights and court procedures.³² It is difficult to know whether a youth is competent to defend themselves without having appointed counsel to identify or raise the issue. Without appointed counsel, youth who are not competent due to their disability might not obtain the accommodations and modifications they are entitled to.

Attorney Hannah Seigel Proff, who practices in Denver-area municipal courts, describes the challenges that youth face in municipal court and how these challenges are magnified when youth do not have counsel: “What has become clear to me is that the majority of juvenile municipal dockets are kangaroo courts. The vast majority of the children are unrepresented, and prosecutors push youth to accept diversion sentences before they carefully review the facts of the case. Without legal representation, these families do not understand their rights. Prosecutors downplay the severity of the municipal court system, but often these cases are the first stop on the school-to-prison pipeline.”

Language Barriers: When Understanding the System Becomes an Obstacle

Lakewood does not sufficiently track whether they are meeting the language interpretation needs of youth and their families, nor do they provide important court documents in languages other than English. Lakewood Municipal Court only tracked whether it used an interpreter at a hearing, not the number of requests for interpreters, so it is unclear if the court is meeting the language needs of youth and families. In addition, while the advisement video is available in English and Spanish,³³ court-provided documents and forms—including critical case correspondence—appear to be only in English. The court did not indicate whether it translated these materials for families who do not read English.

Northglenn Municipal Court

Lakewood Municipal Court’s blanket policy against appointing counsel because youth do not face jail time contrasts with the policies of Northglenn Municipal Court in Adams County. Instead of having a blanket policy of not appointing counsel to youth, Northglenn Municipal Court makes the determination of whether or not to appoint counsel on a case-by-case basis. In an administrative order discussing requirements for appointing counsel, Northglenn Municipal Court stated that municipal courts will appoint counsel when it is necessary to protect the interest of the youth.^{55.1}

Denver Municipal Court

The Denver City Council passed a bill that requires municipal courts to appoint legal counsel for all youth. As of summer 2024, youth receive free legal counsel through the Denver Office of the Municipal Public Defender. Nicole Duncan, a Senior Public Defender Youth Attorney, explained, “Guaranteed representation for youth in municipal courts in Colorado will prevent youth from entering the school-to-prison pipeline. Our hope in Denver is that, by challenging this model of business as usual, the city will stop pursuing cases that harm youth and get them wrapped up in the system, particularly the school-to-prison pipeline. Youth will be fully advised of their rights in youth-friendly language and have the opportunity to review the evidence against them so they can make fully informed decisions. Other jurisdictions in Colorado could see similar benefits.”

Lakewood Municipal Court's lack of data on interpretation services is concerning because many youth and families need interpretation services. From 2019 to 2022, 156 youth received interpretation services in 914 meetings and hearings for nine languages: Spanish, Afghani, American Sign Language, Swahili, Somalian, Kunama, Vietnamese, Khmu, and Thai.³⁴ The vast majority of these youth and families received Spanish interpreters.³⁵

Our observations raised concerns about whether non-English speaking families could truly access court hearings. We observed instances where the court did not assess a parent's language needs until late in the hearing, after the child had pled guilty, requiring the hearing to be rescheduled and the family to return on a different day. Additionally, although some youth appeared remotely and others were in person, all the interpreters that our court observers saw participated remotely. We also observed family members interpreting hearings, suggesting that they have limited access to a trained interpreter, which is necessary to accurately convey conversations, legal terms, and court procedures.³⁶ Furthermore, since the court appears to only provide documents and forms in English, many families may not understand the documents, which can impact their ability to understand proceedings and navigate the municipal court process.

Anatomy of a Municipal Court Case

Without the support of appointed counsel, youth in Lakewood are expected to navigate their entire municipal case alone. This section describes Lakewood Municipal Court's advisement of rights, arraignment, diversion, discovery, trial, pre-sentencing investigations, and sentencing conditions, and explains how each stage of a Lakewood Municipal Court case is intimidating and confusing for youth.

Advisement of Rights

Under state law, municipal courts must advise individuals of various rights. According to the Colorado Municipal Court Rules of Procedure, the court must inform unrepresented individuals of

- the nature of the charges and the maximum penalty;
- the right to bail;
- the right to make no statement and that their statements may be used against them;
- the right to counsel, and the right to court-appointed counsel in limited circumstances;
- the right to have the court issue subpoenas to witnesses at no cost to the individual;
- the right to testify or not testify;

- the right to trial by jury in certain circumstances and the requirements for securing that right; and
- the right to appeal.³⁷

The municipal court may not accept a guilty plea without following the procedures outlined in the Rules of Procedure, including making sure that 1) the individual was informed of their rights; 2) the individual understands the nature of the charges and the effect of the plea; 3) the plea is voluntary; 4) the individual understands the right to trial by court (or jury, if applicable); and 5) the individual understands the possible penalties.³⁸

Prior to arraignment, Lakewood Municipal Court instructs youth to watch a 5-minute video that provides them with a brief overview of their rights and court process.³⁹ Throughout most of our observations, this video was the primary way that youth and parents received their advisement. Recently, however, the court has replaced this video with a one-page form titled "Juvenile Advisement" that lays out their rights and penalties.⁴⁰ The video and advisement form offers a brief summary of a youth's rights and of the maximum sentences of the alleged charges. Possible sentences described include financial penalties of up to \$2,650 plus costs, probation, community service, work programs, treatment programs,

electronic monitoring, in-home detention, incarceration at the campus at Mount View (detention center), and diversion. The video mentions that municipal court involvement can cause immigration consequences such as deportation, inability to become a naturalized citizen, or inability to return to the United States. Lastly, the video explains most youth are eligible to expunge their records automatically and at no cost or seal their record for \$65 if they successfully complete the sentence and do not get into any additional trouble or have pending cases.

We observed that the advisement process varied between judges, leading to inconsistencies in how youth and their families were informed of their rights. For example, one judge offered the opportunity for the youth to ask questions or seek clarification about the advisement form. In contrast, another judge simply asked, in an open courtroom in front of other youth and families, whether the youth had watched the video or signed the advisement form and understood their rights, offering no further explanation or opportunity for clarification. In the criminal legal system, it is unlikely that even many adults would fully comprehend their rights, let alone youth, who often have greater difficulty assessing risks and understanding potential outcomes.⁴¹ These concerns are particularly heightened for young people, who may feel uncomfortable or self-conscious in an open courtroom setting and thus more likely to say they understand their rights, even when they do not, to avoid drawing further attention to themselves.⁴² Our observations revealed that the court typically

only reviews the youth's rights when they intend to enter a guilty plea, and this review is done merely to ensure that the plea is accepted as knowing and voluntary, instead of being done to ensure knowledge of the rights themselves.

Advisement of Rights in Thornton Municipal Court

When observing the Thornton Municipal Court, we found that the court relied on a handout to advise youth and their parent or guardian of their rights. Thornton Municipal Court gave youth and their parent or guardian the handout prior to entering the courtroom. When their case was called, the judge asked the youth and the parent or guardian if they read the handout and if they had any questions. The judge did not read the advisement or reiterate the youth's rights or explain them in a way that would be accessible to a young person. Even parents struggled to understand their child's rights—we observed one parent who indicated to the court that he could not understand the handout; however, the judge did not offer further explanation.

Arraignment

At the first hearing, known as the arraignment, the court informs the youth of the charges against them. During this process, the youth is asked to enter a plea of guilty or not guilty. If the youth pleads not guilty, then the court will set the case for trial. However, if the youth pleads guilty, then the court will order the youth to meet with a probation officer to conduct a pre-sentence investigation (PSI) to provide the court with

sentencing recommendations. This hearing is a critical moment in the case, as the youth must generally decide how to respond to the charges and determine the path the case will follow.

In 2021 and 2022, most cases arraigned resulted in a guilty plea entered. In 2021, 298 juvenile cases were arraigned: 49% of arraignments resulted in a plea entered, 20% were continued, 10% resulted in a not guilty plea, and 9% resulted in a failure to appear.⁴³ In 2022, 481 juvenile cases were arraigned: 44% of arraignments resulted in a plea entered, 25% were continued, 11% resulted in a failure to appear, and 5% resulted in a not guilty plea.⁴⁴

Diversion

The diversion program is available at the discretion of the city attorney for youth charged with non-traffic offenses for the first time.⁴⁵ Through the diversion program, the city attorney provides select youth an option to have their guilty plea held in abeyance (paused) and eventually dismissed if they complete all of the terms of the diversion.⁴⁶ As a requirement of diversion, the youth must first plead guilty to the charges and then meet with a probation officer who will prepare a report for the judge with the recommendations of the terms of diversion.⁴⁷ According to the Lakewood Municipal Court Schedule of Fines and Fees, the court imposes a \$10/month fee for supervised diversion.⁴⁸

From 2019 to 2022, diversion was ordered in 711 cases, including for children as young

Table 3.

Arraignment Results, 2021-2022

Result	2021	2022
Plea Entered	146	214
Not Guilty Plea Entered	31	22
Case Dismissed	12	34
Continued	60	123
Failure to Appear	28	51
Other	21	37
Total	298	481

as 10 years old.⁴⁹ During that time, the cases ordered to diversion were nearly evenly divided by gender, with 344 girls and 365 boys.⁵⁰ Overall, from 2019 to 2022, 3 of the cases in diversion were American Indian, 6 were Asian, 49 were Black, 324 were Latino, and 324 were White.⁵¹ The court did not record the race or ethnicity of the remaining youth.

Discovery

Youth in municipal court have limited access to discovery materials, and a lack of legal representation further complicates this process. Discovery is crucial to motions to suppress evidence and defend against charges, yet many youth are unaware of their right to request it. Neither the court's advisement video nor the "Juvenile Advisement" form informs youth about

their right to discovery or how to obtain these materials.⁵² As a result, youth facing municipal court charges may have a right to access important documents like the school or police report or video evidence, but are unlikely to know or understand how to request them.

During our court observations, we found the process for obtaining discovery to be complex, and we had to speak to several clerks to figure out the process. To request discovery, youth must visit the City Attorney's office, located on a different floor from the courtroom. They must fill out a form, submit it with a copy of their ID via email or fax, and wait for the request to be processed. The City Attorney's office then forwards the request to the Lakewood Records Department, which handles payment and delivery, adding further bureaucratic steps that are challenging for unrepresented youth to navigate.

Moreover, unlike in juvenile courts where youth are provided discovery automatically and at no cost, Lakewood Municipal Court charges various fees for discovery materials. For example, the court charges \$5.00 for photographs, body-worn camera videos, and recordings such as video surveillance and 911 calls.⁵³ Documents such as affidavits of probable cause, citations, and police reports are charged at \$0.25 per page, with an additional \$10 mailing fee.⁵⁴ These fees, combined with the lack of legal guidance, create significant obstacles for youth trying to obtain the necessary discovery materials they need to defend themselves.

Youth's Right to Discovery in Colorado Municipal Courts

The Municipal Court Rules of Procedure explicitly permit municipal courts to make rules for discretionary or mandatory discovery consistent with applicable law.^{S8.1} In municipal court, youth can inspect and copy any documents or tangible objects in the prosecution's possession and control by filing a motion at any time after the filing of the complaint.^{S8.2} When requesting documents or tangible objects, the youth must show that the materials are material and that the request is reasonable.^{S8.3} The court may grant the discovery request at its own discretion.^{S8.4} If the court approves the discovery request, then it must specify the time, place, and manner of the inspection and may also impose any "just" terms and conditions.^{S8.5}

Without obtaining discovery materials, youth are placed at a significant disadvantage in municipal court proceedings. Many, if not most, youth plead guilty or accept plea deals without ever seeing the evidence against them.⁵⁵ The absence of discovery limits both the youth's and their parents' or guardians' understanding of the facts of the case or the strength of the prosecution's case. This lack of information severely undermines the ability of parents or guardians to meaningfully support the youth, as they cannot provide informed guidance or advocate effectively on behalf of their children. Without discovery, youth and their families are forced to navigate the court system with limited information, reducing their chances of challenging the charge or evidence or mounting an effective defense, and instead, increasing the likelihood of unjust

or uninformed plea decisions. Youth have a stronger right to access witness statements. The prosecution must disclose the name and addresses of any witness the prosecution intends to call, along with any witness statements, if the youth or court requests the information.⁵⁶ Youth can make this request at any time after the complaint is filed.⁵⁷ The Municipal Court Rules of Procedure define “statement” as any written statement made by the witness or adopted and approved by the witness; a recording or transcription of an oral statement made by the witness; or written statements or notes of a witness’s oral statements made contemporaneously with the oral statement.⁵⁸

The prosecution can fight a discovery request by arguing that the requested materials are irrelevant. If the prosecution claims the requested discovery is irrelevant to the subject matter of the witness’s testimony, then the court will remove any irrelevant provisions.⁵⁹ Municipal courts provide far fewer protections in discovery than juvenile courts. Unlike in municipal courts, prosecutors in juvenile court must affirmatively disclose evidence to the youth and cannot charge for the cost of discovery.⁶⁰

Trial

In the municipal court system, youth are often expected to navigate the trial process on their own. The only support or education about court procedures that Lakewood Municipal Court provides the youth is a two-page document about court procedures entitled “Your Day in Court.”⁶¹ The document explains

that the basic stages of a trial are opening statements, the city’s case, defendant’s case, and conclusion.⁶² It then provides a brief description of each stage.⁶³ The document explicitly states it does not explain the rules of evidence or procedure.⁶⁴

The document makes clear that the parent can only provide minimal support during the trial. Specifically, the court cautions, “[i]n juvenile cases the parent or guardian may sit and assist the juvenile during trial but may not act as the attorney. The juvenile must conduct the questioning, make the arguments[,] and present the case.”⁶⁵ Thus, the court requires youth to defend themselves against experienced city attorneys with minimal support from their families.

Table 4.

Trial Results, 2021-2022

Result	2021	2022
Plea Entered	5	9
Court Finding— Guilty	3	1
Court Finding— Not Guilty	1	0
Case Dismissed	19	15
Failure to Appear	1	5
Continued	1	1
Other	5	10
Total	35	41

In 2021 and 2022, 76 cases went to trial.⁶⁶ Most of these trials resulted in a dismissal or plea.⁶⁷ We observed several cases being dismissed at trial because the city attorney spoke to witnesses and concluded that they “did not have sufficient evidence to prove [the City’s] case.”⁶⁸ This pattern suggests that cases are often not thoroughly examined for sufficient evidence until the trial stage. Because a significant number of youth enter guilty pleas at arraignment or accept plea deals well before trial without a full understanding of the evidence against them, youth are likely pleading guilty for cases that lack sufficient evidentiary basis. We learned from parents and youth that in some cases, two youth charged in the same incident can face drastically different outcomes—one pled guilty at arraignment and was sentenced to probation, while the other went to trial and had their case dismissed due to lack of evidence. This disparity underscores the importance of a system that ensures legal representation and proper review of facts early in the process, preventing uninformed decisions at the arraignment stage.

Probation’s Pre-Sentence Investigation

After the youth pleads guilty or the court finds the youth guilty following a trial, the court instructs the youth to meet with probation for a pre-sentence investigation (PSI). The probation officer interviews the youth and uses this information to provide a sentencing recommendation to the court. According to Lakewood Municipal Court’s fine schedule, the court charges youth \$40 to conduct this intake.⁶⁹

One Parent’s Story of Taking her Child’s Case to Trial

One parent explained to us the courage and sacrifices she made to take her child’s municipal court case to trial. It was difficult for her to understand what happened in court because she was monolingual Spanish-speaking, and her interpreter appeared remotely on a laptop. She got a list of lawyers and called and left messages, but no one called her back, so she was not able to find a lawyer for her child. Without adequate interpretation or a lawyer, she did not understand what her child was being charged with or that she had the right to request discovery. She missed work or left early, and her child missed school to attend multiple court dates and meetings with the city attorney. At one point, she got desperate and wanted her child to plead guilty because she was told that her child would get less probation if her child pled rather than going to trial. However, her child insisted that they were not guilty and did not want to plead guilty to something they did not do. The case was ultimately dismissed at trial for insufficient evidence.

Conditions for Sentencing

Following the completion of the PSI, the youth returns to court to receive their sentence. Based on court observations, it appears that the court regularly adopts the probation department’s recommendations. The court schedules review hearings to monitor the youth’s progress toward completing their sentence. Sometimes the court will allow the youth to skip these hearings if probation notes in its progress report that the youth has fulfilled their sentence or made sufficient progress. If that is the case, then the youth

will only have to reappear for the final review hearing, where the court determines if the youth fulfilled the sentence within the given time limit.

Sentencing

Municipal court judges can sentence youth to a variety of conditions. This section discusses the most frequent sentencing conditions. Courts often will sentence youth to a combination of these options.

Probation

Lakewood Municipal Court's website states that probation is available for those with "past criminal histories" or those "convicted after trial."⁷⁰ Lakewood Municipal Court frequently orders youth to complete probation. From 2019 to 2022, the court ordered probation in 307 cases and diversion in 711 cases.⁷¹ However, from 2019 to 2022, the court revoked probation/diversion in 262 cases.⁷² The court did not provide the reasons for revoking probation in these cases.⁷³

Under state law, municipal court judges can suspend any fine or sentence and place the individual on probation for up to a year.⁷⁴ In practice, municipal courts often order the youth to complete probation alongside other conditions like paying fines and fees. The Probation Department recommends specific terms, and once the judge approves the terms, the case "is held in a probationary status for a set period" and the court will close the case following successful completion of the program.⁷⁵

Lakewood's Probation Department's terms of probation are numerous and can

be expensive. Terms that the Probation Department may require youth to complete include community service, graffiti cleanup, counseling, drug testing, essay writing, monthly check-ins, and classes.⁷⁶ The required classes are online and cover topics such as anger management, conflict resolution, and young offenders' class.⁷⁷ Additionally, youth are required to fill out an online monthly report-in form where they report personal information, including whether they have used drugs or alcohol, whether they plan to harm others or themselves, and if they are following the rules at home and in school.⁷⁸

The court charges youth \$10/month for supervised probation.⁷⁹ As part of probation, the court also charges youth a \$40 intake fee, \$35 for court costs, and 10% of the monthly supervision fees for victim/witness surcharge. We observed the court commonly charging youth a total of \$141, which would be the cost for six months of probation or diversion supervision. Youth are also required to pay for other terms of probation, such as online classes and drug testing.

Fines and Fees

Lakewood Municipal Court orders youth to pay fines and fees as part of their sentence. Although fees were eliminated in Colorado juvenile courts, Colorado law allows municipal courts to assess a variety of fees, as described below, and fines as high as

\$2,650.⁸⁰ While municipalities may set lower maximum fines, Lakewood allows fines as high as the state maximum and empowers judges to use their discretion to determine the fine amount.⁸¹ According to Lakewood Municipal Court data, judges imposed more than \$27,000 in juvenile fines from 2019 to 2022, with assessments as high as \$500, and an average of \$153 per assessment.⁸² However, recent court data from 2022 shows that the court is rarely imposing fines on cases, with only \$1,750 in fines assessed across 15 cases.⁸³ During our court observations, a judge mentioned that fines had been largely eliminated, though we did observe one youth receiving a fine of \$2,650 in 2024.

Lakewood Municipal Court also assesses a variety of fees. Table 6 shows the breakdown of the fee types⁸⁴ and most commonly assessed fees⁸⁵ by Lakewood Municipal Court.

The accompanying tables highlight the significant financial burden placed on youth involved in the municipal court system. From 2019 to 2022, the court ordered 2,103 youth to pay \$358,089 in fines and fees.⁸⁶ That means on average, each youth had to pay more than \$170 in fines and fees.⁸⁷ Many youth are not able to pay some or all of these debts. According to court records, nearly \$116,898 of those fines and fees are still outstanding.⁸⁸ That means currently the court has failed to collect nearly 33% of the youth fines and fees. The court did not specify why youth and families had not yet paid these fines and fees, but it is likely that many

Table 5.

Total Fines Imposed, 2019-2022

Year Imposed	Total Amount Imposed	Number of Cases	Average Amount
2019	\$18,574.98	114	\$162.94
2020	\$3,289.00	27	\$121.81
2021	\$3,479.00	21	\$165.67
2022	\$1,750.00	15	\$116.67

Table 6.

Lakewood Municipal Court Fee Types

Fee Type	Amount
Victim Compensation Fund Surcharge	10% of total fine
Court Costs	\$35
Juvenile Work Program Fee	\$25
Intake Fee	\$40
Unsupervised Probation Administrative Fee	\$30/month
Outstanding Judgment/Warrant Fee ^{T6.1}	\$30
Late Payment Fee	Variable
Bad Check Fee	\$35
Stay of Execution Fee ^{T6.2}	\$25
Electronic Home Monitoring Fee	\$288 for 15 days or less

Table 7.

Commonly Assessed Fees, 2019-2022

Fee Type	Number Imposed	Total Amount	Average Fee
Late Penalty Fee	1172	\$30,240.00	\$25.80
Warrant Fees ^{T7.1}	1190	\$48,735.00	\$40.95
Juvenile Probation Supervision	1063	\$60,335.00	\$56.76
Intake and Court Costs ^{T7.2}	2196	\$81,633.00	\$37.17
Victim and Witness Fees and Surcharges ^{T7.3}	1217	\$10,908.50	\$8.96

families lack the financial resources to pay for these fines and fees. We observed youth and their families inform the court that they could not pay fines and fees due to limited income and financial issues and make requests for additional time to pay fines and fees.

If any financial consequences are too onerous for the youth and family, then they have the burden of demonstrating their inability to pay by completing an affidavit of indigency form or application for reduced cost juvenile services. To do so, youth and families must provide the court with extensive personal information in the affidavit of indigency, including information about the youth and parent's employment and income, any cars they own, the parent's bank accounts, the parent's benefits, expenses, and assets.⁸⁹ They must also provide two personal references.⁹⁰ Given the extensive information required for the form and the form is currently only available in English, completing the form may be a barrier for youth and their families. From 2020 to

2022, approximately 152 families completed affidavits of indigency, and the court approved approximately 133 and 3 cases still pending approval.⁹¹ Youth can also complete an application for reduced-cost juvenile services to reduce their fees for urine screening, electronic home monitoring, and other programs. This form requires the youth to share their parent's employment information.⁹² The court did not provide information about how it evaluated these applications. From 2016 to 2020, approximately 109 forms for reduced juvenile services were completed, and the court approved approximately 106 of the forms.⁹³ Lakewood's Municipal Code specifies that if a youth fails to pay a fine or fee, the court can confine the youth to a juvenile detention facility for up to 48 hours or order in-home detention for up to ten days.⁹⁴ Lakewood's Municipal Code requires the court to follow certain procedures, including providing notice and having a hearing, prior to incarcerating an individual for failure to pay or accepting a guilty plea for contempt of court

for failure to pay.⁹⁵ However, the code does not require Lakewood Municipal Court to appoint counsel before incarcerating youth for failure to pay. In contrast, the United

States Constitution requires the appointment of counsel when a person may be imprisoned for an offense, even if it is classified as a petty offense.⁹⁶

Ineffectiveness of Ability to Pay Determinations

Ability-to-pay determinations are generally ineffective because courts typically dedicate minimal time or resources to thoroughly assessing a person's financial situation^{S10.1} In many cases, courts have a vested interest in revenue collection, which may lead to a greater likelihood of finding that individuals can pay, or bypassing the inquiry altogether.^{S10.2} Moreover, when ability-to-pay assessments do occur, statutory standards for ability-to-pay determinations are invasive, often requiring the person to provide personal details and documentation such as whether they receive public assistance, whether they have housing, medical expenses, credit card payments, or dependents.^{S10.3} At the same time, however, these statutory standards fail to account for the unpredictability of temporary employment or consider barriers to earning potential, such as prior criminal convictions.^{S10.4}

In some municipalities that we observed, the court did not inquire about ability to pay but simply referred the youth to the clerk's office for this determination. For instance, in Pueblo Municipal Court, the clerk's office handled ability-to-pay determinations but provided little guidance on what might qualify someone for a waiver of fines and fees and explained that information is entered into their system to make the determination. If families cannot pay the full amount, the clerks explained that youth and their families could request to be placed on a payment plan, but doing so incurs an additional \$25 fee, further exacerbating the financial burden on those unable to pay upfront.

Community Service to Satisfy Fines and Fees

In Thornton Municipal Court, youth can either pay a \$75 administrative fee or complete five hours of community service. The court offers this option to all youth without discussing their ability to pay a monetary fee. Pueblo Municipal Court, where we observed the court commonly impose \$250-\$500 fines in each case, permits youth to work off fines through community service, at a rate of \$10 per hour of community service. However, there is a \$7 fee to participate in community service, and Pueblo Municipal Court does not permit youth to do community service in lieu of court costs. The court stated that court costs are about \$100. If a youth cannot afford the fines and fees assessed, they must contact the court. If the youth does not contact the court, uncollected fines and fees may be sent to collections.

Restitution

Lakewood Municipal Court may order youth and their parents to pay restitution for damage to real or personal property.⁹⁷ Restitution is intended to provide financial compensation to the victim of a crime. Failure to pay restitution constitutes failure to comply with a court order and can be punished with detention.⁹⁸ However, most youth lack the financial means to pay restitution, leaving parents responsible for

Table 8.

Amount of Restitution Ordered and Amount Outstanding, 2016-2022

Year	Amount Ordered	Amount Outstanding	Percent Outstanding
2016	\$6,136.52	\$611.94	10%
2017	\$4,472.73	\$424.99	10%
2018	\$4,126.82	\$884.31	21%
2019	\$6,180.49	\$1,487.69	24%
2020	\$8,590.05	\$0	0%
2021	\$7,558.28	\$2,281.50	30%
2022	\$2,688.12	\$1,349.60	50%
Total	\$39,753.01	\$7,040.03	18%

these payments. Youth are required to attend school under Colorado compulsory school attendance laws, reducing their available hours for employment,⁹⁹ and Colorado state law limits the number of hours that youth can work.¹⁰⁰ As a result, restitution payments can be difficult for youth and their families to manage, despite the threat of further legal consequences for nonpayment.

Lakewood Municipal Court regularly orders youth to pay restitution. From 2016 to 2022, Lakewood Municipal Court ordered youth to pay nearly \$40,000 in restitution, most often in criminal mischief and petty theft cases.¹⁰¹ Approximately 18% of the court-ordered restitution remains unpaid.¹⁰² See **Appendix B** for details on the amount of restitution

ordered and outstanding by charge and the number of cases in which restitution was ordered.

Detention and Monitoring

Under the Lakewood Municipal Code, judges can detain youth age ten or over who do not comply with Municipal Court orders.¹⁰³ Judges can confine youth in a juvenile detention center for up to 48 hours or place youth on in-home detention for up to ten days.¹⁰⁴ Failure to comply with municipal court orders includes failure to pay a fine or restitution.¹⁰⁵ The court can order a youth to pay the costs of in-home detention.¹⁰⁶ We observed Lakewood Municipal Court judges providing conflicting advisements

regarding the possibility of detention. We observed one judge advise that individuals can receive up to a maximum of two days of detention for municipal code violations, contrary to the Lakewood Municipal Code itself.¹⁰⁷ This judge also said that youth can receive ten days detention for contempt. Another time, the judge said the youth could face ten days of home detention or two days of detention at the local youth detention facility, Mount View, for contempt. A judge once said the youth could face 364 days in detention, although the judge must have misspoken.¹⁰⁸

The inconsistent, vague, or inaccurate advisements regarding detention in Lakewood Municipal Court can create confusion and pressure for youth when they are asked to enter a plea. Although court records indicate that detention has not been imposed since at least 2016—and the court cites the lack of risk of jail time as a reason for not appointing counsel—judges regularly mention detention as a possible consequence during proceedings.¹⁰⁹ In reality, detention cannot be imposed as a direct sentence for the charges themselves, but it may only be used if the youth fail to comply with a court order resulting from the charges.¹¹⁰ The misstatements about detention can mislead youth into thinking detention is an immediate risk tied to their charges, which could cause unnecessary anxiety and influence their plea decisions.

Municipal courts, however, are more likely to sentence youth to in-home detention via electronic home monitoring for failure to

comply.¹¹¹ According to Lakewood Municipal Court's Electronic Monitoring Order Form, the court contracts with HighTech Offender Monitoring for electronic home monitoring. The court requires youth to call HighTech within 24 hours of ordering electronic home monitoring; failure to do so is considered a violation of the program.¹¹²

Lakewood Municipal Court has ordered electronic home monitoring, often in very minor cases. From 2019 to 2022, the court ordered five youth to complete electronic home monitoring each for a period of ten days. The court ordered electronic home monitoring for an 11-year-old child who was charged with false reporting and harassment, a 14-year-old who was charged with petty theft, a 15-year-old who was charged with shoplifting, and two 17-year-olds who were charged with petty theft.¹¹³ Records from Lakewood Municipal Court do not indicate that the court appointed attorneys for these youth before imposing electronic home monitoring.¹¹⁴ The court did not specify why it ordered electronic home monitoring in these cases, but the practice raises concerns about the loss of liberty in these youths' lives for minor offenses and most likely without appointed counsel.¹¹⁵

Furthermore, youth must pay a variety of fees for electronic home monitoring. For one week of monitoring, youth must pay \$200 at the time of installation, which includes \$77 for a week of monitoring plus a \$123 installation fee.¹¹⁶ If the electronic home monitoring period is 15 days or less, then the youth must pay a flat fee of \$288, which includes the

cost of installation.¹¹⁷ HighTech offers a one dollar per day discount if the youth prepays for 30 days or more.¹¹⁸ Thus, electronic home monitoring can cost a youth and their family a significant amount of money.

Other Conditions for Youth

The municipal court may, and generally does, impose additional consequences on youth and their families. The court may require youth to complete community service. They may also require the youth to complete drug testing or participate in therapy or other community-based services.¹¹⁹ The court did not provide any information about how it determines the hours of community service or community-based services the youth must complete.

Consequences for Parents

Parents may face a variety of consequences if the municipality tickets their child. The court can join the parent or guardian to the case, meaning that they are now a party to the case and are subject to legal consequences.¹²⁰ Under the Lakewood municipal code, the court may join the parent or guardian to the case if it determines it is in the youth's best interest, though the code does not define how the court should reach that determination.¹²¹ After being joined to the case, the court will require the parent to appear with their child, can sentence the parent to various consequences, and may sanction the parent for contempt if they fail to complete the court orders.¹²² Beyond these direct legal court consequences, parents often have to pay or help pay any court-ordered fines, fees, and restitution because their youth does not have the money to pay. Thus, municipal court ticketing harms not just youth, but also entire families.¹²³

Life After Sentencing

Prolonged Supervision: When Court Involvement Never Ends

Youth may face extended court supervision and other consequences if they do not complete all terms of their sentence. As previously discussed in the probation section, from 2019 to 2022, the court revoked probation/diversion in 262 cases.¹²⁴ Some potential reasons for revoking probation include failure to appear, failure to pay all fines and fees, and failure to complete all terms of probation. A standard condition of probation is that youth cannot get into additional legal trouble, and youth may have their municipal court case extended if they receive any additional charges, including missing court dates. Probation officers ask youth about their drug use, desire to harm others or self-harm, and whether they are following school and home rules, which can also potentially lead to the court extending its supervision.¹²⁵ Thus, the initial municipal court referral serves to further increase and prolong their interactions with the legal system and the school-to-prison pipeline.

Criminal Records: The Potential Lasting Impact of Municipal Court Records on Youth

A plea or conviction in municipal court can lead to a criminal record. Municipal court proceedings are criminal in nature, so a municipal conviction is considered a criminal conviction.¹²⁶ Depending on the charges and

successful completion of probation, youths' records may be automatically expunged. If the youth does not qualify for automatic expungement, then they can petition the court to seal the records for \$65.¹²⁷ In practice, however, there appears to be little functional difference between expungement and sealing. In fact, in Lakewood Municipal Court's advisement video, the judge makes no distinction between the qualification for or the impact of expungement and sealing except sealing costs \$65 dollars and the youth must file a motion while expungement is automatic and free.¹²⁸

Expungement is designed to give youth a clean slate. Once the records are expunged, the youth "may lawfully deny that he or she has ever been arrested, charged, adjudicated, convicted, or sentenced in regard to the expunged case, matter, or charge."¹²⁹ In addition, "[e]mployers; educational institutions; landlords; and state and local government agencies, officials, and employees" cannot require individuals in any application or interview to disclose information contained in expunged records.¹³⁰ Furthermore, the court, law enforcement agency, and all other agencies must insist no record exists when asked unless an exception applies.¹³¹ However, expunged records, like sealed records, are still accessible to judicial actors and law enforcement even after expungement.¹³² See **Appendix C** for more information about expungement and record sealing.

Collateral Damage: The Unseen Consequences of Municipal Court Sentences

Youth face a variety of other consequences as a result of municipal court involvement. As stated in the prior section, youth may receive a criminal record, experience immigration consequences,¹³³ and face issues sealing or expunging the record if they do not successfully complete all terms of their sentence. This may impact many aspects of the youth's life, such as applying for jobs. In addition, this initial interaction with the municipal court system may lead to even further criminalization through extended probation and court supervision.¹³⁴ Finally, youth and families unable to pay the fines and fees may have their cases sent to collections.¹³⁵ While Lakewood Municipal Court said that it does not send youth cases to collections, the court still lists referral to a private collection agency as a possible consequence and warns families that it could affect credit ratings and result in wage garnishment.¹³⁶

Pathways to Reform

In this section, we recommend reform for municipal courts, policymakers, police departments, school departments, and advocates. We recommend appointing counsel for youth, eliminating fines and fees for youth, providing access to discovery free of charge, raising the age of municipal court prosecution, reducing or eliminating municipal court tickets for school-based offenses, expanding partnerships with community-based organizations to provide services, and requiring comprehensive data tracking and reporting on ticketing and municipal court involvement. These recommendations seek to address the issues that youth confront in Lakewood Municipal Court and similar municipal court systems in Colorado. Youth and families who have been involved in municipal court systems should be thoughtfully engaged so their opinions and preferences are central in reforms, as they are the best positioned to understand the impact of municipal court involvement and what reforms would be effective.

Guarantee Counsel for Youth in Municipal Court: The Case for Appointed Legal Representation

To ensure that youths' rights are protected, all municipal courts should appoint counsel to represent youth. This report highlights the challenges that youth face navigating municipal courts and the serious consequences at stake. Without appointed counsel, youth may not understand their rights, court procedures, the evidence or lack thereof against them, the terms of their probation, and many other aspects of their case. Attorney Hannah Seigel Proff explained to us that, "[u]ntil municipal court prosecution of children is abolished, all children should have the right to counsel, no matter what level charge they are accused of. I am proud that the Denver City Council recently voted to staff municipal court in Denver with a Public Defender, this is a step in the right direction."

Provide Access to Discovery Free of Charge: When Information Can Prevent Unjust Outcomes

Municipal courts should ensure that youth are advised of their right to discovery and should allow them access to it without charge. In a system where evidence is not carefully reviewed by the city attorney's office until trial and many youth enter guilty pleas during arraignment, without fully understanding the evidence against them, access to discovery is vital. Allowing both the youth and their parents or guardians to review the evidence early in the process would enable them to make more informed decisions about whether to plead, accept a plea deal, or proceed to trial. Discovery not only ensures transparency but also enhances the fairness of the

court process. By providing free access to discovery, the court can help ensure that youth and families are not disadvantaged due to a lack of information.

Eliminate Fines and Fees for Youth: Why Financial Penalties Need to Go

Municipal courts should stop imposing fines and fees on youth. Fines and fees harm youth and hinder the goals of municipal courts. For example, Lakewood Municipal Court's practice of assessing youth fines up to \$2,650 and numerous fees including fees for supervised probation, required classes, and drug testing causes emotional and financial stress because youth are required to attend school and therefore cannot work to pay off their court bills.¹³⁷ Assessing fines and fees does not further the Municipal Court's judicial division's purpose "to provide focused interventions individually designed to promote healthy behavior and reduce criminal activity."¹³⁸

Additionally, revenue collected from fines and fees imposed on youth make up a small share of a municipality's revenue and do not make financial sense. For example, in 2022 Lakewood's budgeted revenue was \$218,760,052.¹³⁹ During that same year, Lakewood collected only \$31,740.14, primarily in fees, from youth cases.¹⁴⁰ As such, youth fines and fees made up only approximately 0.01% of Lakewood's 2022 revenue.

Lakewood appears to be on track to eliminate youth fines, if it has not already done so. Fees collected from youth only make up a tiny portion of the overall budget, and that is without taking into account the cost of collecting fines and fees—courts often expend more resources collecting fines and fees than they receive in revenue.¹⁴¹ The Colorado General Assembly repealed all juvenile court fees in 2021, and those reforms should extend to youth in municipal courts.¹⁴²

Beyond Ticketing: Reducing Reliance on Municipal Court Referrals

School districts and police departments should reduce the number of tickets that officers can issue to youth. They can achieve this through policy reforms to prevent school referrals, eliminating jurisdiction for certain offenses, adopting a policy not to ticket youth, and implementing restorative practices in schools. This would have a significant impact by preventing many youth from ending up in municipal court in the first place. Behaviors that routinely result in ticketing, such as fighting or possession of drug paraphernalia in Lakewood, is a normal part of adolescent development that can be resolved without court involvement.¹⁴³

Nationally, school districts are implementing innovative restorative justice programs as alternatives to punitive discipline. For example, Dallas Independent School District's restorative

justice conflict resolution circles led to a 70% drop in in school suspensions and 77% drop in out of school suspensions in the pilot schools.¹⁴⁴ As part of the pilot program students sit in a circle and discuss how they feel about conflict situations, which promotes relationship building while solving conflicts that may otherwise be handled with punitive measures or municipal tickets.¹⁴⁵ Denver Public Schools will implement a new discipline matrix that emphasizes restorative approaches starting fall 2024.¹⁴⁶

Raise the Age Limit for Municipal Court Prosecution: How Court Involvement is Especially Harmful to Young Children

The current system subjects children as young as 10 to the municipal court process, despite overwhelming evidence that this harms their development and well-being. From 2016 to 2022, Lakewood Municipal Court alone saw 36 cases involving 10-year-olds, 98 involving 11-year-olds, and 278 involving 12-year-olds, most of whom were not represented by attorneys and faced court involvement for minor, child-like misbehavior.¹⁴⁷ These young children are not equipped to understand the complexities of the legal system, navigate high-stakes situations, or effectively advocate for or defend themselves against the city attorney.

Furthermore, research shows that early contact with the court system can negatively impact children by worsening their educational outcomes and social development. Studies reveal that children involved with the criminal system, particularly in cases of minor offenses or non-violent behaviors, such as the case with municipal courts, often experience decreased school attendance and engagement, which may lead to higher dropout rates.¹⁴⁸ Involvement with the criminal system has been found to exacerbate mental health challenges and limit opportunities for positive social connections.¹⁴⁹ Youth probation or diversion, while intended to monitor and rehabilitate, can instead contribute to stigmatization and social rejection, harming children's relationships with peers, teachers, and even family.¹⁵⁰

By raising the minimum age of prosecution, we can redirect young children away from criminalization and toward more supportive systems like schools, medical providers, and community services which offer more effective pathways for growth and development. This approach would allow us to intervene more constructively, reduce recidivism, and align with modern understandings of brain development, which demonstrate that most children outgrow impulsive behavior as they mature. The municipal court system is not only ill-suited to address the developmental needs of young children, but may actually harm their development. Raising the floor for municipal court prosecution ensures that children have the time and support they need to develop, rather than being punished for behavior they will likely outgrow.

Expand Partnerships with Community-Based Organizations: Harnessing Local Resources for Better Outcomes

Municipalities should expand their partnerships with community-based organizations that provide mentoring and resources for youth and allow those organizations to support youth without supervision from probation officers. The purpose of diversion is to provide youth with support and get them on the right track while preventing young people from entering the court system.¹⁵¹ Youth in diversion programs should not be supervised by probation officers because it further entangles them in the court system.¹⁵² Municipal courts should end their practice of having probation officers supervise youth during diversion and instead rely on community-based organizations to provide youth with the services they need.

Community-based organizations like the Denver Healing Generations Network would provide a strong alternative to municipal court. The Denver Healing Generations Network in Denver and Longmont support youth who have been impacted by systems through mentoring and weekly meetings informed by cultural and ancestral teachings. The GIRASOL, El Joven Noble Young Men's Healing Circle, and Huitzilin Warriors programs provide youth with opportunities to connect with community leaders and participate in workshops so they have the tools they need to be activists and leaders in their communities.

Municipal courts without access to a program like Denver Healing Generations Network can rely on networks of partnerships. For example, the Longmont Colorado municipal court Rebuilding Expectations and Walking in New Directions (R.E.W.i.N.D.) program is a pre-file diversion program that diverts youth from court to community-based services.¹⁵³ To administer the program, the Longmont Municipal Court works with the Longmont Community Justice Partnership and government offices including Probation, Children Youth & Families, and the Longmont Police Department.¹⁵⁴ When a youth is diverted from court through R.E.W.i.N.D the youth meets with professional staff outside of court and is matched with services.¹⁵⁵

Continue Researching Municipal Court Practices: Shedding Light on Problematic Practices

While this report provides a detailed summary of municipal court practices, it focuses on one specific jurisdiction. Since municipal court procedures vary so much across states and municipalities and there is no state or central repository for municipal court data, advocates can help shed light on these practices and bring awareness by conducting their own court watching,¹⁵⁶ records request, and legal research. By publicizing this information, advocates can help increase public awareness of the municipal court system, bring concerning municipal practices to light, and identify successful programs and alternatives across the state.

Require More Data Reporting: The Importance of Identifying Problems and Tracking Progress

Legislators can play a crucial role in promoting municipal court reform and enhancing public awareness of the system by requiring transparency through data tracking and reporting. Many municipal courts currently do not maintain comprehensive data on youth or fail to disaggregate data to reflect youth-specific outcomes. Implementing mandatory reporting could help advocates identify problematic practices and guide reforms. Key information legislators could require municipalities to report could include:

1. **Youth Referrals:** How many youth are referred to municipal court through tickets each year?
2. **Demographics:** What are the demographic profiles (race, age, gender) of youth who receive tickets in municipal courts?
3. **Common Charges:** What are the most common offenses for which youth are ticketed?
4. **Access to Counsel:** Do youth have access to court-appointed attorneys, and in what percentage of cases is counsel provided?
5. **Diversion Programs:** What diversion opportunities exist, and what criteria must youth meet to participate?
6. **Sentences and Penalties:** What types of sentences (e.g., community service, fines, probation) are imposed on youth, and how frequently?
7. **Financial Burdens:** How much do youth have to pay in fines, fees, and restitution?
8. **Ability to Pay:** Is there a standardized ability-to-pay assessment in the jurisdiction, and is this procedure automatic or must youth request financial assistance?
9. **Completion of Sentences:** How many youth successfully complete their court-ordered sentences, and for those who don't, what are the main reasons?
10. **Consequences for Non-Completion:** What legal consequences do youth face for not completing their sentences?
11. **Record Expungement:** How many youth have their records expunged automatically, and how many are charged for record sealing?

By requiring this type of data, legislators can foster greater transparency, identify disparities, and ultimately push for meaningful reforms that center youth in the municipal court system.

Conclusion

Youth are frequently charged in municipal court and required to navigate a complex, often intimidating process that can carry serious consequences, including probation, fines, fees, restitution, in-home detention, criminal record, and potential immigration consequences. Using Lakewood Municipal Court as a case study, this report examines the practices of municipal courts and highlights troubling practices that undermine the youth's development and rehabilitation. Additionally, it outlines potential reforms aimed at making municipal courts more transparent and equitable for youth. Because youth ticketing in municipal courts has historically received little attention, it is crucial for advocates to bring these issues to light, raise awareness of the challenges faced by youth in these settings, and expand efforts to reduce youth referrals to municipal courts.

Appendices

Appendix A

Data Limitations: Arraignments, Pleas, and Trial Data

The Lakewood Municipal court provided quantitative data, generally from 2016-2022, in several separate data sets. Several data sets contained case events and outcomes (“event status” in the data), for example, whether cases were dismissed or continued, pleas entered, trial dates set, failure to appear, case dispositions, and other outcomes. The court informed us that they transferred case files from an old system to a new system in April 2019. Much of the data imported from the old system appears to have been lost – these data are marked “Conversion,” with no way of tracking what the original event status was.

Result Category	Outcomes Included
Plea entered	HEARD: <i>Plea Entered</i> NOT HEARD: <i>Plea Entered</i>
Not guilty plea entered	HEARD: <i>Not Guilty Plea Entered</i> NOT HEARD: <i>Not Guilty Plea Entered</i>
Case dismissed	HEARD: <i>Case Dismissed</i> NOT HEARD: <i>Case Dismissed</i>
Continued	HEARD: <i>Continued</i> NOT HEARD: <i>Continued</i> CONTINUED: <i>Defendant</i> HEARD: <i>Trial Continued - MP</i>
Failure to appear	FAIL TO APPEAR: <i>Review</i> FAIL TO APPEAR: <i>Contempt Citation</i>
Other	HEARD: <i>Set PSI</i> NOT HEARD: <i>Set Dispo Date</i> HEARD: <i>Granted USDJ</i> HEARD: <i>Orders Made/Court Findings</i> NOT HEARD: <i>Correspondence Received</i> HEARD: <i>Probation Granted</i> HEARD: <i>Trial Date Vacated</i> NOT HEARD: <i>Trial Date Vacated</i>

The data sets impacted by this transfer include data on arraignments, pleas, and trials. To account for this lost data, we have analyzed only the years 2021 and 2022, which appear to be the most complete.

Further, the court provided several categories of possible case outcomes for each of these data sets. In the report, we group similar case outcomes together. The table above shows how these categories were grouped.

Diversion and Probation Data

Lakewood Municipal court provided data on probation and diversion for 2019-2022. They also provided a separate data set on revocations, but this data set does not include the date or year of the revocation. It does not indicate whether the revocations are exclusively revocations of probation supervision as a sentence or whether they also include revocations of probation supervision as a condition of diversion. The two data sets contain matching case IDs, which indicates the revocation data *does* include revocation of probation both as a sentence and as a condition of probation.

The 262 total revocation number was obtained using the number of unique case IDs for which a revocation was granted. We were unable to match some of the revocations to probation and diversions because some case IDs show that revocation was granted but did not indicate whether Probation or Diversion was granted.

Fines and Fees Data

Lakewood provided data on fees and fines by date imposed and case ID. In a separate data set, they provided data on offenses by case ID. By combining these data sets, we were able to match case IDs in the fines and fees data with case IDs in the offense data and analyze fines imposed by offense. Our assumption was that the case ID numbers in both data sets reflect the same case, and that there are no errors in the data. There was also some missing data due to the merge—not all case ID numbers in each data set had a corresponding match in the other.

Appendix B

Restitution¹⁵⁷

Amount of Restitution Ordered and Amount Outstanding by Charge, 2016-2022			
Charge	Amount Ordered	Amount Outstanding	Percent Outstanding
Arson 9.60.060(A)	\$4,615.94	\$0	0%
Assault 9.20.010	\$6416.21	\$1,402.69	22%
Criminal Mischief 9.60.010	\$16,739.73	\$4,103.61	25%
Criminal Tampering 9.50.110	\$426.41	\$0	0%
Dangerous Missiles 9.70.080	\$553.80	\$0	0%
Defacing Property 9.60.050(A)	\$2,882.28	\$0	0%
Petty Theft 9.65.010(A)	\$7,794.68	\$1,334.76	17%
Shoplifting 9.64.010	\$323.96	\$198.97	18%
Total	\$39,753.01	\$7,040.03	18%

Number of cases, where restitution was ordered, 2016-2022	
Year	Number of Cases
2016	21
2017	12
2018	16
2019	15
2020	14
2021	10
2022	6
Total	94

Number of cases by charge, where restitution was ordered, 2016-2022	
Charge	Number of Cases
Criminal Mischief 9.60.010	40
Petty Theft 9.65.010(A)	30
Defacing Property 9.60.050(A)	7
Assault 9.20.010	7
Arson 9.60.060(A)	4
Shoplifting 9.64.010	3
Criminal Tampering 9.50.110	2
Dangerous Missiles 9.70.080	1
Total	94

Appendix C

Expungement and Record Sealing

In some cases, the court automatically expunges municipal court records for youth offenses. Automatic expungement applies to most municipal court cases, except that municipal courts cannot order the expungement of traffic records.¹⁵⁸ While this procedure is called expungement, it appears to operate as a sealing of records since, as detailed later, judicial actors and law enforcement can still access the records following expungement. In cases involving a youth with no natural person as a victim, municipal courts must order all records in the court's custody and any records related to the cases and charges "in the custody of any other agency, person, company, or organization" expunged within 42 days after the case's conclusion.¹⁵⁹

While automatic expungement applies to most cases, youth may not have their records automatically expunged if the prosecutor objects. If the youth case involved a natural person as a victim, then the prosecutor can object to expungement within 42 days of the youth completing their sentence.¹⁶⁰ If the prosecuting attorney does file an objection, then the court must schedule a hearing regarding the expungement and notify the prosecuting attorney.¹⁶¹ At the hearing, the court must order the records expunged if the youth successfully completed their sentence or the case is closed unless the court finds, by clear and convincing evidence, that the youth is not rehabilitated and that expungement is not in their best interest or the community.¹⁶² Youth can appeal if the court rules against expungement, and the court must waive all fees related to the appeal.¹⁶³

Youth may also not be eligible for automatic expungement if they have other pending cases. Municipal courts also have an affirmative duty to expunge youth records in closed and completed cases. On the first day of every month, the court must review all youth files from the past two years and expunge the records of any cases with completed sentences or closed cases unless there was a hearing.¹⁶⁴ However, if the court finds that there is still an action pending against the youth, then the court will stay the expungement until the case is resolved.¹⁶⁵

If the youth does not qualify for automatic expungement, then they can petition the court to seal the records, but they must navigate various economic and procedural hurdles. The youth can file the petition three years after the later of the final disposition date or release from supervision for a conviction if they have not been charged with or convicted of a felony, misdemeanor, or misdemeanor traffic offense since that time.¹⁶⁶ The youth may also be able to file a petition to seal the records after ten years if they were convicted of a single offense that was not a felony nor involved domestic violence, unlawful sexual behavior, or child abuse and the individual

has not been convicted of a felony, misdemeanor, or misdemeanor traffic case since the final disposition of the subsequent case or the date supervision ended, whichever is later.¹⁶⁷ When the youth files the motion, they must pay the required filing fee.¹⁶⁸ In Lakewood it costs \$65 to have your records sealed.¹⁶⁹ If the court denies the motion, it must explain its reasons for the denial.¹⁷⁰ If the court finds the petition sufficient, then it shall grant the motion unless the prosecution files an objection in writing.¹⁷¹ If the prosecution objects, the court must schedule a hearing within forty-two days of the motion and notify the prosecution, police or local law enforcement, and the individual.¹⁷² If the court finds that the harm to the youth's privacy and potential adverse consequences outweighs the public's interest in access to the records, then the court may order the records sealed, except for basic identification information.¹⁷³ The court must consider the factors listed in section 24-72-706 (1) (g) of the Colorado Revised Statutes: 1) the severity of the offense; 2) the individual's criminal history; 3) the number and dates of the convictions; and 4) "the need for the government agency to retain the records."¹⁷⁴ The court cannot consider any unpaid fines or fees, except that the court cannot seal the records if the individual still owes restitution.¹⁷⁵

Various rules and procedures protect this right to expungement. At sentencing, the municipal court must provide a written advisement to the youth and their guardian that they have the right to expungement and explain the time period and procedures for the process.¹⁷⁶ This notice can also be provided through a diversion program, the city attorney, or probation.¹⁷⁷ In addition, the prosecutor cannot require the youth to waive their right to expungement as part of a plea agreement.¹⁷⁸

There are a variety of exceptions to the expungement law. First, the expungement does not apply to a "prosecuting attorney, local law enforcement, the department of human services, the state and municipal judicial departments, and the victim."¹⁷⁹ In addition, the judge and probation can access the records in any future proceedings in which the individual is charged, but the new charges cannot be brought "based upon information gained initially or solely" from these records.¹⁸⁰ The youth, their attorney, a prosecuting attorney, law enforcement, and state or municipal judicial agencies can access the records in any subsequent criminal investigations or prosecution as a "predicate offense conviction or adjudication of record."¹⁸¹ The prosecuting attorney, victim or witness assistance programs, and law enforcement can still discuss the case with the victim, the results of expungement proceedings, restitution, and information about victim services, but they cannot give the victim the expungement record unless the victim petitions the court and the court finds that there are compelling reasons for providing the records.¹⁸²

Appendix D

Discovery in Municipal Court and Juvenile Court		
	Municipal Court	Juvenile Court
Discoverable Material	Youth in municipal court have the right to inspect and copy any documents or tangible objects in the prosecution's possession or control. Youth also have a right to access witness statements. ^{D1}	Discovery in juvenile courts is governed by the Colorado Rules of Criminal Procedure, which allows the defense to obtain much more materials held by the prosecution. ^{D2} The prosecution must also share any material or information in its possession or control "which tends to negate the guilt of the accused as to the offense charged or would tend to reduce the punishment therefor." ^{D3} This discovery obligation extends to any material or information in the possession or control of the prosecutor's staff and others who participated in the investigation or evaluation of the case. ^{D4} Furthermore, individuals can request additional materials if the court finds that the material is both relevant and reasonable. ^{D5}
Right to Evidence Not in the Prosecution's Control	In municipal court, youth can only obtain materials "that are within the prosecution's possession and control." ^{D6} The youth must request a subpoena from the court to get materials outside the prosecution's control or the court can issue the subpoena <i>ex parte</i> . ^{D7}	Prosecutors in juvenile court must use "diligent good faith efforts" to ensure individuals can access requested materials that are in the possession or control of other governmental personnel but would be discoverable if the prosecution had them. ^{D8} If the prosecutor cannot obtain the materials, then the court must assist by issuing subpoenas or orders. ^{D9} In addition, prosecutors in juvenile court have an affirmative duty to ensure information is freely shared between investigative personnel and their office to aid discovery. ^{D10}
Right to Brady Material	In <i>Brady v. Maryland</i> , the Supreme Court held that prosecutors suppressing evidence material either to guilt or punishment violates the federal due process clause. ^{D11} Some state and federal courts across the country have applied the Brady decision to municipal court proceedings. ^{D12} However, no federal or Colorado court has explicitly required municipal court prosecutors to comply with Brady.	Colorado juvenile court prosecutors must disclose "any material or information within his or her possession or control which tends to negate the guilt of the accused as to the offense charged or would tend to reduce the punishment therefor." ^{D13}

Discovery in Municipal Court and Juvenile Court

	Municipal Court	Juvenile Court
Process for Obtaining Evidence	In municipal court, the court can order the prosecution to share evidence; otherwise, the youth must make a discovery request and show that the materials are both 1) material to the defense and 2) reasonable to request. ^{D14}	Juvenile court prosecutors must provide a variety of materials without the individual making a request. ^{D15} To access any discretionary materials, the juvenile court can order discovery <i>ex parte</i> or the individual can make a discovery request that shows that the material is 1) relevant and 2) reasonable to request. ^{D16} The juvenile court can deny disclosure if disclosure poses a “substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment... which outweighs any usefulness of the disclosure.” ^{D17} Furthermore, the court can order the prosecution to disclose the underlying facts or data supporting an expert witness’s opinion if it serves the interests of justice. ^{D18} The court can also require the prosecution to provide a written summary of the testimony including the bases for their opinion. ^{D19} Juvenile courts also provide for additional procedures to protect discovery rights. ^{D20} Beyond these procedural protections, the court rules also allow for the court to order an exploratory stage, omnibus stage, and trial planning stage as necessary. ^{D21}
Timeline for Discovery	Youth can request discovery in municipal court any time after the filing of the complaint. ^{D22} If the court approves the discretionary motion, or orders the mandatory discovery, then it will specify the time, place, and manner for the disclosure. ^{D23} The rules impose no timeline for the prosecution to comply with the discovery request. ^{D24}	In juvenile court, the prosecutor must make mandatory disclosures without any discovery request. ^{D25} For discretionary discovery, the rules do not specify a time the individual must request discovery. The rules simply state that the court may require discretionary disclosure once the defense shows the request is reasonable. ^{D26} If the prosecution claims that any portion of these materials are nondiscoverable, then it may withhold them until the court makes a ruling. ^{D27} However, the individual must be notified in writing “that information has not been disclosed.” ^{D28} The prosecutor must also provide all grand jury transcripts within 35 days of the indictment. ^{D29} For all other discoverable materials, the prosecutor must provide the materials no later than 35 days before trial. ^{D30}
Cost of Discovery	Municipal court prosecutors can charge individuals for discovery since no rule prohibits this practice. ^{D31}	The prosecution cannot charge for the cost of discovery in juvenile court. ^{D32} The general assembly appropriated the necessary money from the general fund and the statewide discovery sharing system surcharge fund to the district attorney’s counsel for the development, continuing enhancement, and maintenance of the discovery sharing system. ^{D33}

Appendix E

Summary Table: Rules for Detention

Failure to Pay Fines and Fees

Municipal courts are supposed to follow certain procedures before jailing an individual for failure to pay fines or fees. First, individuals cannot be jailed for not paying a fine if paying would cause an undue hardship to them or any dependents.^{E1} If the record shows that the individual has willfully failed to pay, then the court may consider a motion to impose part or all of a suspended sentence, revoke probation, or institute contempt of court proceedings.^{E2} If the court initiates contempt of court proceedings, it must provide all procedural protections mandated in Rule 107 of the Colorado Rules of Civil Procedure or rule 406 of the Colorado Rules of County Court Civil Procedure.^{E3}

Contempt Proceedings

Rule 107 imposes various requirements in contempt proceedings. The court in direct contempt proceedings (involving contempt so extreme that no warning is necessary or involves repeated egregious behavior) must make an order on the record or in writing describing the underlying facts, a finding that the conduct was so extreme that no warning was necessary or the person's conduct was repeated after the court's warning to desist, and a finding that the conduct is offensive to the authority and dignity of the court.^{E4} Before the court can impose sanctions, the individual has the right to make a mitigating statement.^{E5}

Indirect Contempt Proceedings

In indirect contempt proceedings, if an affidavit supports a finding of contempt, then the court may ex parte order a citation for the individual to appear and show cause for why they should not be punished.^{E6} If the person does not appear and evidence shows that the individual was properly served, the court can issue a warrant for arrest to the sheriff.^{E7} If the court may impose punitive sanctions, the court can appoint special counsel to prosecute.^{E8} The individual facing the contempt charge must be advised that they can request a different judge to hear the contempt case.^{E9} During their first appearance, the individual must be informed of their right to an attorney.^{E10} If the person is indigent and faces jail time, then the court will appoint counsel.^{E11} The court must also advise the individual that they can plead either guilty or not guilty, are presumed innocent, can require proof beyond a reasonable doubt, may present witnesses and evidence, can cross examine adverse witnesses, may ask the court to issue subpoenas, have the right to remain silent, may testify at trial, and may appeal the court's ruling.^{E12} The court can only "impose a fine or imprisonment or both the court it expressly finds that the person's conduct was offensive to the authority and dignity of the court."^{E13} During the hearing, the person can make a statement in mitigation.^{E14} If remedial sanctions may be imposed, then the court must enter an order in writing or on the record explaining how the individual can purge the contempt charge and the sanction they face until they complete these steps.^{E15} When remedial sanctions are sought in indirect contempt citations, the court must describe the nature of the sanctions and remedies that may be imposed in the motion or citation.^{E16} The court may order the individual to pay costs and reasonable attorney's fees in connection with the contempt proceeding.^{E17} If the contempt involves the failure to perform an act the person has the power to perform, then the court can fine or imprison the person until they perform.^{E18}

Summary Table: Rules for Detention

Limits to Relief in County Courts

Except for certiorari to the Supreme Court, individuals with cases in county court cannot seek common law writs or any of the forms of relief provided for in Rule 106 of the Colorado Rules of Civil Procedure.^{E19} Rule 106 governs the availability of remedial writs for contempt.^{E20}

Endnotes

- 1 Gwendolyn was a Citrix Systems Racial and Social Justice Fellow, and Carly was an Equal Justice Works Fellow, sponsored by Lisa Foster and Alan Bersin.
- 2 *Colorado Municipal Courts*, Colo. Municipal Court Judges Ass'n, <https://www.coloradomunicipalcourts.org/court-sincolorado/> (last visited Sept. 16, 2024).
- 3 *ORS: Criminal Justice Contacts with Students-Schools*, Colo. Div. Crim. Just. Dep't of Pub. Safety, <https://dcj.colorado.gov/dcj-offices/ors/dashb-student-school> (last visited Sept. 16, 2024).
- 4 *Id.* We highlighted the 2022-23 school year data as it is the most current data available. Previous data is also available: 2021-22 school year: 4,574 law enforcement incidents resulting in 926 matched county or district court case records; 2020-21 school year: 1,023 law enforcement incidents resulting in 647 matched county or district court case records; 2019-20 school year: 4,897 law enforcement incidents resulting in 1,119 matched county or district court case records; 2018-19 school year: 6,688 law enforcement incidents resulting in 1,447 matched county or district court case records; 2017-18 school year: 7,050 law enforcement incidents resulting in 1,685 matched county or district court case records; and 2016-17 school year: 6,295 law enforcement incidents resulting in 1,043 matched county or district court case records.
- 5 See *Juvenile Charges 2016-2022 (2023)* (on file with author).
- 6 *Id.*
- 7 See *Municipal Court*, City of Lakewood, <https://www.lakewood.org/Government/Departments/Municipal-Court> (last visited Sept. 16, 2024).
- 8 *Id.*
- 9 See *Letter from Lakewood Municipal Court to Guardians of Youth Defendants (2023)* (on file with author).
- 10 *Id.*
- 11 *Id.*
- 12 See Lakewood Co. Mun. Code § 1.16.050(F) (2024). The court can require parents to perform certain acts as part of a sentence if they are a party to the proceeding and received notice of the hearing.
- 13 See *Notice to Join Parent (2023)* (on file with author).
- 14 *Id.*
- 15 See Lakewood Co. Mun. Code §§ 9.02-9.70 (2024).
- 16 See *Juvenile Charges (2016-2022)* (on file with author).
- 17 See *Id.* 22 youth were charged with carrying a concealed weapon, 20 youth were charged with possession or use of an illegal weapon, 6 youth were charged with displaying, brandishing, or flourishing a deadly weapon, 1 youth was charged with carrying a concealed weapon in a private vehicle, 1 youth was charged with carrying a deadly weapon where liquor is sold.
- 18 See *Juvenile Charges (2016-2022)* (on file with author).
- 19 See Colo. Rev. Stat. § 22-33-104(1)(a) (2024).
- 20 See *Juvenile Schools Spreadsheet (2023)* (on file with author).
- 21 See *Juvenile Charges (2016-2022)* (on file with author) The list of charges provided by Lakewood does not include an address for every charge, suggesting this may be an undercount of school-related charges.
- 22 See *Juvenile Schools Spreadsheet (2023)* (on file with author).

23 See *Id.* All other schools include: Glennon Heights Elementary (5 tickets); Patterson International Elementary (1 ticket); Emory Elementary (6 tickets); Green Mountain High (54 tickets); McLain Community High (45 tickets); Long View High (2 tickets); Dunstan Middle (34 tickets); Carmody Middle (84 tickets); Creighton Middle (43 tickets); Brady High (19 tickets); Deane Elementary (4 tickets); Jefferson County Open School (5 tickets); Rose Stein Elementary (3 tickets); and Bear Creek K-8 (18 tickets).

24 See *Pupil Membership*, Colo. Dep't of Educ., <https://www.cde.state.co.us/cdereval/rvprioryearpmdata> (last visited Sept. 16, 2024). BIPOC enrollment at all other schools between 2019-2022: Glennon Heights Elementary (41%-44%); Patterson International Elementary (52%-59%); Emory Elementary (86%-89%); Green Mountain High (28%-30%); McLain Community High (36%-44%); Long View High (17%-75%); Dunstan Middle (28%-30%); Carmody Middle (48%-50%); Creighton Middle (58%-60%); Brady High (58%-61%); Deane Elementary (85%); Jefferson County Open School (22%-26%); Rose Stein Elementary (81%-83%); and Bear Creek K-8 (54%-58%).

25 Lakewood Co. Mun. Code § 1.16.020(d) (2024).

26 See Colo. Rev. Stat. § 19-3-202(1) (2024).

27 See 2022.09.28 Lakewood CORA [final] [21] (2023) (on file with author).

28 See *In re Gault*, 387 U.S. 1, 38 (1967) (The necessity of counsel to allow youth to understand court proceedings has long been recognized in the context of juvenile delinquency proceedings.). *Gault's* description of the value of appointed counsel for children and youth applies equally to municipal court proceedings: "[t]he most informal and well-intentioned of judicial proceedings are technical; few adults without legal training can influence or even understand them; certainly children cannot." *Id.* at 38 n. 65. See also Statement of Interest of the United States, *N.P. et al. vs. Georgia et al.*, No. 2014-CV- 241025, at 9-10, available at https://www.justice.gov/sites/default/files/crt/legacy/2015/03/13/np_so_i_3-13-15.pdf (Since *Gault*, "[b]uttressed by scientific research, the Court has increased protections for juveniles out of recognition that "the features that distinguish juveniles from adults also put them at a significant disadvantage in criminal proceedings." *Graham v. Florida*, 560 U.S. 48, 78 (2010)... Case law, practical experience, and scientific research compel the conclusion that children are entitled to procedural safeguards that acknowledge their vulnerability.").

29 See Low Cost Defense Attorneys Who Handle Lakewood Municipal Court Cases (2023) (on file with author); Your Day in Court (2023) (on file with author); Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022), <https://www.youtube.com/watch?v=83d9hs0DcQQ>. The court provided these documents in response to a request for materials provided to youth and families related to hearings.

30 See Juvenile Attorney GAL 2016-2022 (2023) (on file with author); see also Juvenile Charges 2016-2022 (2023) (on file with author). The court listed the same youth multiple times. In some instances, the youth likely changed attorneys; sometimes the court listed the same youth and attorney for unknown reasons. Therefore, it is likely that fewer than 118 cases had an attorney.

31 See Juvenile Attorney GAL 2016-2022 (2023) (on file with author); see also 2022.09.28 Lakewood CORA [final] [21] (2023) (on file with author).

32 The Lakewood Municipal Code does not provide for competency proceedings. Under the Colorado Code of Criminal Procedure, applicable to juvenile courts, the court or either party can raise competency, and the court may make a preliminary finding and, if necessary, order an evaluation. Colo. Rev. Stat. § 16-8.5-103(1-2).

33 See Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022), https://www.youtube.com/watch?v=cl-iOpX_mxs

34 See Juvenile Interpreters 2019-2022 (2023) (on file with author). The court did not specify the language for one interpretation. Meetings include bond return, case review, community service review, contempt citation, court ordered probation appointment, disposition hearing, diversion final, failure to appear hearing, graffiti cleanup, IHD review, interim review, juvenile penal arraignment, motion hearing, motion review, pre-sentencing investigation, probation final, proof of counseling, report in, reset case, restitution return, deferred prosecution, sentencing, status conference, teen in court, trial to court, unsupervised deferred judgment, unsupervised deferred prosecution, young adult diversion program review, and youth educational tour.

35 *Id.* Spanish interpreters participated in 834 of the 914 meetings.

36 See Sandra Hale, *The need to raise the bar: Court interpreters as specialized experts*, in *The Routledge Handbook*

of Forensic Linguistics 440, 443 (Malcolm Coulthard & Alison Johnson eds., 2007). Court interpreters need specialized knowledge to understand the legal system, ethical codes around confidentiality and impartiality, and when to disclose ambiguities or difficulties in translations.

37 C.M.C.R. 210(a)(4) (2024).

38 C.M.C.R. 211(b).

39 See Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022), <https://www.youtube.com/watch?v=83d9hs0DcQQ>.

40 See Lakewood Municipal Court "Juvenile Advisement" form (on file with author).

41 Julia Feron, *Missing the Mark: How Miranda Fails to Consider a Minor's Mind*, 52 Hofstra L. Rev. 785, 803-804 (2024).

42 *Id.* at 803 (Youth are more likely than adults to be motivated by peer pressure.); Kenneth J. King, *Waiving Childhood Goodbye: How Juvenile Courts Fail To Protect Children From Unknowing, Unintelligent, And Involuntary Waivers Of Miranda Rights*, 2006 Wis. L. Rev. 431, 436 (2006) ("Even if an adolescent has an 'adult-like' capacity to make decisions, the adolescent's sense of time, lack of future orientation, labile emotions, calculus of risk and gain, and vulnerability to pressure will often drive him or her to make very different decisions than an adult would in similar circumstances. This is especially the case when an adolescent is called upon to make a decision while under stress and without adult support or guidance.").

43 See Juvenile Charges (2016-2022) (on file with author).

44 See *Id.*

45 See Probation, City of Lakewood, <https://www.lakewood.org/Government/Departments/Municipal-Court/Probation-Division/Probation#:~:text=Diversion,set%20by%20the%20Probation%20Division> (last visited Sept. 16, 2024); see also *Lakewood Municipal Court Juvenile Advisement-English*, *supra* note 48.

IT IS NOT CLEAR WHETHER YOUTH WITH A PRIOR CHARGE THAT DID NOT RESULT IN A CONVICTION ARE ELIGIBLE FOR DIVERSION. THE LAKEWOOD MUNICIPAL COURT ADVISEMENT OF RIGHTS VIDEO STATES THAT YOUTH WITH NO PRIOR CASES ARE ELIGIBLE FOR DIVERSION WHEREAS THE PROBATION WEBSITE STATES THAT ONLY FIRST-TIME OFFENDERS ARE ELIGIBLE FOR DIVERSION.

46 See Probation, *supra* note 60.

47 *Id.*

48 Lakewood Municipal Court Schedule of Fines and Fees (2023) (on file with author).

49 See Juveniles on Diversion (2023) (on file with author). Youth ranged from 10 years old to 18 years old.

50 *Id.*

51 *Id.*

52 See Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022), <https://www.youtube.com/watch?v=83d9hs0DcQQ>; Juvenile Advisement (on file with author).

53 See Lakewood Court's Fee Schedule; Lakewood Municipal Court Discovery Fees (2023) (on file with author).

54 *Id.*

55 See Juvenile Charges (2016-2022) (on file with author); see also Arraignment, *supra*, section III (B),

56 C.M.C.R. 216(b).

57 *Id.*

58 C.M.C.R. 216(d).

59 C.M.C.R. 216(c).

- 60 See *Appendix A* for a detailed comparison.
- 61 Youth representing themselves in court are referred to as “Pro se defendant[s].”
- 62 See *Your Day in Court* (2023) (on file with author).
- 63 *Id.*
- 64 *Id.*
- 65 *Id.*
- 66 See *Juvenile Trials 2016_2022* (on file with author).
- 67 See *Id.*
- 68 See *Case Observations* (on file with author).
- 69 *Lakewood Municipal Court Schedule of Fines and Fees* (2023) (on file with author).
- 70 See *Probation*, *supra* note 60. This is in contrast to diversion which Lakewood’s website states is available to “first time offenders of non-traffic offenses.”
- 71 See *Juvenile Diversion Probation* (2023) (on file with author).
- 72 See *Id.*
- 73 See 2022.09.28 Lakewood CORA [final] [21] (2023) (on file with author). Lakewood Municipal Court says that it does not track the reasons it revoked probation.
- 74 Colo. Rev. Stat. § 13-10-113(2) (2024).
- 75 See *Probation*, *supra* note 60.
- 76 See *Case Observations* (on file with author).
- 77 *Id.*
- 78 See *Probation: Monthly Report-In Form*, City of Lakewood, <https://us.openforms.com/Form/9a419516-42ee-4d7a-920a-4a16cbd0d4b1> (last visited Sept. 16, 2024).
- 79 *Lakewood Municipal Court Schedule of Fines and Fees* (2023) (on file with author).
- 80 See H.B. 21-1315, Gen. Assemb., Reg. Sess. (Colo. 2021); see also Colo. Rev. Stat. §§ 13-10-113(1)(a) (2024), 19-2.5-1105. Fines in juvenile court proceedings cannot be higher than \$300, “[e]xcept as otherwise set forth in section 19-2.5-1127 for an aggravated juvenile offender.”
- 81 See Colo. Rev. Stat. § 13-10-113(3) (stating that municipal courts can also order youth to pay costs.); Lakewood Co. Mun. Code § 1.16.020(A) (2024); see also *fine schedule Lakewood Municipal Court Schedule of Fines and Fees* (2023) (on file with author).
- 82 See *Juvenile Fines Fees 2016_2022* (2023) (on file with author).
- 83 See *Id.*
- 84 See *Lakewood Municipal Court Schedule of Fines and Fees* (2023) (on file with author).
- 85 See *Juvenile Fines and Fees 2016-2022* (2023) (on file with author).
- 86 See *Juvenile Fines and Fees 2016-2022* (2023) (on file with author).
- 87 *Id.*
- 88 *Id.*
- 89 See *Affidavit of Indigency Form-Juvenile* (2023) (on file with author).

- 90 *Id.*
- 91 See Juvenile Affidavit of Indigency (2023) (on file with author).
- 92 See Application for Reduced Juvenile Services (2023) (on file with author).
- 93 See Juvenile Reduced Services (2023) (on file with author).
- 94 Lakewood Co. Mun. Code § 1.16.020(D) (2024).
- 95 Lakewood Co. Mun. Code § 1.16.040(D).
- 96 U.S. Const. amend. VI; *Argersinger v. Hamlin*, 407 U.S. 25, 40 (1972).
- 97 Lakewood Co. Mun. Code §§ 1.16.050(F)(4)(a-b), 1.16.050(F)(5)(a) (2024). The court may order parents or guardians to pay their child’s restitution unless they can prove that they made “diligent, good faith efforts to prevent or discourage” their child’s behavior.
- 98 Lakewood Co. Mun. Code. §§ 1.16.050(F)(7), 1.16.040 (D).
- 99 Colo. Rev. Stat. § 22-33-104(1) (2024).
- 100 Colo. Rev. Stat. § 8-12-105 (2024).
- 101 See Juvenile Restitution Records 2016-2022 (2023) (on file with author).
- 102 See *Id.*
- 103 Lakewood Co. Mun. Code § 1.16.020(D).
- 104 *Id.*
- 105 *Id.*
- 106 *Id.*
- 107 See *Id.*
- 108 See Case Observations (on file with author).
- 109 See *Id.*; see also 2022.09.28 Lakewood CORA [final] [21] (2023) (on file with author).
- 110 See Lakewood Co. Mun. Code § 1.16.020(D).
- 111 *Id.*
- 112 See IHD 2022 High Tech (2023) (on file with author).
- 113 See Juvenile IHD 2019-2022 (2023) (on file with author).
- 114 *Id.*
- 115 Electronic home monitoring in minor cases further entangles youth in the court system and is an effective deterrent, fails to rehabilitate, and is particularly concerning for low-income youth who live in small homes. Kate Weisburd, *Monitoring Youth: The Collision of Rights and Rehabilitation*, 101 Iowa L. Rev. 297, 317-27 (2015).
- 116 Juvenile IHD 2019-2022 (2023) (on file with author).
- 117 *Id.*
- 118 *Id.*
- 119 See Community Service Hours Log (2023) (on file with author); see also Sample UA Provider Form (2023) (on file with author).
- 120 Lakewood Co. Mun. Code § 1.16.050(D)(1) (2024).

- 121 *Id.*
- 122 Lakewood Co. Mun. Code §§ 1.16.050(D)(1); 1.16.050(F)(1-7); Notice to Join Parent (2023) (on file with author).
- 123 Leslie Paik & Chiara Packard, *Impact of Juvenile Justice Fines and Fees on Family Life: A Case Study in Dane County, WI*, 12-22 (2019) (explaining that because of fines and fees families face challenges such as additional stress, conflicts between parents and children, forego paying other bills such as rent, increased debt, garnishment of tax refunds and wages, license suspension, and the possibility of arrest); Fines and Fees Justice Center & Juvenile Law Center, *Dreams Deferred The Impact of Juvenile Fees on Florida's Children, Families, and Future*, 7-10 (2020).
- 124 See Juvenile Diversion Probation (2023) (on file with author).
- 125 See *Probation: Monthly Report-In Form*, City of Lakewood Probation, <https://us.openforms.com/Form/9a419516-42ee-4d7a-920a-4a16cbd0d4b1> (last visited Sept. 16, 2024).
- 126 See Colo. Rev. Stat. § 19-2.5-108 (2024) (stating that youth cannot receive a “civil disability” as a result of the juvenile court adjudicating them delinquent and employers cannot force youth to disclose any information related to arrests, proceedings, adjudications, or diversion related to juvenile court); see also *R.E.N. v. City of Colorado Springs*, 823 P.2d 1359, 1363 (1992) (explaining that municipal courts do not have to provide youth with the procedures that are in the Children’s Code).
- 127 During our court observations, the court told youth that it costs \$65 to seal their records.
- 128 See Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022), <https://www.youtube.com/watch?v=83d9hs0DcQQ>
- 129 Colo Rev. Stat. § 13-10-115.5(1)(a) (2024).
- 130 Colo Rev. Stat. § 13-10-115.5(9).
- 131 Colo Rev. Stat. §§ 13-10-115.5(1)(b); 13-10-115.5(3).
- 132 See Colo Rev. Stat. § 13-10-115.5(3)(a).
- 133 See Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022) <https://www.youtube.com/watch?v=83d9hs0DcQQ> (explaining that “any plea of guilty or finding of conviction or possibly just the charges themselves could affect your immigration rights. You could be deported, you could lose your ability to become a naturalized citizen, and it could affect your ability to return to the United States if you were to leave the United States.”).
- 134 See *Probation: Monthly Report-In Form*, *supra* note 60.
- 135 See 2022.09.28 Lakewood CORA [final] [21] (2023) (on file with author); Court Contempt Citation-Juvenile (2023) (on file with author).
- 136 See *Id.*
- 137 See Colo. Rev. Stat. § 22-33-104(1) (2024).
- 138 2024 *Annual Budget*, City of Lakewood, 240, <https://www.lakewood.org/files/assets/public/v/4/finance/pdfs/2024-approved-budget-book.pdf> (last visited Aug. 19, 2024).
- 139 2022 *Annual Budget*, City of Lakewood, 59, https://www.lakewood.org/files/assets/public/v/2/finance/pdfs/2021r-2022-approved-budget_secured.pdf (last visited Sept. 19, 2024).
- 140 This amount is mostly fees since only \$1750 was imposed from fines in 2022. See Juvenile Fines Fees 2016_2022 (2023) (on file with author).
- 141 Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines A Fiscal Analysis of Three States and Ten Counties*, 5, Brennan Center for Justice at New York University School of Law (2019).
- 142 See H.B. 21-1315, Gen. Assemb., Reg. Sess. (Colo. 2021); see also Colo. Rev. Stat. §§ 13-10-113(1)(a) (2024), 19-2.5-1105. Colorado also caps fines in juvenile court proceedings to not more than \$300, “[e]xcept as otherwise set forth in section 19-2.5-1127 for an aggravated juvenile offender.”

143 See Nolan Anderson, Randy Kreider & Kristen Schnell, *Injustice in the Lowest Courts: How Municipal Courts Rob America's Youth*, 17, Columbia Law School & Juvenile Law Center (2021).

144 Cindy Long, *Restorative Discipline Makes Huge Impact in Texas Elementary and Middle Schools*, nea today (Aug. 25, 2016), <https://www.nea.org/nea-today/all-news-articles/restorative-discipline-makes-huge-impact-texas-elementary-and-middle-schools>.

145 *Id.*

146 Melanie Asmar, *New discipline guidelines to be rolled out by Denver Public Schools this fall*, Chalkbeat (Jun. 13, 2024), <https://www.chalkbeat.org/colorado/2024/06/14/denver-public-schools-starts-new-student-discipline-matrix-next-year/>.

147 See Juvenile Charges 2016-2022 (2023) (on file with author).

148 See Council of State Gov'ts Justice Ctr., *Rethinking the Role of the Juvenile Justice System: Improving Youth's Behavioral Health and Reducing Risk* (2020), https://csgjusticecenter.org/wp-content/uploads/2020/09/CSG_RethinkingtheRoleoftheJuvenileJusticeSystem_15SEPT20.pdf.

149 See *Id.*

150 See *Id.*

151 *Diversion Programs*, Youth.gov, <https://youth.gov/youth-topics/juvenile-justice/diversion-programs> (last visited Sept. 16, 2024).

152 *What is Diversion in Juvenile Justice?*, Annie E. Casey Foundation, (Oct. 22, 2020), <https://www.aecf.org/blog/what-is-juvenile-diversion>.

153 Longmont Community Justice Partnership, *2020 & 2021 Annual Report*, https://static1.squarespace.com/static/5b43b22d266c074e470c4796/t/6364071a4912880d4760bd6f/1667499814960/2020%2C+2021+Annual+Report_LCJP.pdf (last visited Sept. 16, 2024).

154 R.E.W.i.N.D - Longmont's Youth Redirection Program, City of Longmont Colorado, <https://longmontcolorado.gov/municipal-court/rewind/> (last visited Sept. 16, 2024).

155 *Id.*

156 Municipal court courtrooms are open to the public unlike juvenile courts.

157 See Juvenile Restitution Records 2016-2022 (2023) (on file with author).

158 Colo. Rev. Stat. § 13-10-115.5(5) (2024).

159 Colo. Rev. Stat. § 13-10-115.5(4)(a).

160 Colo. Rev. Stat. § 13-10-115.5(4)(b-d).

161 Colo. Rev. Stat. § 13-10-115.5(4)(d).

162 Colo. Rev. Stat. § 13-10-115.5(4)(f).

163 *Id.*

164 Colo. Rev. Stat. § 13-10-115.5(4)(g-h).

165 Colo. Rev. Stat. § 13-10-115.5(2)(d).

166 Colo. Rev. Stat. §§ 24-72-708(1), 24-72-708(3)(a) (2024).

167 Colo. Rev. Stat. §§ 24-72-708(2), 24-72-708(3)(b).

168 Colo. Rev. Stat. §§ 24-72-708(4).

169 See Lakewood Municipal Court, *Lakewood Municipal Court Juvenile Advisement-English*, YouTube (Jan. 26, 2022) <https://www.youtube.com/watch?v=83d9hs0DcQQ>.

170 Colo. Rev. Stat. § 24-72-708(5)(a).
171 Colo. Rev. Stat. § 24-72-708(5)(b).
172 *Id.*
173 Colo. Rev. Stat. § 24-72-708(5)(c).
174 *Id.*
175 Colo. Rev. Stat. § 24-72-708(5)(d).
176 Colo. Rev. Stat. § 13-10-115.5(2)(a).
177 *Id.*
178 Colo. Rev. Stat. § 13-10-115.5(2)(c).
179 Colo. Rev. Stat. § 13-10-115.5(3)(a).
180 Colo. Rev. Stat. § 13-10-115.5(3)(b).
181 Colo. Rev. Stat. § 13-10-115.5(3)(c).
182 Colo. Rev. Stat. § 13-10-115.5(3)(d).

Sidebar 1

S1.1 Colo. Rev. Stat. § 13-10-104 (2024).

S1.2 Colo. Rev. Stat. § 13-10-103; see also April Bernard, *Home Rule Governance in Colorado*, Legis. Council Staff Nonpartisan Servs. for Colo.'s Legislature, 1 (2020), https://leg.colorado.gov/sites/default/files/r20-540_issue_brief_on_home_rule_charters.pdf (describing home rule as “empower[ing] local governments to act and legislate on local matters. In general, home rule ordinances addressing local matters supersede state law.”).

S1.3 See Colo. Rev. Stat. §§ 19-2.5-103(1)(a)(II), 19-1-104(1)(m) (2024). Under certain circumstances juvenile courts have exclusive jurisdiction when youth allegedly violate municipal ordinances. Juvenile courts have exclusive jurisdiction over cases involving youth ten or older charged with allegedly violating county or municipal ordinances, except traffic ordinances, if the penalty may be a jail sentence of more than ten days. Juvenile courts also have exclusive jurisdiction when a youth appeals a municipal court order to confine them for contempt.

S1.4 See *Municipal Court*, City of Lakewood, <https://www.lakewood.org/Government/Departments/Municipal-Court> (last visited Sept. 16, 2024).

Sidebar 2

S2.1 Colo. Rev. Stat. § 13-10-105(1)(a), 2(a-e).
S2.2 Colo. Rev. Stat. §§ 13-10-106, 13-6-203(3,5).
S2.3 Colo. Rev. Stat. § 13-10-106(2).
S2.4 Colo. Rev. Stat. § 13-10-112(1).
S2.5 *Id.*
S2.6 *Id.*

Table 1

T1.1 The alleged assault charges are likely from school fights.

Sidebar 4

S4.1 Colo. Rev. Stat. § 13-10-114.5 (2024).

S4.2 Colo. Rev. Stat. § 13-10-113(4).

S4.3 C.M.C.R. 244(a) (2024).

Sidebar 5

S5.1 See Northglenn Municipal Court Administrative Order 20-02 at 2 (2020), <https://cms7files.revize.com/northglennco/Departments/Management%20Svc/Court/20-02%20Admin%20Order%20re%20CAC%20with%20Attachments.pdf>.

Sidebar 8

S8.1 C.M.C.R. 216(e) (2024).

S8.2 C.M.C.R. 216(a).

S8.3 *Id.*

S8.4 *Id.*

S8.5 *Id.*

Table 6

T6.1 Charged if the youth fail to appear at a hearing.

T6.2 Charged if an extension is granted for payment of fines and fees.

Table 7

T7.1 Warrant fees include penal and traffic warrants and OJWs.

T7.2 Intake and Court Costs include juvenile and adult intake costs and court costs.

T7.3 Victim and Witness fees include witness/victim fees, surcharges, and reimbursements.

Sidebar 10

S10.1 See Michael F. Crowley, Matthew J. Menendez & Lauren-Brook Eisen, *If We Only Knew the Cost: Scratching the Surface on How Much it Costs to Assess and Collect Court Imposed Criminal Fees and Fines*, 4 UCLA Crim. Just. L. Rev., 165, 172 (2020); Theresa Zhen, (Color) *Blind Reform: How Ability-to-Pay Determinations are Inadequate to Transform Racialized System of Penal Debt*, 43 N.Y.U. Rev. of Law & Soc. Change, 175, 201 (2019).

S10.2 See Theresa Zhen, (Color) *Blind Reform: How Ability-to-Pay Determinations are Inadequate to Transform Racialized System of Penal Debt*, 43 N.Y.U. Rev. of Law & Soc. Change, 175, 209-212 (2019).

S10.3 *Id.* at 202.

S10.4 *Id.* at 203-204.

Appendix D

D1 C.M.C.R. 216(b) (2024).

D2 Colo. R. Juv. P. 3.3 (2024); Colo. R. Crim. P. 16(l)(a)(1) (2024). The prosecution is required to provide the individual with all of the following materials in its possession or control: "(I) Police, arrest and crime or offense reports, including statements of all witnesses; (II) With consent of the judge supervising the grand jury, all transcripts of grand jury testimony and all tangible evidence presented to the grand jury in connection with the case; (III) Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons; (IV) Any books, papers, documents, photographs or tangible objects held as evidence in connection with the case; (V) Any record of prior criminal convictions of the accused, any codefendant or any person the prosecuting attorney intends to call as a witness in the case; (VI) All tapes and transcripts of any electronic surveillance (including wiretaps) of conversations involving the accused, any codefendant or witness in the case; (VII) A written list of the names and addresses of the witnesses then known to

the district attorney whom he or she intends to call at trial; (VIII) Any written or recorded statements of the accused or of a codefendant, and the substance of any oral statements made to the police or prosecution by the accused or by a codefendant, if the trial is to be a joint one.”

D3 Colo. R. Crim. P. 16(l)(a)(2).

D4 Colo. R. Crim. P. 16(l)(a)(3).

D5 Colo. R. Crim. P. 16(l)(d)(1).

D6 Colo. R. Mun. Ct. P. 216(a).

D7 Colo. R. Mun. Ct. P. 217(b).

D8 Colo. R. Crim. P. 16(l)(c)(1).

D9 Colo. R. Crim. P. 16(l)(c)(2).

D10 Colo. R. Crim. P. 16(l)(b)(4).

D11 373 U.S. 83, 87 (1963).

D12 See, e.g., *St. Fleur v. City of Linden, New Jersey*, 2019 WL 4126748, at *10 (D.N.J. 2019); *City of Bozeman v. McCarthy*, 447 P.3d 1048, 1056-1059 (Mon. 2019).

D13 Colo. R. Crim. P. 16(l)(a)(2).

D14 Colo. R. Mun. Ct. P. 216(a).

D15 See Colo. R. Crim. P. 16(l)(a)(1), 16(l)(a)(2), 16(V)(a).

D16 Colo. R. Crim. P. 16(l)(d)(1).

D17 Colo. R. Crim. P. 16(l)(d)(2).

D18 Colo. R. Crim. P. 16(l)(d)(3).

D19 *Id.*

D20 Colo. R. Crim. P. 16(III). For example, the rules explicitly prohibit any parties from advising people (besides the defendant) to refrain from discussing the case, sharing relevant information, or otherwise impinge the investigation. In addition, parties have a continuing duty to disclose. Furthermore, upon a showing of cause, the juvenile court can restrict or defer specific disclosures, as long as the receiving party receives the material in time to use for their benefit. Any party can request the court record any showing of cause proceeding. If a party fails to comply with discovery, the court can order the party to allow for discovery or inspection, grant a continuance, prohibit the party from introducing undisclosed evidence, or take any order as it deems just.

D21 Colo. R. Crim. P.16(IV)(a)(1).

D22 Colo. R. Mun. P. 216(a-b).

D23 *Id.*

D24 Colo. R. Crim. P. 216.

D25 See Colo. R. Crim. P. 16(l)(a-b).

D26 Colo. R. Crim. P. 16(l)(d)(1), 16(l)(b)(1). With regards to the police, arrest, and crime/offense reports, papers and tangible objects, witness names and addresses, and written or recorded statements of the individual or codefendants, the prosecutor must comply with the request “as soon as practicable,” but within at least 21 days after the individual’s first appearance.

D27 Colo. R. Crim. P. 16(l)(b)(1).

D28 *Id.*

D29 Colo. R. Crim. P. 16(l)(b)(2).

D30 Colo. R. Crim. P. 16(l)(b)(3).

D31 *Id.*; Colo. R. Mun. P. 216 (e) (allowing municipal courts to make additional discovery rules as long as they are consistent with applicable law).

D32 Colo. R. Crim. P. 16(V)(c)(1); Colo. R. Juv. P. 3.3.

D33 Colo. Rev. Stat. § 16-9-702 (2022).

Appendix E

E1 Colo. Rev. Stat. § 18-1.3-702(3)(a) (2024); Lakewood Co. Mun. Code 1.16.040(E) (2024) “For the purposes of this section, a defendant or defendant’s dependents are considered to suffer undue hardship if he, she, or they would be deprived of money needed for basic living necessities, such as food, shelter, clothing, necessary medical expenses, or child support.”

E2 Colo. Rev. Stat. § 18-1.3-702(3)(b).

E3 *Id.*

E4 Colo. R. Civ. P. 107(b) (2024).

E5 *Id.*

E6 Colo. R. Civ. P. 107(c).

E7 *Id.*

E8 Colo. R. Civ. P. 107(d)(1).

E9 *Id.*

E10 *Id.*

E11 *Id.*

E12 *Id.*

E13 *Id.*

E14 *Id.*

E15 Colo. R. Civ. P. 107(d)(2).

E16 *Id.*

E17 *Id.*

E18 *Id.*

E19 Colo. R. Cnty. Civ. P. 406 (2024).

E20 Colo. R. Civ. P. 106.