



EXECUTIVE SUMMARY: TEMPORARY PAUSE ON LIVESTREAMING IN COLORADO STATE TRIAL COURTS

The Chief Justice, the administrative authority of the Colorado state courts, is making a careful, temporary decision to safeguard the integrity of criminal proceedings and the rights of all involved. Because of widespread misuse of livestreamed content and increasing disruption that endangers the fair administration of justice, the Chief Justice has decided on a 90-day statewide suspension of the presumption of livestreaming criminal proceedings.

This break is not an abandonment of transparency, since public access to physical courtrooms remains unchanged and virtual participation by the parties, victims, and witnesses also remains as it was. Rather, the temporary suspension provides the space to implement lasting, statewide solutions to the serious problems that have arisen since livestreaming became presumptively mandatory.

WHY THIS ACTION IS NECESSARY

1. Ensuring the integrity and fairness of court proceedings

Chief Justice Directive 26-01 documents extensive misuse of livestreamed content, including:

- Unauthorized recordings have been posted on social media despite clear and consistent warnings that the recording of any livestream is strictly prohibited.
- These recordings are being posted to monetized social media channels that exploit court content for personal financial gain.
- Viewers are posting comments that degrade the appearance and intelligence of people in court and threaten litigants, victims, witnesses, and court staff.

These practices undermine the court process and weaken public trust in the justice system.

2. Protecting victims and witnesses

The Directive highlights that vulnerable court participants have been subjected to online harassment, intimidation, and ridicule. For example, an unauthorized recording of a sexual assault victim was posted with the victim's full name, even though the video itself was blurred. This temporary pause is intended to uphold defendants' constitutional rights, protect victims' dignity, and allow witnesses to participate without fear of retaliation or abuse.

3. Dealing with increasing disruptions in the virtual courtroom

Bad actors have on numerous occasions managed to enter virtual Webex court proceedings, showing violent, pornographic, racist, and misogynistic video, such as Nazi imagery and videos of beheadings. As a result, court participants and staff have been traumatized, and proceedings have been disrupted across the state. The pause gives the Department an opportunity to seek technology solutions that provide better tools to manage courtroom disruptions.

WHAT WILL BE ACCOMPLISHED DURING THE PAUSE

The 90-day pause gives the Judicial Department the opportunity to evaluate more effective ways to ensure that livestreamed and virtual proceedings can be conducted fairly while protecting the constitutional rights and dignity of court participants, and promoting meaningful public access to our courts. These options include:

- Additional training for judicial officers and courtroom staff on how to manage the risks associated with livestreaming, how to apply statutory findings, and how to respond to disruptions;
- Possible technological solutions to better manage disruptions to virtual proceedings;
- The creation of a template standing order to simplify and standardize the procedure for judicial officers when statutory findings have been made to turn off livestreaming;
- Possible legislative amendments that include consequences for unauthorized recording or posting of livestreamed proceedings.;
- Collection of data to determine whether livestreaming creates greater opportunities for virtual courtroom disruptions;
- Possible amendments to P.A.I.R.R. Rule 3 concerning Expanded Media Coverage (EMC) and the EMC guidelines to reflect the new realities of virtual proceedings and livestreaming; and
- Possible new Supreme Court Rules or CJDs focused on maintaining the integrity and proper functioning of the judicial process in Colorado state trial courts.

COMMITMENT TO PUBLIC ACCESS

The Directive does not impact the public's access to our physical courtrooms throughout the state. The pause applies only to the presumption of livestreaming and does not affect virtual participation, Expanded Media Access under P.A.I.R.R. Rule 3, or public access to courtrooms. Judicial officers retain discretion to livestream when appropriate.

KEY POINTS

- *The pause is only temporary, specifically aimed at and necessary for the purpose of protecting constitutional rights.*
- *The Department is still committed to transparency and open access.*
- *The unauthorized use of content that is broadcast live is both common and well-documented, and it is damaging to defendants, victims, witnesses, and court staff.*
- *The pause allows the Judicial Department to put into effect specific and measurable solutions that enhance long-term access and security.*