

<p>SECOND JUDICIAL DISTRICT: CITY AND COUNTY OF DENVER, COLORADO</p> <p>City and County Building 1437 Bannock Street, Room 256 Denver, CO 80202</p> <p>Lindsey-Flanigan Courthouse 520 West Colfax Avenue Denver, CO 80204</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Chief Judge Administrative Order 2023-02</p>	<p>Courtroom 259</p>
<p style="text-align: center;">CHIEF JUDGE ADMINISTRATIVE ORDER CONCERNING DENVER DISTRICT COURT POLICY REGARDING PROVIDING COPIES OF ELECTRONIC SOUND RECORDINGS OF COURT PROCEEDINGS</p>	

The Second Judicial District utilizes electronic recording devices in its courtrooms to digitally record the majority of court proceedings held in this district. Only district court criminal cases are stenographically recorded by the district’s court reporters. Occasionally, requests are made for a copy of the digital recording of a court proceeding. Chief Justice Directive 05-03 (V)(D) authorizes each judicial district to determine and post on its website a policy outlining procedures for ordering transcripts, tapes, or digital recording disks. Chief Justice Directive 05-03(V)(D)(2) permits reproduction of electronic sound recordings of court proceedings to be made by the court if the judicial district provides such service.

After conferring with the Court Executive, Clerk of the Court, and other staff members regarding their prior experiences with providing copies of audio recordings, a number of issues and concerns were brought forth, which include:

1. Microphones are placed throughout the courtroom, including at the parties’ tables, to record the proceedings. As a result, confidential communications between an attorney and client at counsel table will likely be recorded, yet these conversations are not part of the court record and would not be transcribed by a transcriptionist preparing a written transcript from the audio recording. Court personnel copying the electronic recording will not know whether confidential communications have been recorded unless the staff member listens to the entire proceeding, which is time intensive.
2. There are times when certain information must be redacted from the record before it can be released to the public, such as removing the name and any other information identifying the victim of a sexual offense from the record. C.R.S. § 24-72-304(4)(a). In order for the court to redact such information from the audio recording produced

to the requesting party, a staff member would have to listen to the original recording and stop the reproduction process whenever such information exists in the original recording. This, too, is time intensive.

3. An audio recording may not be used as the official record in an appeal, other than an appeal from a small claims case pursuant to C.R.S. § 13-6-410, or during any motions or other court proceedings. Similarly, only certified transcripts by court reporters or authorized transcribers may be used as official records of court proceedings, other than an appeal for a small claims case. Chief Justice Directive 05-03(V)(D)(2)(b). The restriction found in the Chief Justice Directive has not prevented persons from attempting to use a recording in a court proceeding or preparing their own written transcript from the recording for use in court.
4. The Second Judicial District uses For The Record (FTR) recording devices in the courtrooms. These devices record on several different channels and complaints have been received that the disk cannot be played in regular CD players or some computers using software that is incompatible with the FTR software. Staff members have received requests for assistance from parties who cannot get the disk to play. Staff may or may not be able to resolve the issue.
5. There are occasions when other matters are heard by the court in the middle of the case for which the transcript is requested, such as requests for a temporary protection order. The court will often take a recess in the first case, hear the temporary protection order request, and then continue with the first case, without ever stopping the FTR. This could result in the unrelated protection order hearing being included with the recording of the first hearing.

Based on the foregoing, the Denver District Court adopts the policy that it will not provide copies of digital recordings of court proceedings. Persons requesting all or part of the record of a court proceeding must complete and file a transcript request form, JDF 4, which can be obtained electronically from the Second Judicial District [Court Business Resources](#) webpage on the state judicial website, www.courts.state.co.us, or by visiting the District Court clerk's office.

This order shall not apply to a request made by a law enforcement agency for a copy of a digital recording of court proceedings when such request is made for investigative purposes, or a request for business purposes of the Judicial Department.

IT IS SO ORDERED on this Friday, March 10, 2023.

BY THE COURT:



Christopher J. Baumann
Chief Judge