

**SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE**

**TEMPORARY PAUSE ON LIVESTREAMED CRIMINAL COURT
PROCEEDINGS IN STATE TRIAL COURTS**

Adopted in April 2023, Chief Justice Directive (“CJD”) 23-02 provided guidance on the use of livestreaming in Colorado state trial courts, with a focus on balancing the rights of the many participants and observers involved in criminal proceedings. Shortly after the adoption of CJD 23-02, the Colorado General Assembly enacted §13-1-132, C.R.S., a provision that largely mirrors the CJD but, notably, presumptively requires livestreaming of all criminal proceedings and requires judicial officers to make certain findings before limiting or discontinuing a livestream.¹

Unfortunately, in the years since these two authorities took effect, the livestreaming technology that was intended to promote access to the courts has been subverted as a tool of disruption, disparagement, harassment, and private economic gain that is rapidly eroding the proper functioning of our system of justice.

Despite clear, consistent warnings that the recording of any livestream is strictly prohibited,² Judicial Department leadership has been flooded with reports from all corners of the state confirming that improperly recorded proceedings are being posted to YouTube, TikTok, Instagram, Facebook, and other social media platforms. The prohibition on the unauthorized recording and posting of livestreamed proceedings serves important purposes. All litigants, including criminal defendants, have constitutional rights to due process and fair trials, as well as a basic right to be treated with dignity. Victims and witnesses similarly have the right to be treated with fairness and respect throughout criminal proceedings, and to appear without the fear of intimidation, harassment, or abuse. Courts also have a constitutional obligation to maintain the integrity and fairness of court proceedings. This obligation often requires courts to order the sequestration of witnesses – orders that can be easily circumvented without detection when proceedings are livestreamed and posted on social media. The unauthorized recording and posting of livestreamed

¹ Recent amendments to §13-1-132 purport to supersede CJD 23-02. *See* H.B. 26-1134.

² “When allowing remote observation, courts shall take reasonable steps to ensure there is no audio or visual recording, including photography or screenshots of the proceedings, without explicit permission of the court.” § 13-1-132, C.R.S. Consistent with this provision, upon joining a livestream, all viewers receive a pop-up notification stating that audio and visual recording of court proceedings is strictly prohibited. Courts also prohibit in-person recording of proceedings absent prior approval.

content is undermining our trial courts' ability to uphold these essential rights and protections that are crucial to our justice system.

Rather than the serious business of justice, viewers are treating this content as entertainment. Posters are editing and manipulating the recordings to distort their content. Viewers are leaving comments that denigrate the appearance and intelligence of court participants, challenge the innocence or truthfulness of defendants, victims, and witnesses, threaten court personnel, and expose vulnerable litigants to public ridicule – behavior that would never be tolerated in a physical courtroom. Judicial Department leadership has received numerous examples of posts disparaging defendants, mocking litigants experiencing mental health crises, and even publicizing the testimony of a sexual assault victim, blurring the victim's face but including the victim's full name.

Despite the Department's repeated requests, social media platforms are unwilling to remove this improperly recorded content. Making matters worse, individuals are posting these unauthorized recordings on monetized social media channels. Put bluntly, our judicial proceedings are being exploited for personal financial gain.³ The Department is currently aware of hundreds of these posts on YouTube alone, and the number grows each day.

In addition to this activity, for the past two years, bad actors have assumed the identities of legitimate court participants to gain access to online proceedings and then repeatedly disrupt virtual court proceedings by displaying violent, pornographic, racist, and misogynistic video. This summer alone, videos have included Nazi imagery, racist rants, videos of men masturbating, and even videos of beheadings.⁴ These incidents have occurred in nearly every district and county court across Colorado, and many municipal courts as well. The disruptor issue is distinct from the livestreaming concern, and the Department is grateful to the Colorado General Assembly for its funding of new technological tools currently being piloted in two dozen courts around the state to help better manage our virtual courtroom spaces. In the meantime, however, the ready availability of information required by statute⁵ regarding livestreamed and virtual proceedings has unfortunately exacerbated these disruptions by effectively directing these bad actors who visit the

³ The Administrative Office of the Courts of Wyoming recently submitted considerations to the Wyoming Joint Judiciary Committee as the Legislature reviewed legislation similar to Colorado's § 13-1-132, C.R.S. Their memo notes that, while increased online access to the courts can have benefits, "transparency should increase trust in the courts – not expose citizens to harm" and that "courtrooms are for justice – not clicks, likes, and ad revenue." The memo can be accessed here: <https://wyoleg.gov/InterimCommittee/2026/01-2026081012-03WJB-RemotePublicAccessConsiderations.pdf> The proposed Wyoming bill expanding online access in ways similar to Colorado failed to get the votes required to be considered this session.

⁴ See <https://krdo.com/news/13-investigations/2026/07/16/colorado-virtual-court-disruptions/>

⁵ "All Colorado courts, including municipal courts, shall make any criminal court proceeding conducted in open court available for remote public viewing and listening in real time, at no charge, through an online platform, which may include a participatory web conferencing platform, and *post prominently on the court's website the links for remote observation.*" § 13-1-132(3.5)(a), C.R.S. (emphasis added).

Colorado Courts' website to the courtrooms with scheduled Webex proceedings, making those courtrooms targets for disruption.

I cannot overstate the negative effects of this activity on our courts over the past two years. Hearings and trials have been thrown into disarray, delaying routine processes and preventing the efficient administration of our system of justice. Litigants, attorneys, jurors, and court staff have been traumatized by the horrific content suddenly injected into court proceedings. Judicial officers and court staff who are already stretched for the time and resources necessary to manage their dockets report disgust at the content they've witnessed, guilt over the inability to prevent others in the courtroom or online from witnessing the disruption, and anxiety knowing another incident may occur at any time.

For all of these reasons, the current situation is unacceptable, and the Department must have time to explore more effective ways of striking a proper balance between preserving public access to our courts and upholding the dignity and integrity of our justice system.

Article III of the Colorado Constitution expressly recognizes the distribution of powers among our three branches of government. Article VI of the Colorado Constitution vests the judicial power of the state exclusively in the courts (§ 1) and gives the supreme court superintending control over all lower courts (§ 2). In addition, Article VI, section 21 of the Colorado Constitution specifically empowers the supreme court to make and promulgate rules governing the administration of all state courts, including rules governing practice and procedure in civil and criminal cases.⁶ Collectively, these provisions of the Colorado Constitution imbue the judicial branch with the inherent power to perform its constitutional function in adjudicating disputes, which includes courtroom management in conducting proceedings; maintaining decorum; and ensuring fairness, due process, protection of individual rights, and the integrity of the judicial process.

Pursuant to this constitutional authority, and as the Chief Justice and executive head of the judicial system under Article VI, section 5(2), effective today, I am ordering a 90-day statewide pause on the presumption that Colorado state trial court judges livestream criminal court proceedings.⁷ Consistent with the conditions enumerated in § 13-1-132(3.5), C.R.S., I specifically find, based on the statewide circumstances described above, that the current livestreaming environment in Colorado trial courts risks compromising defendants' rights to a fair trial and victims' and witnesses' rights to participate without fear of intimidation or abuse; risks undetected violations of sequestration orders; and presents ongoing safety and security risks for all participants in our

⁶ Well-established Colorado law holds that "rules adopted to permit courts to function and function efficiently are procedural." *People v. McKenna*, 196 Colo. 367, 371-72, 585 P.2d 275, 277 (1978); *People v. Hollis*, 670 P.2d 441, 442 (Colo.App.1983).

⁷ The Chief Justice, as the executive head of the judicial branch, has the authority to issue Chief Justice Directives to ensure uniform administration of Colorado courts. See *Office of the State Court Adm'r v. Background Info. Servs., Inc.*, 994 P.2d 420, 431 (Colo. 1999) ("The Chief Justice Directive represents an expression of Judicial Branch policy, to be given full force and effect in matters of court administration.").

judicial system. I further find that there is no less restrictive alternative at this time that preserves the public interest in remote observation while mitigating these identified risks. Nothing in this Directive is intended to prohibit those judicial officers in our trial courts who, after careful consideration of the potential benefits and risks of continued livestreaming to the effective administration of justice, determine that livestreaming is appropriate for their courtroom. Any recording of livestreamed proceedings remains strictly prohibited unless expressly authorized by the court.

This pause has no effect on virtual proceedings in Colorado. Litigants, witnesses, and victims may continue to participate by means of online video-conferencing platforms, Webex or otherwise, as permitted by § 13-1-132, C.R.S. Nothing in this Directive is intended to modify the process for Expanded Media Coverage pursuant to P.A.I.R.R. Rule 3. The public may also observe proceedings by means of such video-conferencing platforms, subject to judicial officers' discretion and the caveat that judicial officers maintain inherent constitutional authority and express statutory discretion to shut down virtual proceedings as necessary.

To be clear: the Colorado Judicial Department remains committed to providing public access to our courts. This Directive in no way affects public access to our physical courtrooms across the state. The purpose of this Directive is to provide the Department the necessary time to explore more effective solutions to both the ongoing improper recording and virtual proceedings disruptor problems in order to strike a proper balance between preserving public access to our courts and upholding the dignity and integrity of our justice system, consistent with the constitution and statute. These solutions may include additional training for judicial officers and staff, rules or CJD amendments, programming or technical changes, template orders, data collection, and suggested legislative amendments. All options, technological, legislative, procedural, administrative, and legal, are on the table, and I welcome innovation and collaboration with all stakeholders as we evaluate better ways to implement virtual proceedings and livestreaming.

As the executive head of the Colorado Judicial Department, I find this Directive necessary to protect the rights and dignity of all persons engaging with Colorado's justice system and to permit the proper and efficient functioning of our state trial courts.

CJD 26-01 is adopted effective September 15, 2026. This Directive supersedes the requirements of CJD 23-02 during the 90-day pause. This Directive will expire on December 14, 2026.

/s/

Monica M. Márquez
Chief Justice, Colorado Supreme Court