

SIXTH JUDICIAL DISTRICT, STATE OF COLORADO

ADMINISTRATIVE ORDER 19-16

Order of Confidentiality for Participants in the Bridges Program

The Purpose of this Administrative Order is to restrict the use of information provided to the Bridges Program/court liaison by a criminal defendant where the Bridges Program has been ordered to perform the duties and responsibilities listed in C.R.S. § 16-11.9-204. This order shall be interpreted to protect a defendant's involvement in the Bridges Program from being used against the defendant in any other proceeding, and to allow the court liaison tasked with assisting the court to carry out the duties pursuant to statute and order without involvement in any matters related to the guilt or innocence of a defendant.

Senate Bill 18-251, found at C.R.S. §§ 16-11.9-101 through 16-11.9-205, empowers the court to 1) better monitor the timeliness for defendants who have raised mental incompetency, and 2) provide for the broader mental health needs for defendants. To further the goals of Senate Bill 18-251, the information provided to a court liaison must be protected from use by any party in any way not intended by Senate Bill 18-251. The court liaison assists the court in ensuring that individuals within the criminal justice system are treated fairly and humanely, regardless of their behavioral health history or mental state. A criminal defendant's involvement in the Bridges Program and communication with a court liaison is not a waiver of any statutory or constitutional protection and must not make a defendant worse off than he or she may have been without the involvement of the Bridges Program/court liaison.

WHEREAS protecting communication between the defendant and the Bridges Program/court liaison, court liaison and treatment providers, and defendant and treatment providers is necessary to protect the defendant's constitutional privilege against self-incrimination and right to privacy of medical information; and

WHEREAS limiting access to records created, possessed, and/or utilized by the court liaison or a treatment provider is also necessary to protect the defendant's right to privacy of medical information and to assist the court liaison in performing the duties found in C.R.S. § 16-11.9-204 for the benefit of the Court and the parties;

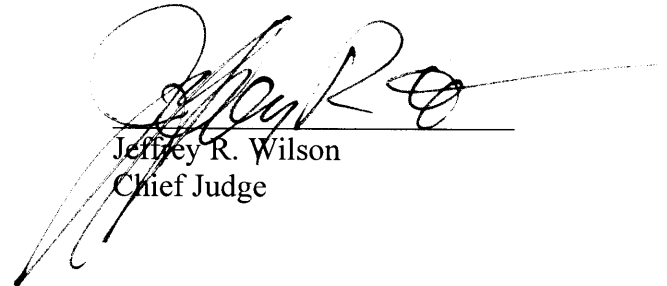
It is therefore ordered that the following information shall be restricted from use by any individual other than for the express purposes listed in C.R.S. § 16-11.9-204 or as otherwise ordered by the Court:

1. Information or evidence acquired directly or indirectly for the first time from communication between the court liaison and the defendant, the court liaison and a treatment provider, or a treatment provider and the defendant that the court liaison learns of; and
2. Screenings, assessments, or evaluations conducted by the court liaison or a treatment provider.
3. The following persons/entities and their designees are permitted to access reports provided by court liaisons:

- a. Defendant and, if represented, counsel for the defendant;
- b. District Attorney's Office;
- c. Colorado Department of Human Services, Office of Behavioral Health;
- d. Treatment providers, as authorized by the Court.

The Court Liaison shall not be tasked with monitoring or reporting beyond those duties specifically listed in statute. The Bridges Program's performance of duties found in found at C.R.S. § 16-11.9-204 or as ordered by this Court shall not act as a waiver of any duty or privilege for a third-party. The Bridges Program/court liaison shall not be subpoenaed by any party for documents or as a witness in any proceeding.

Signed this 17th day of December, 2019.



Jeffrey R. Wilson
Chief Judge