



Arapahoe County

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Board Summary Report

File #: 26-039

Agenda Date: 1/20/2026

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To: Board of County Commissioners

Through: Amy Padden, District Attorney, 18th Judicial District

Prepared By:

Amy Padden, District Attorney, 18th Judicial District

Presenter: Amy Padden, District Attorney, 18th Judicial District

Subject:

1:15 PM *2026 DA's Office Budget Requests

Purpose and Request:

In The purpose of the study session is to give the BOCC an analysis and supporting information regarding two budget items that were not approved by the EBC and thus not included in the 2026 budget. These items were both identified in an October 17, 2025 memo to the BOCC, and DA Padden and ADA Brackley attended the October 20th Study Session to address these issues. However, given that the BOCC was reviewing the budget for the entire county at that meeting, there was not time to discuss these requests in much detail. Accordingly, this additional Study Session was scheduled for January 20, 2026, to allow for additional discussion of these issues, and we appreciate the opportunity to address these two very important priorities in more detail with the Commissioners:

1. The creation of a Conviction (or Justice) Integrity Unit
2. Budget requests for our intern program and other temporary employees.

Alignment with Strategic Plan: Good Governance - Plan for future service, infrastructure, and fiscal needs.

Background and Discussion:

Conviction Integrity Unit: Ensuring that individuals have been treated fairly throughout our criminal justice process is a key component of criminal justice reform and restoring community confidence in the system. DA Padden has been committed to establishing a conviction integrity unit and had planned to apply for federal grants last year for such a program; however, those grants are no longer available under the new federal administration.

Wrongful convictions reduce community safety and confidence in the criminal justice system. When a wrongful conviction happens, not only is an innocent person prosecuted for a crime they did not commit, but a guilty person has walked free and remains in our community. Prosecutors have a duty to ensure wrongful convictions are corrected and procedures and policies are implemented to reduce the risk of future wrongful convictions. (See ABA Model Rule of Professional Responsibility 3.8 (i)-(k).) These reviews improve the criminal justice process by providing learning opportunities to identify the factors that led to that error, learn from them, and change policies to prevent those errors from

recurring.

This unit will focus on claims of actual innocence, as well as claims of disparate sentencing. For this reason, we may title the unit the Justice Integrity Unit, as it will go beyond just reviewing the conviction itself.

Currently in the office, post-trial requests are handled by our Appellate unit, which consists of 4 attorneys. These attorneys handle all the appeals in the office.

Independence is key to an effective and transparent Conviction Integrity Unit. Reviewing cases of old convictions is a difficult task to undertake, and one fraught with emotion and deeply held beliefs about the outcome. A unit apart from other units within the DA's office and led by an attorney with diverse experience who reports directly to the Elected DA are some of the hallmarks of an independent unit.

Such a unit can ultimately save time and resources by identifying post-conviction motions that are meritorious and thus warrant a review of a sentence rather than litigating against such a review. They can also identify past issues during trials upon which we can base attorney training.

To fully staff such a unit, we requested 4 FTEs:

1. Experienced attorney (DDA III or IV), preferably with defense as well as prosecution experience
2. Paralegal
3. Investigator
4. Victim Witness advocate

However, we could launch the unit with two FTEs - attorney and paralegal, for a total cost of \$277,637. Cost projections are included as an attachment.

There was no separate line item for temporary employees in the prior budgets. However, our interns and temporary employees are key to the operation of our County Court as well as ensure that we can meet varying case demands, such as discovery of body worn camera footage and other electronic media.

Internship program needs: As explained in more detail in the attachment to this memo, we have a vibrant student internship program in which third year law students can practice law - i.e., appear in court - under the state's Student Practice Act ("SPA").

- 3L SPA interns handle traffic and misdemeanor cases under the supervision of licensed attorneys.
- Interns help handle dockets, argue motions, and engage in all aspects of trial work.
- They also research and respond to defense motions, prepare motions for the People, and work closely with victims, witnesses, and defense counsel.
- They are crucial to staffing Division 101, which is our first appearance for traffic and other minor offenses.
- This internship provides extensive courtroom experience and training, preparing interns for a future career as prosecutors. It also provides important coverage for the court appearances referenced above.
- Once they take the bar, an intern can be appointed as Temporary DDAs (TeDDAs) and then can be sworn in as a DDA once they have passed the bar.

- This is a critical recruiting tool for us to bring new attorneys into the office. For example, we had interns who became TeDDAs in the summer of 2025. When the bar results were released in late September, we had a total of 5 TeDDAs. All five passed the bar, and we were able to slot them into the 5 new DDA FTEs we were given for the Aurora muni DV transition. They have already been trained and can hit the ground running.
- This program has existed since long before the split, but there was not a specific line item for temporary employee needs.
- In addition, we are bringing back the Appeals Internship Program, which focuses on second-year law students (who are not yet eligible to practice under the Student Practice Act).
 - The Appeals interns focus on appellate-level legal work, including conducting detailed research, drafting briefs, and reviewing trial records to identify legal issues. They assist in preparing motions, postconviction relief filings, and oral argument outlines.
 - This is also a great recruiting tool. Some of our current senior attorneys are alumni of this program.

We also occasionally have employees off for extended periods, such as FMLA, and we need to be able to hire temps to ensure that the work is done within our statutory deadlines.

Finally, for two of the FTEs we initially requested in our budget requests to process increased body worn camera footage, we discussed with the EBC and ultimately decided that we can cover those needs with temporary employees. That will give us additional flexibility if we are able to obtain additional efficiencies in processing that discovery.

Alternatives: The Board has the following alternatives:

1. Continue the practice of having appellate lawyers review requests that would go to the CIU. This is not a sustainable practice in our view for the reasons set forth above. For example, we have assigned a recent clemency petition to one of our specialty units, which will likely also require some direct involvement from DA Padden and/or ADA Brackley because of workload issues.
2. Discontinue our intern program, which would disrupt the orderly processes of County Court, including reducing the staffing in Division 101. This will result in longer court wait times for residents attempting to resolve traffic offenses and other minor issues and potentially greater costs of cases needing to be reset and heard beyond the first appearance date. And ending our internship program would impact our ability to hire entry level attorneys and require extra training of them

Fiscal Impact: Conviction integrity request would be an annual cost of \$277,637 with a full-time paralegal or \$202,544 with a temporary paralegal. The proposed budget for temporary employees is \$200,000.

Alignment with Strategic Implementation Strategies: Not provided.

Staff Recommendation: Staff recommends approval of this request.

Concurrence: N/A

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