

## Commissioners question cost to expand justice in DougCo



The Douglas County Courthouse in Castle Rock. Photo by [Flickr](#)

 *By Mike McKibbin / NewsBreak Denver / Feb. 15, 2023*

**[DOUGLAS COUNTY, COLO.]** — A \$10 million price tag to form Colorado's first new judicial district in several decades is too high for two Douglas County commissioners.

And the district attorney in the 18th Judicial District considers a 165-page consultant's report that includes that estimated one-time transition cost just a starting point.

The 18th district now includes Douglas, Arapahoe, Elbert and Lincoln counties. A bill calling for a 23rd district was signed into law in March 2020. State voters overwhelmingly approved the measure last November.

As of Jan. 1, 2025, the 18th district will consist of Arapahoe County and the 23rd district will include Douglas, Elbert and Lincoln counties. It will be the first time Colorado has created a new judicial district since the 1960s.

A \$193,600 consulting services contract with CGL Cos. was approved last May, with the cost split by Douglas and Arapahoe counties. Copies of the Nov. 22, 2022, report [can be requested](#).

### **'Way too high' and 'sticker shock'**

Douglas County Commissioner Lora Thomas— a steering committee member — called the report's estimated transition cost "way too high" during a Feb. 7 work session.

"I met with some (state legislative Joint Budget Committee) panelists and they said there is no funding guaranteed" to cover those costs, she said. "I thought it would be either cost-neutral or state money."



Douglas County Commissioner Lora Thomas is a steering committee member for a new 23rd Judicial District. Photo by [Douglas County](#)

In an interview, Thomas said the JBC believes there is no legal requirement to pay the transition costs, but there is an intent.

"The state dollars for things like this are very slim, so we need to be very judicious in deciding what costs to submit to the state," she stated.

Judicial districts in Colorado are funded by member counties and the state general fund, among other sources.

Thomas added there were "things for the DA that are unrealistic" in the report's recommendations. For example, Thomas cited \$2 million for staff retention bonuses and other questionable costs.

"There's \$1.8 million for taking the case files and records and digitizing them," she said. "They haven't done that until now, so why do they need it?"

Commissioner Abe Laydon called the \$10 million figure "remarkably high." He recalled when the county began establishing its health department last year, the initial cost projection was "significant."

"I said we should try to stay under the \$2.5 million we paid (the Tri-County Health Department) and they did that," he said. "I think (the report) is a good example of growing government and costing us potentially a lot of money. So, I'm concerned with this kind of sticker shock."

Laydon added that the report included many "additional" not related to the new judicial district."

The report also noted that neither Elbert nor Lincoln counties have the administrative or financial ability to absorb significant structural changes or pay costs related to the new district's creation.

"... the DA and Douglas County ... must provide services and support to both Elbert and Lincoln counties similar to current arrangements," the report stated.

CGL claimed it was told Douglas County was committed to preventing Elbert and Lincoln counties from having to pay any transition expenses, and Douglas County would pay those expenses.

The report's estimated annual operating costs in the 18th district are about \$19.5 million and \$10.7 million in the 23rd district. Those amounts are higher for Arapahoe County but less for the other counties than this year's 18th district budget.

### **Custom-made DA offices**

In an interview, Thomas said the idea of forming a new district grew from a 2018 budget presentation by then-District Attorney George Brauchler.

"According to the numbers he presented, Douglas County was paying \$8 million but only getting \$5.5 million in resources," she recalled. "I asked him if that was correct, and he said yes. Douglas County was subsidizing the district attorney's office for Arapahoe County."

Thomas said the Arapahoe County Commissioners told her they couldn't afford to pay more to the DA's office.

"I think this will be a wonderful opportunity for Douglas, Elbert and Lincoln counties to have a district attorney's office that's more custom-made for our needs," Thomas said.

Thomas did not believe the services in the DA's office would change, but it could be revenue-neutral instead of a money loser for the county.

Douglas County has been setting aside money to help pay for forming the new district since 2019. Thomas said it already bears the office costs for the DA's office in the county justice center in Castle Rock but could see some added overhead.



John Kellner is the district attorney in the 18th Judicial District. Photo by [Douglas County GOP](#)

### **DA sees 'unique opportunity'**

John Kellner is the current district attorney in the 18th district. He took office in 2021 and his term ends in January 2025, the same year the new district is set to begin operations.

The 23rd district will elect its first DA in November 2024, with that person taking office in January 2025. So, Kellner will play a key role in making decisions regarding the DA's offices in both districts.

In an interview, Kellner said the report contained "nothing that was really surprising." He and others in his office met with the consultants and the four counties as the report was prepared.

"I think we have a unique opportunity to not just accept how things were done in the past," he said. "We can look across the board and build a new DA's office to meet our needs."

Kellner's goals are to ensure crime victims' cases proceed in court while defendants' rights are reserved and prosecutors can "hit the ground running" in 2025.

"I don't think it's a foregone conclusion that our employees will transfer over to Douglas or Arapahoe counties or that our IT department will merge with theirs," he stated of one of the report's key recommendations. "It depends on how much we can really save and what the benefits are to our employees and the counties."

Kellner added the DA's office has health care, retirement and other benefits that employees seem to like, so changing to a county's plans may be too disruptive.

"It's a question of is it a more efficient use of resources, too," he said.

## **Health department process a guide?**

Thomas said the county would look at the process of establishing its health department to help guide the new judicial district formation. However, the report noted differences between the two procedures.

"... there are impactful and important differences between the Tri-County Health transition and the judicial district transition," the report stated. "The most significant relates to the fact that the district attorney's office is not a department of any county – it is a separate entity led by an elected DA who has specified statutory authority over the structure and operation of his/her office. Therefore, the relationship between the DA's offices and each county ... has fundamental differences from a county health department."

Kellner said the report is "not set in stone."

"It can help make sure we have everyone on the same page at the start, but what they say in there is not necessarily the way things will end up," he added.

The formation process is expected to begin in earnest this spring with the appointment of a chief district court judge in the 23rd district, Thomas said.