

<p>FOURTH JUDICIAL DISTRICT EL PASO COUNTY AND TELLER COUNTY RECOVERY COURT</p>	
	<p>Division L Courtroom S270</p>
<p align="center">ORDER REGARDING LIVESTREAMING RECOVERY COURT</p>	

On September 1st, 2023, HB 23-1182 became effective and requires all Colorado Courts make any criminal court proceeding conducted in open court available for remote public viewing and listing in real time, unless a delineated exception is shown.

The Fourth Judicial District’s Recovery Court is a post-conviction, adult criminal problem-solving court that utilizes a multisystemic treatment team to serve probationers who are involved in the criminal justice system because of their substance use disorder. Recovery Court seeks to ensure public safety while implementing individualized treatment and supervision for each participant. Recovery Court regularly conducts court review hearings to monitor participants’ compliance. During any given court review hearing, a participant’s substance use, physical, medical, and mental health issues may be discussed. Furthermore, participants may be confronted with a positive drug screen result and asked whether there has been new use.

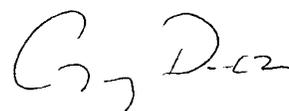
While participants are aware that the Court is a public forum and that the public may attend court on any given day, livestreaming of participants’ regular court review hearings is substantially different.

Specifically, participants who are in Recovery Court, including those with sustained sobriety and those who are currently struggling with active use, are at jeopardy of relapse and or overdose. Participants are often challenged in court to be open and honest about new use. Participants are encouraged and frequently raise emotional and therapeutic issues they may be working through. Additionally, participants frequently address their ongoing and or emergency physical and medical concerns with the Court.

Provided the stigma associated with individuals struggling with substance use disorder and the personal subject matter discussed in court, livestreaming inhibits and will ultimately deter participants from discussing their needs and struggles candidly. In turn, the Recovery Court’s multisystemic team is less equipped to identify and meet participants’ needs.

As such, the Court finds there is a reasonable likelihood that participants emotional and physical safety is compromised should livestreaming occur in Recovery Court. Furthermore, the Court finds there is not a less restrictive alternative that preserves the public interest in remote observation while mitigating the above identified risks. Pursuant to the exceptions delineated in HB 23-1182, the Court Orders that Recovery Court review hearings shall not be made available for remote public viewing (livestreaming) until further Order of the Court.

SO ORDERED: September 19th, 2023



District Court Magistrate Gregory K. Duncan