

DISTRICT COURT, NINTH JUDICIAL DISTRICT

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ADMINISTRATIVE ORDER NO. 00-7

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CONFIDENTIALITY OF PRE-SENTENCE INVESTIGATION REPORTS AND RELATED INFORMATION

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IT IS ORDERED that the following policies shall be observed in the County and District Courts of the Ninth Judicial District with respect to papers filed or otherwise presented to the court for consideration at sentencing in all adult criminal and traffic cases:

1. All sentencing proceedings shall be conducted in open court (except for county court cases handled by a written waiver and guilty plea).
2. A copy of all documents considered by the judge should be provided to the District Attorney and the defense, which shall make no further disclosure of documents that are required by this order to be sealed.
3. The pre-sentence investigation report, including all attachments thereto, and any other document presented to the court for consideration at sentencing, shall, unless otherwise provided herein, be open to inspection by the public.
4. Pursuant to C.R.S. 19-1-304 (1)(a) Court records – open. Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance shall be open to inspection to the following persons without Court Order: (see PERM for the following persons who can access the juvenile record 19-1-304)
5. Pursuant to C.R.S. 19-1-307, reports of child abuse or neglect are not open to inspection by the public.
6. Pursuant to 42 USC §290 dd-3 and 42 CFR part 2, reports and documents relating to the evaluation or treatment for alcohol or drug abuse where federal funds are involved are not open to public inspection. Since the use of federal funding is so predominate, all reports and documents relating to the evaluation or treatment for alcohol or drug abuse are not open to public inspection, “including when attached to a PSIR”.
7. Records or reports of mental health (other than alcohol or drug abuse) evaluation or treatment, whether court ordered or initiated by the defendant, are open to public inspection; provided however, upon a showing of good cause, the sentencing judge may order in individual cases that such records shall not be open to public inspection.
8. If a document that is not open to public inspection is considered by the sentencing judge, the document should be placed in a sealed envelope in the case file and the judge should make a reference at the sentencing to the general nature of the document. Both the document and the envelope should be marked “Not open to public inspection pursuant to Administrative Order 88-4, Ninth Judicial District.”
9. In the event that a single document contains information that is both open and not open for public inspection, the entire document should be placed in an envelope and a copy, with the portion not open to public inspection obliterated, placed unsealed in the file. If the portions that are open to public inspection may not be readily separated, then it shall not be necessary to place an edited copy of the document in the file.

10. Unless otherwise prohibited by federal or state law, the sentencing judge may, notwithstanding the provisions of this order, order that specific documents not be open to public inspection.

11. This Administrative Order replaces Administrative Order 88-4 which is hereby revoked.

Dated this 22<sup>nd</sup> day of November, 2000.

BY THE COURT:



Thomas W. Ossola  
Chief Judge

cc: Administration  
Judicial Officers  
Probation  
Clerks of Court  
District Attorney  
Public Defender  
Bar Association Presidents