



Colorado General Assembly
Joint Budget Committee

JOINT BUDGET COMMITTEE STAFF FY 2017-18 BUDGET BRIEFING SUMMARY *Judicial Branch*

The Judicial Department interprets and administers the law, resolves disputes, and supervises adult and juvenile offenders on probation. The Judicial Branch also includes six independent agencies. The four largest agencies provide legal representation for children, juveniles, or indigent adult defendants in certain types of cases. The Independent Ethics Commission provides advice and guidance on ethics-related matters concerning public officers, members of the General Assembly, local government officials, and government employees. The Office of the Child Protection Ombudsman receives, investigates, and seeks resolution of complaints concerning child protection services and makes recommendations to improve such services. The Department's FY 2016-17 appropriation represents approximately 2.5 percent of statewide operating appropriations and 4.9 percent of statewide General Fund appropriations.

FY 2016-17 APPROPRIATION AND FY 2017-18 REQUEST

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2016-17 APPROPRIATION:						
HB 16-1405 (Long Bill)	\$690,115,303	\$486,631,108	\$164,813,980	\$34,245,215	\$4,425,000	4,610.7
Other legislation	(124,039)	(302,212)	178,173	0	0	4.4
TOTAL	\$689,991,264	\$486,328,896	\$164,992,153	\$34,245,215	\$4,425,000	4,615.1
FY 2017-18 APPROPRIATION:						
FY 2016-17 Appropriation	\$689,991,264	486,328,896	\$164,992,153	\$34,245,215	\$4,425,000	4,615.1
JUD R1 Courthouse capital and infrastructure maintenance	1,919,800	1,919,800	0	0	0	0.0
JUD R2 Language access caseload and contractor rate increase	879,218	879,218	0	0	0	0.0
OSPD R1 Deferred support staff	1,118,718	1,118,718	0	0	0	21.3
OSPD R2 Mandated and electronic data management expenses	585,831	585,831	0	0	0	0.0
OSPD R3 New criminal judge in the 12th judicial district	121,653	121,653	0	0	0	1.6
OSPD R4 Vehicles	(2,282)	(2,282)	0	0	0	0.0
OADC R1 OADC Salary survey	108,122	108,122	0	0	0	0.0
OADC R2 Increase training cash funds spending authority	40,000	0	40,000	0	0	0.0
OCR R1 Caseload/workload adjustment	281,689	281,689	0	0	0	0.0
OCR R2 Case management/billing system replacement	803,000	803,000	0	0	0	0.0
OCR R3 El Paso county office lease/move	16,408	16,408	0	0	0	0.0
OCR R4 Increase staff attorney FTE	41,914	41,914	0	0	0	0.4
OCR R5 Increase operating expenditures	24,780	24,780	0	0	0	0.0
ORPC R1 Conversion to hourly billing	785,902	785,902	0	0	0	0.0
ORPC R2 Increase in case filings	2,671,199	2,671,199	0	0	0	0.0
OCPO R1 OCPO Staff and salaries	147,755	147,755	0	0	0	1.4

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
CDAC R1 District attorney mandated costs	67,420	67,420	0	0	0	0.0
NP1 Annual fleet vehicle request	(9,721)	(9,721)	0	0	0	0.0
NP2 OIT Secure Colorado	473,354	473,354	0	0	0	0.0
Centrally appropriated line items	21,743,433	20,826,417	917,016	0	0	0.0
Indirect cost assessment	55,998	(55,998)	42,157	69,839	0	0.0
Fund source adjustment	0	(102,160)	0	102,160	0	0.0
Annualize prior year budget actions	(11,291,768)	(2,345,094)	(8,946,674)	0	0	0.5
Annualize SB 14-190 (Statewide discovery sharing system)	(782,638)	(782,638)	0	0	0	0.0
Annualize other prior year legislation	(293,731)	(342,203)	48,472	0	0	0.5
Other	181,011	341	163,151	17,519	0	0.0
TOTAL	\$709,678,329	\$513,562,321	\$157,256,275	\$34,434,733	\$4,425,000	4,640.8
INCREASE/(DECREASE)	\$19,687,065	\$27,233,425	(\$7,735,878)	\$189,518	\$0	25.7
Percentage Change	2.9%	5.6%	(4.7%)	0.6%	0.0%	0.6%

GENERAL NOTE: The descriptions of prioritized requested changes in the above table indicate the source of the request. Specifically:

- "JUD" indicates a request submitted by the Chief Justice concerning courts or probation programs;
- "OSPD" indicates a request submitted by the Office of the State Public Defender;
- "OADC" indicates a request submitted by the Office of the Alternate Defense Counsel;
- "OCR" indicates a request submitted by the Office of the Child's Representative;
- "ORPC" indicates a request submitted by the Office of the Respondent Parents' Counsel;
- "OCPO" indicates a request submitted by the Office of the Child Protection Ombudsman;
- "IEC" indicates a request submitted by the Independent Ethics Commission; and
- "CDAC" indicates a request submitted by the Colorado District Attorneys' Council.

Requests from Judicial Department (Courts/Probation)

JUD R1 COURTHOUSE CAPITAL AND INFRASTRUCTURE MAINTENANCE: The request includes \$1,919,800 General Fund to fulfill the State's responsibility for court facilities, including:

- \$809,000 for courtroom phone systems, court docketing systems, and courtroom information technology infrastructure;
- \$654,000 for courtroom audiovisual equipment; and
- \$456,800 for new furnishings and to replace or refurbish existing furniture that is no longer usable.

JUD R2 LANGUAGE ACCESS CASELOAD AND CONTRACTOR RATE INCREASE: The request includes an increase of \$879,218 General Fund for language interpreter services for individuals who are not proficient in English, including \$602,611 for increases in the number of court proceedings requiring such services; and \$276,607 to increase by \$5.00 the hourly rate for independent contract court interpreters.

Requests from Office of the State Public Defender (OSPD)

OSPD R1 DEFERRED SUPPORT STAFF: The request includes an increase of \$1,118,718 General Fund to add 21.3 FTE investigators, paralegals, and administrative staff to improve the ratio of support staff to attorneys.

OSPD R2 MANDATED AND ELECTRONIC DATA MANAGEMENT EXPENSES: The request includes an increase of \$585,831 General Fund, including:

- \$469,585 to adjust the Mandated Costs appropriation based on recent caseload increases; and
- A one-time appropriation of \$116,246 to acquire the hardware and software necessary to receive and manage the electronic discovery that will be made available through the new Statewide Discovery Sharing System.

OSPD R3 NEW CRIMINAL JUDGE IN THE 12TH JUDICIAL DISTRICT: The request includes an increase of \$121,653 General Fund for 1.6 FTE to address the workload impact of adding a new district court judge in the 12th judicial district (H.B. 15-1034) and the subsequent decisions to reallocate criminal cases and add a new adult criminal drug court in this jurisdiction.

OSPD R4 VEHICLES: The request includes a reduction of \$2,282 General Fund based on a proposal to increase the OSPD fleet of state-owned vehicles by four (from 26 to 30). The request includes an increase of \$5,552 for Vehicle Lease Payments and a decrease of \$7,834 for Operating Expenses (for employee mileage reimbursements).

Requests from Office of the Alternate Defense Counsel (OADC)

OADC R1 SALARY SURVEY: In addition to the funding requested to increase all employee salaries by 2.5 percent, the OADC requests \$108,122 General Fund to adjust the salaries of four employees.

OADC R2 INCREASE TRAINING CASH FUNDS SPENDING AUTHORITY: The OADC requests a \$40,000 increase in its cash funds spending authority for Training and Conferences (from \$40,000 to \$80,000). The OADC indicates that it will use the additional funding to expand and enhance training opportunities for attorneys, investigators, paralegals, and social workers.

Requests from Office of the Child's Representative (OCR)

OCR R1 CASELOAD/WORKLOAD ADJUSTMENT: The request includes an increase of \$281,689 General Fund to align the appropriation with the projected caseload and workload for state-paid court-appointed counsel. Primarily this request is based on a projected increase in the number of dependency and neglect cases and an increase in the workload required in juvenile delinquency cases.

OCR R2 CASE MANAGEMENT/BILLING SYSTEM REPLACEMENT: The request includes \$803,000 General Fund to replace the OCR case management and billing system.

OCR R3 EL PASO COUNTY OFFICE LEASE/MOVE: The request includes \$16,408 General Fund to relocate the El Paso county office to a smaller but more efficient space that is closer to the courthouse.

OCR R4 INCREASE STAFF ATTORNEY FTE: The request includes \$41,914 General Fund to convert a part-time (0.65 FTE) Staff Attorney position to a full time position.

OCR R5 INCREASE OPERATING EXPENDITURES: The request includes \$24,780 General Fund to acquire licenses to a commercial legal research tool for court-appointed counsel.

Requests from Office of the Respondent Parents' Counsel (ORPC)

ORPC R1 CONVERSION TO HOURLY BILLING: The request includes an increase of \$785,902 General Fund to convert to a consistent hourly payment system, eliminating flat fee payments to attorneys in eight jurisdictions.

ORPC R2 INCREASE IN CASE FILINGS: The request includes an increase of \$2,671,199 General Fund to address a projected increase in the number of case filings and related court appointments of counsel. This request includes \$2,631,720 for Court-appointed Counsel and \$39,479 for Mandated Costs.

Requests from Office of the Child Protection Ombudsman (OCPO)

OCPO R1 OCPO STAFF AND SALARIES: The request includes an increase of \$147,755 General Fund for staffing and salary increases, including: \$84,649 to add 1.0 FTE Child Protection System’s Analyst, \$48,716 to convert a half-time Communications Director to a full-time position, and \$14,390 to increase the salary of the Child Protection Ombudsman.

Requests from the Colorado District Attorneys' Council

CDAC R1 DISTRICT ATTORNEY MANDATED COSTS: The request includes an increase of \$67,420 General Fund (2.8 percent) to reimburse district attorneys for costs incurred for prosecution of state matters. *[For more information, see Appendix C, Judicial request for information #3.]*

Other Changes Requested by Judicial Agencies

NP1 ANNUAL FLEET VEHICLE REQUEST: The request includes a decrease of \$9,721 General Fund for anticipated changes in annual payments to the Department of Personnel for fleet vehicles used by court, probation, and Office of the State Public Defender staff.

NP2 OIT SECURE COLORADO: The request includes an increase of \$473,354 General Fund for the Judicial Branch share of funding for an initiative related to the State’s cybersecurity program known as “Secure Colorado”.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes \$21,743,433 total funds (including \$20,826,417 General Fund) related to employee benefits and other centrally appropriated line items. This total amount is comprised of the following elements:

- \$12,760,665 total funds for salary increases to be awarded in FY 2017-18, including:
 - \$8,039,916 for a 2.5 percent across-the-board salary increases for all Branch employees;
 - \$2,348,229 to align salary ranges for several Judicial Department employee classifications with the market;
 - \$2,102,297 to increase the salaries of all judges and justices by an additional 3.15 percent *[for information about proposed salary increases for justices and judges, see the second issue brief and Appendix C, Long Bill footnote #56]*; and
 - \$270,223 to increase by an additional 3.15 percent the salaries of certain Judicial Department staff whose salaries are benchmarked to judicial officer salaries.
- \$4,368,564 total funds for various types of insurance (health, life and dental; short-term disability; workers' compensation; and risk management and property funds);
- \$2,365,211 total funds for supplemental PERA payments;
- \$2,176,210 General Fund for payments to other state agencies for information technology services and for the CORE system;
- \$45,430 General Fund for leased space adjustments; and
- \$27,353 General Fund for the purchase of legal services.

INDIRECT COST ASSESSMENT: The request includes an increase of \$55,998 in the Department’s indirect cost assessments (including \$42,157 cash funds and \$13,841 reappropriated funds). This increase in indirect cost assessments is then applied to offset the need for General Fund in the Courts Administration section.

FUND SOURCE ADJUSTMENT: The request reflects a \$102,160 increase in the leased space payments paid by tenants within the Ralph L. Carr Colorado Judicial Center (reappropriated funds), which allows for a \$102,160 decrease in the General Fund share of Carr Center debt service payments.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a decrease of \$11,291,768 (including decreases of \$2,345,094 General Fund and \$8,946,674 cash funds) and an increase of 0.5 FTE to reflect the FY 2017-18 impact of the following FY 2016-17 budget decisions:

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL	GENERAL FUND	CASH	REAPPROPRIATED FUNDS	FEDERAL	FTE
FY 2016-17 JUD R1 Information security and supervisor staff, server replacement, and disaster recovery	(\$6,593,764)	\$36,559	(\$6,630,323)	\$0	\$0	0.5
FY 2016-17 JUD R2 Courthouse capital and infrastructure maintenance	(4,692,351)	(2,376,000)	(2,316,351)	0	0	0.0
FY 2016-17 OADC R2 Social worker coordinator	(5,653)	(5,653)	0	0	0	0.0
TOTAL	(\$11,291,768)	(\$2,345,094)	(\$8,946,674)	\$0	\$0	0.5

ANNUALIZE SB 14-190 (STATEWIDE DISCOVERY SHARING SYSTEM): The request includes a decrease of \$782,638 General Fund for the first full year of operating the statewide discovery sharing system. This system will enable the sharing and transfer of information electronically between law enforcement agencies, district attorneys' offices, and defense attorneys. As this system is implemented in each judicial district, the defense is no longer required to reimburse district attorneys for duplicating discoverable materials. The request thus reflects the shift of \$1,156,530 General Fund from existing appropriations for state agencies to reimburse district attorneys to support the discovery sharing system. The request also includes an offsetting increase of \$373,892 for the ongoing operations of the statewide discovery sharing system and the associated ACTION case management system. *[For information about this project, see the first issue brief.]*

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a decrease of \$293,731 total funds (including a decrease of \$342,203 General Fund and an increase of \$48,472 cash funds) and an increase of 0.5 FTE, to reflect the FY 2017-18 impact of legislation that was passed in previous legislative sessions, including the following acts:

Annualize Prior Year Legislation						
	Total	General Fund	Cash	Reappropriated Funds	Federal	FTE
SB 08-054 Judicial performance evaluations	\$30,000	\$0	\$30,000	\$0	\$0	0.0
SB 16-116 Alternate process for sealing criminal records	18,472	0	18,472	0	0	0.5
SB 14-203 and HB 15-1149 Office of Respondent Parents' Counsel	(337,500)	(337,500)	0	0	0	0.0
SB 16-102 Repeal certain mandatory minimum sentences	(4,703)	(4,703)	0	0	0	0.0
TOTAL	(\$293,731)	(\$342,203)	\$48,472	\$0	\$0	0.5

OTHER: The request includes several relatively small changes totaling \$181,011, including:

- An increase in the cost of security services provided by the Colorado State Patrol for the Ralph L. Carr Colorado Judicial Center;
- An increase in the amount of federal Title IV-E funds available to the OCR (an amount that is reflected in the budget as reappropriated funds for informational purposes only);
- A scheduled increase in the annual debt service payment for the Carr Center; and
- An inflationary increase in payments to exonerated persons.

SUMMARY OF ISSUES PRESENTED TO THE JOINT BUDGET COMMITTEE

IMPLEMENTATION OF A STATEWIDE DISCOVERY SHARING SYSTEM: Current law requires the Colorado District Attorneys' Council to implement the new a statewide discovery sharing system by July 1, 2017. The system is being implemented reasonably close to the planned dates. The Supreme Court needs to modify its rules of criminal procedure to eliminate the ability for the prosecution to seek reimbursement for the costs of providing discoverable materials.

ESTABLISHING JUDGE AND JUSTICE SALARIES: The budget request submitted by the Chief Justice for FY 2017-18 includes funding to increase all judicial officer salaries by 5.73 percent.

JUDICIAL PERSONNEL SYSTEMS AND THE INDEPENDENT AGENCIES: This issue brief provides an overview of the six independent judicial agencies that have been established by the General Assembly, and describes the judicial personnel system and the various processes that are currently used to evaluate and approve salary adjustments for various types of judicial employees.

COURT CASE FILINGS AND WORKLOAD: This issue brief discusses recent changes in the number of cases filed in county and district courts and in the associated workload for judicial officers and court staff.

PROBLEM-SOLVING COURTS: This issue brief provides an overview of Colorado's problem-solving courts and the resources that support these courts.

FOR MORE INFORMATION

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TO READ THE ENTIRE BRIEFING: http://leg.colorado.gov/sites/default/files/fy2017-18_judbrf.pdf