

JOINT BUDGET COMMITTEE



SUPPLEMENTAL BUDGET REQUESTS FY 2018-19

DEPARTMENT OF PUBLIC SAFETY (Colorado State Patrol and Colorado Bureau of Investigation)

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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DEPARTMENT OF PUBLIC SAFETY

DEPARTMENT OVERVIEW

The Department of Public Safety consists of five operating divisions and the Executive Director's Office (EDO). This Supplemental Budget Request document focuses on two divisions, the Colorado State Patrol and the Colorado Bureau of Investigation.

- The mission of the **Colorado State Patrol** is “to ensure a safe and secure environment for all persons by utilizing the strengths of our members to provide professional law enforcement services that reflect our Core Values of Honor, Duty and Respect.” The CSP facilitates motor vehicle traffic and enforces all applicable laws on the State’s 9,100 miles of state and federal highways and 57,000 miles of county roadways. State Troopers provide critical functions related to commercial motor vehicle safety, hazardous materials routing and rule making, communications and dispatch, emergency response, investigative services, victims’ assistance, and capitol complex security. Port of Entry officers collect fuel taxes and registration fees and ensure compliance with statutory weight and size restrictions for commercial vehicles. The CSP also operates a number of special educational and training programs to advance its mission including, but not limited to, the following: “Our Family Protecting Yours Since 1935” campaign, the First Responder Safety Task Force, the Colorado State Patrol Education Program, and the Colorado State Patrol Youth Academy.
- The primary mission of the **Colorado Bureau of Investigation** is “to respond to requests from Sheriffs, Police Chiefs, District Attorneys, other state agencies, and the Governor on a 24 hour x 7 days per week basis to assist in the detection, investigation, and enforcement of Colorado criminal laws.” CBI agents, assigned to three regional offices in Denver, Pueblo and Grand Junction are responsible for assisting state and local law enforcement in investigating crime and enforcing criminal laws. The CBI also operates the state’s forensic laboratory system, where forensic scientists conduct the state’s toxicology program, DNA program, and other scientific analysis in three main facilities across the state. The CBI Identification Unit maintains fingerprint records, conducts background checks for 67 different vocational licenses, and maintains criminal history information for Colorado law enforcement agencies and the FBI’s national criminal history database. The CBI InstaCheck Unit is responsible for background checks for firearms transfers and sales and for conducting background checks related to Concealed Handgun Permits (CHPs). Finally, the CBI Crime Information Management Unit oversees the statewide crime-reporting program including the State’s Sex Offender Registry.

SUMMARY: FY 2018-19 APPROPRIATION AND RECOMMENDATION

DEPARTMENT OF PUBLIC SAFETY: COLORADO STATE PATROL AND COLORADO BUREAU OF INVESTIGATION RECOMMENDED CHANGES FOR FY 2018-19						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2018-19 APPROPRIATION						
HB 18-1322 (Long Bill)	\$203,366,005	\$25,829,965	\$156,511,225	\$14,091,303	\$6,933,512	1,440.1
Other legislation	491,822	0	370,074	121,748	0	2.8
CURRENT FY 2018-19 APPROPRIATION:	\$203,857,827	\$25,829,965	\$156,881,299	\$14,213,051	\$6,933,512	1,442.9
RECOMMENDED CHANGES						
Current FY 2018-19 Appropriation	\$203,857,827	25,829,965	\$156,881,299	\$14,213,051	\$6,933,512	1,442.9
S1 Black market marijuana interdiction	397,068	0	397,068	0	0	0
S2 Safe2Tell communications officer transfer*	(13,365)	0	0	(13,365)	0	(0.1)
RECOMMENDED FY 2018-19 APPROPRIATION:	\$204,241,530	\$25,829,965	\$157,278,367	\$14,199,686	\$6,933,512	1,442.8
RECOMMENDED INCREASE/(DECREASE)	\$383,703	\$0	\$397,068	(\$13,365)	\$0	(0.1)
Percentage Change	0.2%	0.0%	0.3%	(0.1%)	0.0%	(0.0%)
FY 2018-19 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

*Represents the requested appropriation change, not the staff recommendation. The recommendation for this supplemental request item was addressed in a separate staff recommendation for the Department of Public Safety presented by JBC Staff on January 16, 2019.

REQUEST/RECOMMENDATION DESCRIPTIONS

S1 BLACK MARKET MARIJUANA INTERDICTION FUNDING (CBI): The Department requests \$397,068 from the Marijuana Tax Cash Fund in FY 2018-19 for one-time capital equipment expenditures, vehicle lease costs, and variable mileage expenses for black market marijuana interdiction throughout Colorado. In FY 2019-20, there is an associated budget amendment totaling \$14,508 for operating expenses to cover the annualized costs related to the vehicle lease and mileage expense portions of the supplemental request. Staff recommends that the Committee approve the request.

S2 SAFE2TELL COMMUNICATIONS OFFICER TRANSFER (CSP): The Department request includes a decrease of \$13,365 reappropriated funds and 0.1 FTE for FY 2018-19 to support the transfer of resources from the CSP Communications Program to the Division of Homeland Security and Emergency Management (DHSEM) to fully integrate the Safe2Tell Unit in the DHSEM Watch Center. *The recommendation for this request item was provided to the Committee in a separate staff presentation made by Christina Beisel on January 16th. Staff will incorporate the Committee's action into the supplemental bill for the Department of Public Safety.*

PRIORITIZED SUPPLEMENTAL REQUESTS

S1 BLACK MARKET MARIJUANA INTERDICTION FUNDING

	REQUEST	RECOMMENDATION
TOTAL	\$397,068	\$397,068
FTE	0.0	0.0
General Fund	0	0
Cash Funds	\$397,068	\$397,068
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests \$397,068 from the Marijuana Tax Cash Fund in FY 2018-19 for one-time capital equipment expenditures, vehicle lease costs, and mileage expenses for black market marijuana interdiction throughout Colorado. These equipment needs and expenses were not anticipated when the current year budget request was initially developed. There is an associated budget amendment totaling \$14,508 Marijuana Tax Cash Fund in FY 2019-20 for operating expenses to cover the annualized costs related to the vehicle lease and mileage expense portions of this supplemental request.

STAFF RECOMMENDATION: Staff recommends that the Committee approve the Department’s request for FY 2018-19.

STAFF ANALYSIS:

BACKGROUND

In FY 2018-19, the Colorado Bureau of Investigation (CBI) received a \$1,093,470 appropriation from the Marijuana Tax Cash Fund and 8.0 FTE (Decision item R7) to create a new, Black Market Marijuana Interdiction Unit to assist local law enforcement agencies investigate and eradicate illegal marijuana growing operations. This new Unit includes six CBI agents, one agent-in-charge, and one analyst/administrative assistant. Since its inception in July 2018, this Unit has quickly become an active and effective counter-measure against illegal marijuana growing activity in Colorado. In collaboration with local law enforcement throughout the State, the Unit has assisted in and/or led efforts that have resulted in the seizure of 11,316 marijuana plants, 9,000 pounds of marijuana plants, 1,717 pounds of processed bulk marijuana, 12.5 pounds of marijuana oils/concentrates, 26 firearms, and nearly \$1 million in cash. These efforts have also led to the arrest of eight individuals in connection with a large outdoor marijuana growing operation in Delta County.

PROBLEM

According to Police Chiefs, Sheriffs, and the DEA, black market marijuana operations – including the cultivation, distribution, and exportation of marijuana – continue to be a serious problem throughout Colorado, especially in rural communities. In the short time that the new CBI Black Market Unit has

been operational, it has become apparent that many rural law enforcement agencies do not have the infrastructure needed to store large quantities of plant materials in evidence vaults that feature proper environmental controls or to dismantle these illegal sites properly. In addition, large-scale illegal growing operations expose investigators to hazardous chemicals and materials that require specialized officer safety equipment.

PROPOSED SOLUTION

To address these issues, the Department requests \$397,068 cash funds from the Marijuana Tax Cash Fund in FY 2018-19 and \$14,508 cash funds for FY 2019-20 and beyond. The request would provide funding for the equipment needed to properly destroy illegal marijuana plants and dismantle illegal marijuana growing operations, and for operating expenses as detailed below.

S1 Black Market Marijuana Interdiction: Supplemental Request Cost Detail		
Item	FY 2018-19	FY 2019-20
Evidence tow trailers	\$52,687	-
Investigative and officer safety equipment	102,736	-
Crime scene processing	73,288	-
Mobile incinerators	159,000	-
Vehicle lease costs	762	3,048
Mileage expenses	8,595	11,460
Total	\$397,068	\$14,508

- **Evidence tow trailers.** The request includes \$52,687 for two trailers that are needed to transport large quantities of plant materials from remote locations to secure storage or destruction facilities.
- **Investigative and officer safety equipment.** The request includes \$102,736 for personal equipment such as flashlights, ballistic helmets, gloves, mobile radios, cameras, self-contained breathing apparatus (SCBA), and powered air-purifying respirator (PAPR) devices.
- **Crime scene processing.** The request includes \$73,288 for cordless tools, shovels, picks, fire extinguishers, gas monitors, large canopy tents, and reagent test kits.
- **Mobile incinerators.** The request includes \$159,000 for three mobile incinerators that will allow the CBI Unit to destroy the seized plants on-site and maintain Environmental Protection Agency (EPA) health and safety standards when disposing hazardous materials. These incinerators require EPA compliance and cost approximately \$53,000 each.
- **Vehicle lease costs.** The request includes \$762 for vehicle lease expenses in FY 2018-19 due to the need to upgrade two, small SUV 4x4 vehicles to two, 1-ton 4x4 trucks with diesel engines. The Department estimates the monthly lease rate for each vehicle will increase \$127. The \$762 cost for FY 2018-19 is based on three months of incremental cost for two vehicles.
- **Mileage expenses.** The request also includes \$8,595 to support increased mileage expenses due to a revised estimate of 25,000 miles driven per year for six of the Unit’s vehicles, instead of the originally estimated 15,000 miles. Using the variable mileage rate of \$0.191 per mile, and the additional 10,000 miles per vehicle, this increase results in an increased cost of \$8,595 in FY 2018-19 and a continuation cost of \$11,460 in FY 2019-20.

*JBC Staff Supplemental Recommendations - FY 2018-19
Staff Working Document - Does Not Represent Committee Decision*

Appendix A: Number Pages

	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2018-19 Requested Change	FY 2018-19 Rec'd Change	FY 2018-19 Total w/Rec'd Change
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DEPARTMENT OF PUBLIC SAFETY
Stan Hilkey, Executive Director

S1 Black market marijuana interdiction

(5) COLORADO BUREAU OF INVESTIGATION

(A) Administration

Vehicle Lease Payments	<u>364,978</u>	<u>377,593</u>	<u>762</u>	<u>762</u>	<u>378,355</u>
General Fund	337,235	303,962	0	0	303,962
Cash Funds	4,374	48,666	762	762	49,428
Reappropriated Funds	23,369	24,716	0	0	24,716
Federal Funds	0	249	0	0	249

(5) COLORADO BUREAU OF INVESTIGATION

(C) Laboratory and Investigative Services

Operating Expenses	<u>5,741,650</u>	<u>6,691,961</u>	<u>396,306</u>	<u>396,306</u>	<u>7,088,267</u>
General Fund	4,904,600	4,893,613	0	0	4,893,613
Cash Funds	732,849	1,654,571	396,306	396,306	2,050,877
Reappropriated Funds	104,201	143,777	0	0	143,777
Federal Funds	0	0	0	0	0

Total for S1 Black market marijuana interdiction	6,106,628	7,069,554	397,068	397,068	7,466,622
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	5,241,835	5,197,575	0	0	5,197,575
Cash Funds	737,223	1,703,237	397,068	397,068	2,100,305
Reappropriated Funds	127,570	168,493	0	0	168,493
Federal Funds	0	249	0	0	249

JBC Staff Supplemental Recommendations - FY 2018-19
Staff Working Document - Does Not Represent Committee Decision

	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2018-19 Requested Change	FY 2018-19 Rec'd Change	FY 2018-19 Total w/Rec'd Change
Totals Excluding Pending Items					
PUBLIC SAFETY					
TOTALS for ALL Departmental line items	496,545,651	512,902,340	397,068	397,068	513,299,408
<i>FTE</i>	<u>1,752.2</u>	<u>1,854.3</u>	<u>0.0</u>	<u>0.0</u>	<u>1,854.3</u>
General Fund	123,618,286	183,106,198	0	0	183,106,198
Cash Funds	233,271,292	216,527,076	397,068	397,068	216,924,144
Reappropriated Funds	34,509,550	43,430,450	0	0	43,430,450
Federal Funds	105,146,523	69,838,616	0	0	69,838,616