

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2022-23

JUDICIAL BRANCH

Courts and Probation
and
Independent Agencies

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

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HOW TO USE THIS DOCUMENT

The Department Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Department Overview. More details about the incremental changes are provided in the sections following the Department Overview and the division summary tables.

Decision items, both department-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

JUDICIAL BRANCH OVERVIEW

One of three branches of Colorado state government, the Judicial Branch primarily interprets and administers the law and resolves disputes. The state court system consists of the Colorado Supreme Court, the Colorado Court of Appeals, district courts, the Denver probate and juvenile courts, and all county courts except the Denver county court. Municipal courts and Denver's county court are not part of the state court system and are funded by their respective local governments. The Judicial Branch also supervises juvenile and adult offenders who are sentenced to probation.

The Judicial Branch also includes the following independent agencies:

- The *Office of the State Public Defender* (OSPD) provides legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. The OSPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices. The OSPD employs about 875 individuals including attorneys, investigators, and support staff.
- The *Office of Alternate Defense Counsel* (OADC) oversees the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child's Representative* (OCR) oversees the provision of legal representation to children and youth involved in the court system, primarily due to abuse, neglect, or delinquency. Generally, the Office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Respondent Parents' Counsel* (ORPC) oversees the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child Protection Ombudsman* (OCPO) serves as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system.
- The *Independent Ethics Commission* (IEC) hears complaints, issues findings, assesses penalties, and issues advisory opinions on ethics-related matters concerning public officers, state legislators, local government officials, or government employees.
- The *Office of Public Guardianship* (OPG) is a pilot program that provides legal guardianship services for incapacitated and indigent adults in Denver who have no other guardianship prospects.

SUMMARY OF STAFF RECOMMENDATIONS

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$850,125,537	\$622,293,390	\$169,865,434	\$53,541,713	\$4,425,000	4,996.1
HB 22-1176 (Supplemental)	5,540,408	(3,748,761)	9,131,817	157,352	0	2.9
Other legislation	7,260,253	1,915,621	5,344,632	0	0	10.9
TOTAL	\$862,926,198	\$620,460,250	\$184,341,883	\$53,699,065	\$4,425,000	5,009.9
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$862,926,198	\$620,460,250	\$184,341,883	\$53,699,065	\$4,425,000	5,009.9
C&P R1/BA1/BA4 Fin svcs and HR staff	1,624,564	1,546,564	78,000	0	0	17.2
C&P BA2 Comp study range salary adjust	2,939,265	2,939,265	0	0	0	0.0
C&P R2 IT staff	2,009,685	932,573	1,077,112	0	0	14.6
C&P R3 IT infrastructure upgrades	24,131,390	0	24,131,390	0	0	0.0
C&P BA3 Federal ARPA admin cost	185,846	0	185,846	0	0	1.5
C&P R4/R5/BA5 Courts staff requests	554,252	554,252	0	0	0	6.5
C&P R9/R10 Behavioral and mental health	2,329,016	343,516	1,985,500	0	0	0.9
C&P R6/R7/R11 Restoration requests	3,259,000	2,500,000	759,000	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 tech adj	368,808	434,588	(336,442)	270,662	0	3.8
C&P NP1 Courthouse furnishings	3,377,086	3,377,086	0	0	0	0.0
C&P NP2 Correctional Treatment Board	2,289,654	1,250,000	0	1,039,654	0	0.0
C&P NP3 District Attorney mandated costs	83,173	83,173	0	0	0	0.0
C&P BA8 Legislation request	0	0	0	0	0	0.0
OSPD R1/BA1 Public defense in digital age	6,018,900	6,018,900	0	0	0	4.6
OSPD R2 Paralegal staff	4,738,378	4,738,378	0	0	0	60.5
OSPD R3 Discovery clerks staff	633,215	633,215	0	0	0	13.8
OSPD R4 HB21-1280 adjustment	188,657	188,657	0	0	0	0.0
Joint OADC-OCR-ORPC Contractor rate	5,645,945	5,255,848	0	390,097	0	0.0
OADC R1/R2/R3/R5 OADC staff requests	250,264	250,264	0	0	0	4.5
OADC Staff-initiated line consolidation	37,057	37,057	0	0	0	0.0
OCR R2/R3/R4 OCR staff and IT operating	404,292	186,617	0	217,675	0	1.0
ORPC R2/R3/R4 Staff and technical requests	293,136	293,136	0	0	0	2.0
OCPO R1-R7 Comp range salary adjustments	84,147	84,147	0	0	0	0.0
OCPO R8/R9/BA1 Staff and operating	85,834	85,834	0	0	0	0.5
IEC R1 IEC staff	61,389	61,389	0	0	0	0.5
IEC Staff-initiated IEC FY20-21 restorations	13,513	13,513	0	0	0	0.0
OPG R1/BA1 staff requests	769,922	0	663,346	106,576	0	7.0
OJD R1/BA1 Office of Judicial Discipline	0	0	0	0	0	0.0
Centrally appropriated line items	15,101,423	14,856,430	225,368	19,625	0	0.0
Annualize prior year legislation	646,075	5,691,429	(5,047,268)	1,914	0	12.0
Indirect cost assessment	158,873	0	158,873	0	0	0.0
Technical adjustments	3,144	(124,195)	0	127,339	0	0.0
Annualize prior year budget actions	(6,378,725)	2,901,810	(9,123,183)	(157,352)	0	1.9
TOTAL	\$934,833,376	\$675,593,696	\$199,099,425	\$55,715,255	\$4,425,000	5,162.7
INCREASE/(DECREASE)	\$71,907,178	\$55,133,446	\$14,757,542	\$2,016,190	\$0	152.8
Percentage Change	8.3%	8.9%	8.0%	3.8%	0.0%	3.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$11,498,301)	\$4,232,419	(\$24,505,346)	(\$9,091)	\$8,783,717	19.5

The numbering system in the preceding table and elsewhere in this document indicate the agency that submitted the request. Specifically:

- C&P - Courts and Probation

- OSPD - Office of the State Public Defender
- OADC - Office of the Alternate Defense Counsel
- OCR - Office of the Child's Representative
- ORPC - Office of the Respondent Parents' Counsel
- OCPO - Office of the Child Protection Ombudsman
- IEC - Independent Ethics Commission
- OPG - Office of Public Guardianship
- OJD – Office of Judicial Discipline

Each independent agency submits a separate budget request that is not reviewed or approved by either the Chief Justice or the Governor's Office of State Planning and Budgeting. Thus, it is up to the General Assembly to evaluate the relative merits of the budget initiatives contained in the budget requests that are submitted by Judicial Branch independent agencies.

C&P R1/BA1/BA4 FIN SVCS AND HR STAFF: The recommendation includes \$1,620,964 total funds, including \$1,542,964 General Fund and \$78,000 cash funds and 17.1 FTE for additional financial services, human resources, and purchasing and contracts staff in three request items.

C&P BA2 COMP STUDY RANGE SALARY ADJUST: The recommendation includes \$2,939,266 General Fund to pay for targeted salary increases for the Judicial Department Compensation Maintenance Study which realigns 16 job class salary ranges, as identified by compensation consultant, Segal Waters.

C&P R2 IT STAFF: The recommendation includes of \$2,009,685, including \$932,573 General Fund and \$1,077,112 cash funds from the Judicial Department Information Technology Cash Fund, and 14.6 FTE for IT staff.

C&P R3 IT INFRASTRUCTURE UPGRADES: The recommendation includes a three-year project total of \$24,131,390 cash funds from the Revenue Loss Restoration Cash Fund for FY 2022-23 with a footnote providing spending authority through December 30, 2024, for IT infrastructure upgrades.

C&P BA3 FEDERAL ARPA ADMIN COST: The recommendation includes \$185,846 cash funds from two federal ARPA-originated cash funds and 1.5 FTE for recovery officers to manage and administer federal ARPA funds appropriated for the Victims and Witnesses Assistance and Law Enforcement (VALE) Fund and the IT infrastructure request.

C&P R4/R5/BA5 COURTS STAFF REQUESTS: The recommendation includes \$554,252 General Fund and 6.5 FTE for additional courts staff for training, language access, and Supreme Court decision reporting.

C&P R9/R10 BEHAVIORAL AND MENTAL HEALTH: The recommendation includes \$2,329,016 total funds, including \$343,516 General Fund and \$1,985,500 cash funds from the ARPA-originated Behavioral and Mental Health Cash Fund, and 1.0 FTE for behavioral and mental health requests.

C&P R6/R7/R11 RESTORATION REQUESTS: The recommendation includes \$3,259,000 total funds, including \$2,500,000 General Fund and \$759,000 cash funds for the restoration of funding for items eliminated or reduced in FY 2020-21 due to the revenue downturn.

C&P R8/R12/BA6/BA7/NP4/NP5 TECH ADJ: The recommendation includes an increase of \$368,808 total funds, including an increase of \$434,588 General Fund, a decrease of \$336,442 cash funds, an increase of \$270,662 reappropriated funds, and an increase of 3.5 FTE, for various technical budget adjustments submitted across six request items.

C&P NP1 COURTHOUSE FURNISHINGS: The recommendation includes \$3,377,086 General Fund for the State's share of county-initiated courthouse infrastructure projects. The FY 2022-23 request includes projects in six counties including Pitkin, Moffat, Otero, Adams, Arapahoe, and Mesa Counties. The recommendation also includes two-year spending authority for this line item.

C&P NP2 CORRECTIONAL TREATMENT BOARD: The recommendation includes \$2,289,654 total funds, including \$1,250,000 General Fund and \$1,039,654 reappropriated funds spending authority for Correctional Treatment Board (CTB) requests and adjustments. The recommendation includes appropriation adjustments across agencies as follow:

- An increase of \$1.25 million General Fund to the Correctional Treatment Cash Fund in FY 2022-23; and an additional increase of \$1.25 million General Fund in FY 2023-24;
- An increase of \$252,806 reappropriated funds for Correctional Treatment Cash Fund Expenditures;
- An increase of \$786,848 reappropriated funds for Offender Treatment and Services in Probation;
- An increase of \$183,215 reappropriated funds for the Parolee Supervision and Support Services in the Department of Corrections;
- A decrease of \$277,627 reappropriated funds for the Jail Based Behavioral Health Services in the Department of Human Services;
- A decrease of \$1,000,000 reappropriated funds for the Circle Program in the Department of Human Services;
- An increase of \$96,500 reappropriated funds for the Community Corrections CTCF Residential Placements in the Department of Public Safety; and
- A decrease of \$64,736 reappropriated funds for the Community Corrections Services for Substance Abuse and Co-occurring Disorders in the Department of Public Safety.

C&P NP3 DISTRICT ATTORNEY MANDATED COSTS: The recommendation includes \$83,173 General Fund for a 3.0 percent increase for statutorily-specified state costs for district attorneys.

C&P BA8 LEGISLATION REQUEST: The recommendation includes legislation to streamline revenues and fees currently collected by the Judicial Department for the Trial Courts and Collection programs.

OSPD R1/BA1 PUBLIC DEFENSE IN DIGITAL AGE: The recommendation includes \$6,018,900 General Fund and 4.6 FTE, that includes \$4.1 million for an IT infrastructure component that will provide an accessible and scalable digital storage system and \$1.9 million and 4.6 FTE for IT support staff and operating expenses for the digital storage system.

OSPD R2 PARALEGAL STAFF: The recommendation includes \$4,738,377 General Fund and 60.5 FTE for FY 2022-23 and an additional \$2,718,692 General Fund and 40.3 FTE for FY 2023-24 for

104 paralegal staff to be added over two years, including 66 in year one and 38 in year two.

OSPD R3 DISCOVERY CLERKS STAFF: The recommendation includes \$633,215 General Fund and 13.8 FTE to create a centralized, 15-staff team of Discovery Clerks.

OSPD R4 HB21-1280 ADJUSTMENT: The recommendation includes \$188,657 General Fund as a result of updated fiscal impacts related to the implementation of H.B. 21-1280, *Pre-trial Detention Reform*.

JOINT OADC-OCR-ORPC CONTRACTOR RATE: The recommendation includes \$5,645,945 total funds, including \$5,255,848 General Fund and \$390,097 reappropriated funds for a 6.0 percent increase in legal contractor rates for the three agencies.

OADC R1/R2/R3/R5 OADC STAFF REQUESTS: The recommendation includes \$250,263 General Fund and 4.5 FTE for additional agency staff positions.

OADC STAFF-INITIATED LINE CONSOLIDATION: The recommendation includes a budget neutral consolidation of the Municipal Courts Program line item into the OADC personal services and operating expenses line items.

OCR R2/R3/R4 OCR STAFF AND IT OPERATING: The recommendation includes \$404,292 total funds, including \$186,616 General Fund and \$217,676 reappropriated funds and 1.0 FTE for agency staff, compensation plan adjustments, and IT operating items.

ORPC R2/R3/R4 STAFF AND TECHNICAL REQUESTS: The recommendation includes \$293,139 General Fund and 1.8 FTE for two additional agency staff positions and a budget neutral technical adjustment.

OCPO R1-R7 COMP RANGE SALARY ADJUSTMENTS: The recommendation includes \$84,147 General Fund for compensation plan salary range and salary adjustments.

OCPO R8/R9/BA1 STAFF AND OPERATING: The recommendation includes \$85,834 General Fund and 0.5 FTE for staff and operating items.

IEC R1 IEC STAFF: The recommendation includes \$61,389 General Fund and 0.5 FTE for a half-time IEC staff position to primarily provide investigatory functions, and secondarily handle outreach and training and provide administrative coverage for the IEC.

IEC STAFF-INITIATED IEC FY20-21 RESTORATIONS: The recommendation includes a restoration of \$13,513 General Fund for reductions implemented in FY 2020-21, including: Health, Life, and Dental reduction in lieu of 5.0 percent Personal Services totaling \$3,513 General Fund; and reduction for prior reversions totaling \$10,000 General Fund.

OPG R1/BA1 STAFF REQUESTS: The recommendation includes \$769,922 total funds, including \$663,346 cash funds from the OPG Cash Fund and \$106,576 reappropriated funds from a transfer from the Office of Behavioral Health Momentum Program in the Department of Human Services. The staff include a deputy director, a case management aide, and five public guardians, of which two

are intended to serve in the rural, 7th and 16th Judicial Districts, one will serve the Momentum Program, and one will serve UC-Health from a grant from the institution.

OJD R1/BA1 OFFICE OF JUDICIAL DISCIPLINE: The recommendation is to fund this request through legislation that creates this independent agency in statute.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$15.1 million total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$12,173,462	\$11,928,977	\$232,295	\$12,190	\$0	0.0
Health, life, and dental	3,674,776	3,611,973	55,424	7,379	0	0.0
AED/SAED	1,080,076	1,081,286	(448)	(762)	0	0.0
Payment to risk management and property funds	719,687	719,687	0	0	0	0.0
Paid family leave	658,106	641,405	15,872	829	0	0.0
CORE adjustment	291,661	291,661	0	0	0	0.0
Leased space	219,770	219,770	0	0	0	0.0
Short-term disability	31,005	30,965	51	(11)	0	0.0
Legal services	25,431	10,197	15,234	0	0	0.0
PERA Direct Distribution	(2,237,976)	(2,144,916)	(93,060)	0	0	0.0
Payments to OIT	(1,397,308)	(1,397,308)	0	0	0	0.0
Workers' compensation	(110,107)	(110,107)	0	0	0	0.0
Vehicle lease payments	(27,160)	(27,160)	0	0	0	0.0
TOTAL	\$15,101,423	\$14,856,430	\$225,368	\$19,625	\$0	0.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of \$646,075 total funds to reflect the FY 2022-23 impact of bills passed in previous sessions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 20-1394 PERA Rate Adjust for Judges	\$2,696,865	\$2,696,865	\$0	\$0	\$0	0.0
SB18-200 PERA unfunded liability	1,440,267	1,404,118	34,235	1,914	0	0.0
HB 20-1026 Creation of 23rd Judicial District	740,000	740,000	0	0	0	0.0
HB 21-1280 Pre-trial Detention Reform	476,935	308,438	168,497	0	0	6.3
SB 21-271 Misdemeanor Reform	328,118	328,118	0	0	0	4.2
HB 21-1214 Record Seal Collateral Conseq Red	258,595	258,595	0	0	0	0.8
SB 21-173 Rights in Resid Lease Agreements	6,617	6,617	0	0	0	0.2
HB 21-1228 Domestic Violence Trng Court Pers	1,394	1,394	0	0	0	0.1
SB 21-146 Improve Prison Release Outcomes	552	552	0	0	0	0.2
SB 21-292 Fed Funding Victim Services	(3,750,000)	0	(3,750,000)	0	0	0.0
HB 21-1329 American Rescue Plan	(1,500,000)	0	(1,500,000)	0	0	0.0
HB 21-1136 Jud Div Retirees Temp Comp	(36,301)	(36,301)	0	0	0	0.1
HB 21-1094 Foster Youth in Transition Program	(10,244)	(10,244)	0	0	0	0.0
HB 21-1255 Protect Order Iss Dom Abuser	(3,920)	(3,920)	0	0	0	0.0
HB 21-1313 Immigrant Children	(2,803)	(2,803)	0	0	0	0.1
TOTAL	\$646,075	\$5,691,429	(\$5,047,268)	\$1,914	\$0	12.0

INDIRECT COST ADJUSTMENTS: The request includes an increase of \$158,873 for indirect cost assessments.

TECHNICAL ADJUSTMENTS: The recommendation includes technical adjustments as outlined in the following table.

TECHNICAL ADJUSTMENTS				
	TOTAL FUNDS	GENERAL FUND	REAPPROPRIATED FUNDS	FTE
OADC Tech - PERA annualiz - Municipal Court Prog	\$3,055	\$3,055	\$0	0.0
OADC Tech - Medicare annualiz - Municipal Court Prog	89	89	0	0.0
Indirect cost recoveries fund adjustments	0	(127,339)	127,339	0.0
TOTAL	\$3,144	(\$124,195)	\$127,339	0.0

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net decrease of \$6.4 million total funds for prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OADC FY22 S1 Caseload decrease	\$5,513,424	\$5,513,424	\$0	\$0	\$0	0.0
C&P FY22 BA2 Restore FTE	611,908	611,908	0	0	0	0.0
OSPD FY22 BA1 OSPD staffing	122,669	122,669	0	0	0	3.7
OCPO FY22 BA1 FTE request	4,528	4,528	0	0	0	0.0
OSPD FY22 BA2 IT	1,620	1,620	0	0	0	0.3
Prior year salary survey	2	0	2	0	0	0.0
C&P FY22 S2 IT infrastructure	(9,073,128)	0	(9,073,128)	0	0	0.0
C&P FY22 S3 Courthouse maintenance	(1,538,580)	(1,538,580)	0	0	0	0.0
C&P FY22 R3 Courthouse Furn & Infr	(1,100,723)	(1,100,723)	0	0	0	0.0
C&P FY22 BA3 Courthouse F&I Maint	(283,539)	(283,539)	0	0	0	0.0
C&P FY22 S1 Contract mgt staff	(226,083)	(226,083)	0	0	0	(2.4)
C&P FY22 BA4 Magistrate request	(186,372)	(195,004)	8,632	0	0	0.0
C&P FY22 S5 Persist drunk driv contract	(157,352)	0	0	(157,352)	0	0.0
C&P FY22 S4 Federal ARPA admin cost	(58,689)	0	(58,689)	0	0	(0.5)
OSPD FY22 BA3 Social Workers	(8,410)	(8,410)	0	0	0	0.8
TOTAL	(\$6,378,725)	\$2,901,810	(\$9,123,183)	(\$157,352)	\$0	1.9

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

→ C&P R4/R5/BA5 COURTS STAFF REQUESTS

REQUEST: The Courts request includes appropriations for request items as outlined in the following table.

C&P R4/R5/BA5 COURTS STAFF REQUESTS		
AGENCY REQUEST	GENERAL FUND	FTE
C&P R4 Judicial training	\$408,706	4.5
C&P R5 Language access	324,978	4.0
C&P BA5 Reporter of Decisions	67,533	0.5
Total	\$801,217	9.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

C&P R4/R5/BA5 Courts staff requests - JBC Staff Recommendations				
Agency Request	FY 2022-23 Recommendation		Out-year annualizations	
	GENERAL FUND	FTE	GENERAL FUND	FTE
C&P R4 Judicial training	\$200,680	2.3	\$198,425	2.5
C&P R5 Language access	282,239	3.7	278,884	4.0
C&P BA5 Reporter of Decisions	71,333	0.5	70,993	0.5
Total	\$554,252	6.5	\$548,302	7.0

ANALYSIS

R4 JUDICIAL TRAINING includes an increase of \$409,000 General Fund and 4.5 FTE for training specialist positions. This includes 2.0 FTE for the Courts, 1.0 FTE for Probation, 1.0 FTE for distance learning, and 0.5 FTE for the Court Improvement Program (CIP) related to dependency and neglect for children, youth, and families courts. The FY 2023-24 annualization for this item totals \$418,000.

Court Education Specialists provide essential training and education to the court staff that assist Judicial Officers and the public. High quality training and education of court staff ensures the work of the court is done in an efficient, effective, accurate, and standard manner across the state.

Currently, eight Court Education Specialists are responsible for training activities over 1,500 trial court staff in all 64 counties and 22 judicial districts. Pre-pandemic, trainers traveled over 70,000 miles each year to provide training on new legislation, policies, practices, and public safety (i.e. sentencing, data integrity, protection orders, and warrants).

Each Court Education Specialist supports two to four judicial districts. Court Education Specialist's regions can span over 20,000 square miles. The amount of time travelling for such a large area limits the amount of training the Court Education Specialist can provide. Court Education Specialists assigned to metropolitan areas do not have the same distance challenges but have larger numbers of trial court staff. For example, one Court Education Specialist has more than 300 trial court staff in her region, or roughly 20 percent of all trial court staff in the state.

Work drastically shifted to virtual classroom training due to the pandemic. Virtual classroom training is live training with an instructor conducted over a virtual platform. Court Education Specialists created over 60 new virtual classroom courses which is in addition to the in-person catalog (although current capacity limits the ability to provide in person trainings at this time). Courses include:

- Best business practices and procedures for all case classes
- Data integrity and coding
- Specialized software programs and how it relates to business of the trial courts (i.e. JPOD Case Management, E-Filing Management, Eclipse/ICON)
- Onboarding for staff and Judicial Officers
- Jury Management
- Financial Matters
- Implementation of legislation

Court Services – 2.0 FTE Court Education Specialists

The Courts state that an additional two Court Education Specialist will be crucial with the continual hiring of trial court staff, the increased use of virtual platforms, training, new software, and maintaining timely and accurate data integrity training to ensure public safety.

The Courts state that the Court Education Specialists are now at the juncture where in-person training will be reintroduced. The virtual classroom trainings combined with in-person trainings will create a hybrid training model that will support trial staff efficiently and effectively. The virtual classroom trainings allow for greater access to training due to less travel expense and time of both Court Education Specialist and trial court staff. There are more class offerings and more standardization as multiple districts combine as an audience. With the large number of new employees, this format is particularly helpful to offer the basics of every case class and every computer program. In-person training is still necessary and will allow a greater focus on any employee struggling to learn and to support the development of advanced skillsets. The Court Education Specialists are also able to mentor employees and problem solve with the districts regarding the more complex issues and questions.

The Courts state that although the hybrid model of in-person training and virtual classroom training will bring greater accessibility to training than ever before, the time constraint of conducting the virtual classroom training in addition to in-person training will not be possible with their current staffing levels.

Staff is not convinced by the reasoning presented in this request. It appears that virtual training provides greater opportunity for generating efficiencies. While staff understands the need to begin providing additional in-person training opportunities in the post-pandemic environment, the Courts have maintained training efforts through virtual media. Staff is not convinced that having to provide both in-person and virtual trainings increases the need for training staff. The request does not provide adequate quantitative data regarding the number of trainers and the number of judicial staff and how that has changed over the period of the pandemic.

On that basis, staff recommends that the Committee deny this portion of the request for 2.0 FTE of Court Education Specialists.

Distance Learning Specialist 1.0 FTE

The pandemic, current case backlog, and ongoing public health concerns make it difficult to plan, attend, and deliver in-person training. Additionally, the Department is moving toward a more sophisticated, research-based training and education approach to better meet demand and ensure the effectiveness of all trainings. The pandemic did not change this approach but instead accelerated this transition and adoption of new supportive technology.

Currently, the Department has 3.0 FTE of online instructional designers with the knowledge to simulate and animate interactive experiences that mimic daily court software, support on demand training for all 4,000 Department personnel, and support the general public in the use of the self-represented electronic filing system.

The Courts state that one additional Distance Learning Specialist position will be used:

- To fulfill new requests to create and maintain mandatory employee trainings and increase available on demand content for all justices, judges and judicial personnel.
- To provide simple solutions, micro learning opportunities, and on demand training for quick reference on tasks in job flows. For example, an inexperienced employee that must enter a protection order before 4 PM can access the simulated micro learning on protection orders to practice the task in a safe environment before entering the information in the live system.
- To assist the public with on demand tutorials.
- To build engaging online assessments and microlearning's that test knowledge after training through simulation (doing a task) instead of session evaluations.
- To maintain existing content so that it meets the requirements of changing applications, software, devices, web platforms, and browsers.

Over the last year, requests for interactive on demand training from judges, judicial districts, probation departments, and the divisions within the State Court Administrator's office have increased exponentially and provided critical tools in order for the business of the courts to continue through the last year and a half. Due to ongoing public health concerns, business efficiencies and increased demand, the need to provide on demand training for the workforce has become the new normal within the Department. Additionally, on-demand training is a learning strategy that enables employees to learn at a pace that is conducive for them at a time and place of their choosing.

Staff is not opposed to this portion of the Courts request, given the emphasis on virtual training needs over recent years. **Staff recommends that the Committee approve this portion of the request for 1.0 FTE Distance Learning Specialist.**

Court Improvement Program 0.5 FTE

The Court Improvement Program (CIP) is seeking additional resources to increase capacity to create and deliver training and technical assistance to multi-disciplinary juvenile court and human services professionals, to support local Best Practice Court Teams in their efforts to implement local goals that improve safety, permanency, and well-being for Colorado's children, youth and families. Training efforts will primarily be focused on improving the quality of court hearings, improving the quality of legal representation, and supporting joint data projects between courts and state and local departments of human services. Training will also emphasize tools and approaches for creating high functioning teams in a multi-disciplinary environment.

A 0.5 FTE Court Program Analyst position will help meet the statewide technical assistance and training needs of the best practice court teams, judicial officers, and legal community. Currently, training is provided by two FTE in the twenty-two judicial districts and sixty-four counties. The scope of the training is broad, and the subject matter is complex. The responsibilities of the of program staff include data analysis and collection, meeting facilitation, meeting attendance, grant writing, legislative analysis, and project management. This request will increase the resources available and will assist in expanding training and technical assistance activities.

Staff recommends that the Committee approve this portion of the request for a 0.5 FTE Court Program Analyst.

Probation Services 1.0 FTE Education Specialist

The Division of Probation Services Profession Development Unit consists of 5.0 FTE not including the supervisor. The Courts state that they are unable to fully meet the training needs of the approximately 1,200 Probation Officer staff statewide.

The Crime and Justice Institute, an external evaluator, completed a recent independent study on probation revocations and will be publishing a state and national report with some recommendations that will continue to drive the need for the education specialist. Specifically, they recommended that SCAO Provide ongoing training, coaching, and staff skill development on Core Correctional Practices (CCP) and the Principles of Effective Intervention (PEI) in order to better address probation revocations which is a high focal area for criminal justice reform.

The training required by the Probation Standards for Probation Staff provides knowledge and skills that help to maintain the safety of Probation staff and their clients. For many districts, this training is a requirement to conduct home visits, a useful supervision practice to ensure compliance, build rapport with clients, and contribute to long-term behavior change.

The Courts state that Colorado Probation currently has a staff to training ratio of 210:1; while Utah has a ratio of 199:1, Wisconsin has a ratio of 98:1, and South Carolina has a ratio of 54:1. Additionally the Courts state that the Colorado Department of Corrections currently has a ratio of 168:1.

The Courts state that more resources are needed to allow Education Specialists the ability to develop new training and to support staff and districts in deeper-level learning that can impact Probation outcomes. Resources are needed to update and create learning opportunities for Probation staff. Some of this is virtual learning, which can increase accessibility to learning while also reducing travel costs.

A 1.0 FTE Education Specialist will help with the growing training needs of Probation Officers statewide. Current data trends illuminate the fact that Probation is serving more high-risk clients and is supervising generally higher risk and higher needs clients compared to the past. To effectively work with these more complex clients and effectively reduce recidivism, Probation staff need to learn and use skills in effective correctional practices. The role of an Education Specialist in Probation needs to evolve to best meet the learning needs of Probation staff. In addition to classroom training, an Education Specialist's role is to support probation staff in coaching, feedback, and skill practice.

Staff recommends that the Committee approve this portion of the request for 1.0 FTE for a Probation Education Specialist.

The Distance Learning Specialist position is an identified classification in the Judicial Department with a salary range of \$5,693 to \$7,876 (\$68,316 to \$94,512 annually). The appropriation is requested at \$6,832 (\$81,984), which is just above the salary range midpoint of \$6,784 (\$81,408 annually). The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

The Education Specialist position is an identified classification in the Judicial Department with a salary range of \$5,693 to \$7,876 (\$68,316 to \$94,512 annually). The appropriation is requested at \$6,832 (\$81,984), which is just above the salary range midpoint of \$6,784 (\$81,408 annually). The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

The Court Programs Analyst II position is an identified classification in the Judicial Department with a salary range of \$5,693 to \$7,876 (\$68,316 to \$94,512 annually). The appropriation is requested at \$6,787 (\$81,444 annually), which is just above the salary range midpoint of \$6,785 (\$81,414 annually); however the request includes a budget build table that identifies the requested salary at \$5,588, which is below the minimum of the salary range. Staff assumes that the request is for a midpoint salary. The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

Staff is generally not satisfied with this generic justification that was submitted as a "blanket" justification for several requested positions. Therefore, staff recommends that these positions be appropriated at the minimum of the salary range.

Additionally, the request includes \$5,000 travel expenses for the regional trainers. Staff assumes that 3.5 FTE of the request represent the regional trainers; therefore staff recommends proportional travel expenses of \$2,143 for the recommended 1.5 FTE.

Staff recommends that the Committee approve the R4 request as outlined in the following table, including the following out-year annualizations.

R4 JUDICIAL TRAINING						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Distance Learning Spec	1.0	\$84,804	0.9	\$70,733	1.0	\$77,163
Personal Services - Courts Ed Specialist	2.0	169,608	0.0	0	0.0	0
Personal Services - Probation Ed Specialist	1.0	84,804	0.9	70,733	1.0	77,163
Personal Services - Court Prog Analyst II	0.5	34,686	0.5	35,366	0.5	38,581
Operating Expense		4,275		3,105		3,375
Travel Expense		5,000		2,143		2,143
Capital Outlay		25,529		18,600		0
R4 Total	4.5	\$408,706	2.3	\$200,680	2.5	\$198,425

R5 LANGUAGE ACCESS includes an increase of \$325,000 General Fund and 4.0 FTE for court interpreters. Interpreters would be placed to serve four areas: the 5th, 9th, and 14th judicial districts in

Northwestern Colorado; the 6th, 7th, and 22nd judicial districts in Southwest Colorado; the 13th and 17th judicial districts in Northeastern Colorado; and the 18th Judicial District that currently comprises Arapahoe, Douglas, Elbert, and Lincoln counties. The FY 2023-24 annualization for this item totals \$329,000.

The Office of Language Access (OLA) manages the Colorado Judicial Department's Language Access Program to ensure that language access mandates of Title VI of the Civil Rights Act of 1964 are met.

The Courts state that OLA staff has not increased since FY 2010-11, while in the last ten years the demography of Colorado has changed significantly. OLA does not have the capacity to absorb additional work that is a result of the changing demographics in Colorado and the growth of the business demands on the Judicial Department. When the Judicial Department adds a judge or implements a new legislative mandate, the Department's language access needs increase. With this growth and changing demographics, there is increased risk that Limited English Proficient (LEP) people are not receiving timely services and are not able to access needed resources as quickly as English-speaking court customers. The Office of Language Access exists to serve LEP persons encountering the Judicial Department, and to adequately serve LEP persons the Office needs additional court interpreter staff.

Over the last ten years, Colorado's population has become more diverse. This has occurred through immigration, migration, and refugee status. International events also affect population changes. From 2015 to 2019, Colorado's Immigrant population was estimated at 546,000 by the Migration Policy Institute. Also, the Department of Human Services, Colorado Refugee Services Program reports that over 700 refugees came to Colorado in 2020 alone. The 2020 Census showed that in Colorado over 20 percent of the population identifies as Hispanic or Latino. While identifying as Hispanic and Latino does not designate LEP status, it supports what is found in the Colorado Courts, where Spanish is the top language encountered. Further, many Colorado Counties have large populations that were born outside of the country.

The Courts have used remote interpreting services, by phone or through video conference software to efficiently use interpreters, allowing contract interpreters to remotely log-in to hearings and events across the state from their home. Also, OLA has increased its shift minimum for remote interpreters from one to two hours, in hopes of incentivizing independent contract interpreters to take remote shifts. Over the last 10 years OLA has implemented several strategies to try to keep up with the demand, however, there are limited additional strategies available to meet the growing need to adequately serve LEP people except by adding staff.

The Courts request 4.0 FTE Court Interpreters that will serve the following Judicial Districts most in need across the state: the 5th, 9th, and 14th judicial districts in Northwestern Colorado; the 6th, 7th, and 22nd judicial districts in Southwest Colorado; the 13th and 17th judicial districts in Northeastern Colorado; and the 18th Judicial District that currently comprises Arapahoe, Douglas, Elbert, and Lincoln counties.

To maximize the efficiency of these FTE, they will be deployed for multi-district coverage. The strategy behind placement of this FTE is considering volume, current staffing, and other program needs such as travel times. These FTE will be certified Spanish interpreters and be available to interpret for the courts to provide administrative support necessary to facilitate language access in

the following areas: help the Managing Court Interpreter schedule independent contract interpreters, pay invoices, answer questions for judges and court staff, and provide the Judicial District with coverage when the Managing Court Interpreter is out of the office.

Currently, in the districts on the Western Slope, there is no coverage when the Managing Court Interpreter is unavailable. Staff interpreters are critical to the delivery of language access as they possess the language skills the Department needs to serve court users and can help with the administrative work necessary to procure language access services with independent contract interpreters.

To determine Districts with the greatest interpreter need, the OLA uses data from the Judicial Department's case management system. All court events in which an interpreter is used must be coded in the case management system with the appropriate language code. This includes, but is not limited to a party, defendant, victim, and witness. At this time, OLA can only electronically source data that is coded in the case management system, and there are many interactions that require an interpreter that are unable to be captured at this time. Therefore, while the data below is accurate, it represents only a portion of the interpreter services provided to court users.

Western Slope 2.0 FTE – 5th, 6th, 7th, 9th, portions of the 11th, 14th and 22nd Districts

The need for additional staff interpreters is due to an array of circumstance, however the lack of available independent contract interpreters on the Western Slope is the primary reason for the requested permanent FTE. The majority of the independent contract interpreters live on the Front Range and their willingness to travel varies by season. Currently, there are 2.0 Managing Court Interpreters in the 5th, 9th, 14th, and Park County who manage 14 locations from Craig to Fairplay. The 6th, 7th, and 22nd Judicial Districts are staffed by a single Managing Court Interpreter who manages 12 locations from Delta to Cortez.

There are only three Spanish independent contract interpreters in the 5th and 9th, and no independent contract interpreters in the 14th Judicial District. There are three independent contract interpreters in the 6th and 22nd, and no independent contract interpreters in the 7th Judicial District. When an independent contract interpreter is needed, they typically come from the Front Range to the Western Slope and must be paid round-trip travel time at half the hourly rate.

More concerning though is that not having on demand interpreters, which is hindering language access at these Western Slope courts. While some independent contract interpreters from the Front Range may travel to the Western Slope in the summer, many interpreters won't travel there in the winter due to concern of icy conditions, blizzards, and road closures.

Staff Interpreters can provide on demand Spanish interpretation, and if a LOTS (language other than Spanish) interpreter is needed, they can immediately work to connect them persons for such service.

Due to the vast distances that will be traveled, this request also seeks two state fleet vehicles for these FTE.

13th and 17th Judicial Districts

The 13th and 17th Districts in northeastern Colorado represent the highest volume Language Interpreter usage locations. Consistently, the 13th and 17th Judicial Districts have the highest number of Limited English Proficient (LEP) cases in the state. The 13th Judicial District Interpreter

services are managed out of the 17th Judicial District with a total of nine different locations to serve. The Districts are managed by a single Managing Court Interpreter and two Staff Interpreters. The requested 1.0 FTE staff interpreter for this location will be designated to travel the 13th and to support the language access needs of the 17th. This requests also seeks a state vehicle for extensive travel that will be required throughout the 13th Judicial District.

18th Judicial District

The 18th Judicial District that currently comprises Arapahoe, Douglas, Elbert, and Lincoln counties has the second highest number of LEP cases and is the State’s leader for Languages Other Than Spanish (LOTS) cases. The 18th encompasses some of the most diverse communities in the state. Scheduling LOTS cases is more resource intensive than scheduling a Spanish interpreter. For many LOTS cases there are limited interpreters available and it is not uncommon for the Office of Language Access to fly in an interpreter from another state to meet the needs of the court. Also, with LOTS cases, there are often regional or dialectical differences that require time to source the appropriate interpreter. The 18th Judicial District is also usually the second highest District in Spanish interpreting events. The District serves six locations with an Interpreter Coordinator FTE and a Staff Interpreter. The additional 1.0 FTE Staff Interpreter will be available to interpret, schedule LOTS interpreters, and perform administrative work.

Staff recommends that the Committee approve the requested staff for the R5 request.

The Court Interpreter position is an identified classification in the Judicial Department with a salary range of \$4,657 to \$6,446 (\$55,884 to \$77,352 annually). The appropriation is requested at \$5,588 (\$67,056), which is above the salary range midpoint of \$5,552 (\$66,624 annually). The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

Staff is generally not satisfied with this generic justification that was submitted as a "blanket" justification for several requested positions. Therefore, staff recommends that these positions be appropriated at the minimum of the salary range.

Staff recommends the vehicle lease payments and travel expenses for three vehicles.

Staff recommends that the Committee approve the R5 request as outlined in the following table, including the following out-year annualizations.

R5 LANGUAGE ACCESS						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Court Interpreter	4.0	\$277,486	3.7	\$231,444	4.0	\$252,484
Operating Expense		4,275		4,995		5,400
Travel Expense		10,500		10,500		10,500
Vehicle Lease Payments (3 vehicles)		10,500		10,500		10,500
Capital Outlay		22,692		24,800		0
R5 Total	4.0	\$325,453	3.7	\$282,239	4.0	\$278,884

BA5 REPORTER OF DECISIONS is a request from the Supreme Court for a half-time Reporter of Decisions position modeled after the same position in the Court of Appeals. The request totals \$67,533 General Fund and 0.5 FTE.

The Supreme Court issues approximately 120 opinions each year. These opinions go through numerous iterations and levels of review by the justices and court staff. However, the Supreme Court lacks any permanent staff whose primary responsibility is to ensure editorial integrity of the work product of the Court, including editing, cite checking, and ensuring that court opinions are formatted consistently.

The Reporter of Decisions would review opinions and provide suggestions on rules of syntax, grammar, punctuation, diction, rhetoric, semantics, style, legal content, and citation of authority. The Reporter of Decisions would also serve as a liaison between the Court and the organizations that reprint and publish opinions of the Supreme Court. This ensures consistency and ensures that any publication errors are promptly corrected.

Staff agrees that the Supreme Court would benefit from, and should have, a Reporter of Decisions on staff.

The Reporter of Decisions position is an identified classification in the Judicial Department with a salary range of \$8,708 to \$12,043 (\$104,496 to \$144,516 annually). The appropriation is requested at \$10,450 (\$125,400), which is just above the salary range midpoint of \$10,376 (\$124,506 annually). The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

Staff is generally not satisfied with this generic justification that was submitted as a "blanket" justification for several requested positions. Nevertheless, staff recommends, due to the singular technical nature of the position and its service for the Supreme Court, that the Committee approve salary funding at midpoint of the salary range.

In future years, JBC staff will not recommend salaries above minimum for the Courts if a more appropriate and specific justification for above-minimum salary for each requested position is not included or otherwise provided to staff by the time figure setting analysis is initiated. Given the total number of requests submitted, the complexity of requests, and the significance of requests in those requested at the January 15th statutory deadline for stand-alone budget amendments, staff recommends that the Courts include any and all explanation and justification for any items that vary from standard JBC policy in their initial request narrative.

Staff recommends that the Committee approve the BA5 request as outlined in the following table, including the following out-year annualizations.

BA5 Reporter of Decisions						
	FY 2022-23		FY 2022-23		FY 2023-24	
	Request		Recommendation		Rec. Annualization	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Reporter of Decisions	0.5	\$64,858	0.5	\$64,458	0.5	\$70,318
Operating Expense		475		675		675
Capital Outlay		2,200		6,200		0
BA5 Total	0.5	\$67,533	0.5	\$71,333	0.5	\$70,993

→ C&P R8/R12/BA6/BA7/NP4/NP5 TECHNICAL ADJUSTMENTS

REQUEST: The Courts request includes an increase of \$368,808 total funds, including an increase of \$434,588 General Fund, a decrease of \$336,442 cash funds, and an increase of \$270,662 reappropriated funds and an increase of 3.8 FTE for various technical adjustments submitted across six request items. The following table outlines the request items.

C&P R8/R12/BA6/BA7/NP4/NP5 TECHNICAL ADJUSTMENTS					
AGENCY REQUEST	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE
C&P R8 Law Library Funding Adjustment	\$250,000	(\$250,000)	\$0	\$0	0.0
C&P R12 Consolidation and technical adjustments	50,000	0	0	50,000	0.0
C&P BA6 Technical administrative true-ups	25,186	26,319	0	51,505	3.5
C&P BA7 Persistent Drunk Driving contract	0	0	157,352	157,352	0.0
C&P NP4 County Court Judge FTE Adjustment	59,361	0	0	59,361	0.3
C&P NP5 Carr Building Lease Adjustment	50,041	(112,761)	113,310	50,590	0.0
Total	\$434,588	(\$336,442)	\$270,662	\$368,808	3.8

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

C&P R8/R12/BA6/BA7/NP4/NP5 TECHNICAL ADJUSTMENTS - JBC STAFF RECOMMENDATIONS										
AGENCY REQUEST	FY 2022-23 RECOMMENDATION					OUT-YEAR ANNUALIZATIONS				
	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	TOTAL FUNDS	FTE	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	TOTAL FUNDS	FTE
C&P R8 Law Library Funding Adjustment	\$250,000	(\$250,000)	\$0	\$0	0.0	\$250,000	(\$250,000)	\$0	\$0	0.0
C&P R12 Consolidation and Technical Adjustment of Long Bill Lines	50,000	0	0	50,000	0.0	50,000	0	0	50,000	0.0
C&P BA6 Technical administrative true-ups	25,186	26,319	0	51,505	3.5	57,007	26,319	0	51,505	4.0
C&P BA7 Persistent Drunk Driving contract	0	0	157,352	157,352	0.0	0	0	157,352	157,352	0.0
C&P NP4 County Court Judge FTE Adjustment	59,361	0	0	59,361	0.3	59,361	0	0	59,361	0.3
C&P NP5 Carr Building Lease Adjustment	50,041	(112,761)	113,310	50,590	0.0	50,041	(112,761)	113,310	50,590	0.0
Total	\$434,588	(\$336,442)	\$270,662	\$368,808	3.8	\$466,409	(\$336,442)	\$270,662	\$400,629	4.3

ANALYSIS

R8 LAW LIBRARY FUNDING ADJUSTMENT includes a net-zero adjustment to refinance \$250,000 cash funds with General Fund. The cash funds source are law license fees from the Office of Attorney Regulation Counsel. These cash funds were intended to temporarily support the Law Library in 2007; however, due to the economic downturn at that time, state funds were not available to backfill this support and the temporary support became long-term support. The request is to return the cash funds to a more appropriate use of that fee revenue and backfill with General Fund. **Staff recommends that the Committee approve the R8 request.**

R12 CONSOLIDATION AND TECHNICAL ADJUSTMENT OF LONG BILL LINES includes a net increase of \$50,000 General Fund. This increased General Fund amount is intended to fund an

administrative position to manage the Underfunded Facilities Grant Program. While the program may spend from the Program cash fund for administrative expenses, the Courts instead request a General Funded staff position in order to maximize the issuance of grants from the cash fund, which originates as General Fund.

Additionally, this request moves FTE and consolidates line items to align with how the Courts actually administer/position staff and related appropriations:

- 1.0 FTE located in the Child Support Enforcement program line item and associated funding of \$114,719 total funds, including \$39,005 General Fund and \$75,714 reappropriated funds are moved to the General Courts Administration line item.
- 1.0 FTE from the Underfunded Courthouse Facilities Grant Program line item is moved to the General Courts Administration line item; an additional \$50,000 General Fund is requested with this staff position.
- \$70,000 cash funds in the Ralph L. Carr Building Management and Operations line item is moved to the General Courts Administration line item.

Staff supports aligning the budget to accurately reflect the Courts actual use of resources and therefore supports the budget-neutral, technical adjustment of appropriations across line items and programs.

Staff supports the request for separate General Fund for an administrative position for the Underfunded Facilities Grant Program. Due to the scale of the request, staff recommends General Fund as requested, rather than funding from cash funds from the Program. While the Program is cash funded, those funds originate as General Fund. Staff is comfortable recommending that this requested funding be provided directly from General Fund.

Staff recommends that the Committee approve the R12 request.

BA6 TECHNICAL ADMINISTRATIVE TRUE-UPS includes an increase of \$51,505 total funds, including increases of \$25,186 General Fund and \$26,319 cash funds, and an increase of 3.5 FTE for three general technical adjustments.

HB19-1229 Restoration

House Bill 19-1229, *Electronic Preservation of Abandoned Estate Planning Documents*, created the Colorado Electronic Preservation of Abandoned Estate Planning Documents Act. The act required the Judicial Department to electronically preserve abandoned estate planning documents. To implement this bill, the fiscal note provided for a 0.3 FTE Court Programs Analyst beginning in FY 2020-21 and annualizing to 0.8 FTE in FY 2021-22. This appropriation was included as an annualization in the Department's FY 2020-21 budget submission. However, due to the budget crisis created by COVID-19, HB20-1368, *Delay Implementation of H.B. 19-1229*, was passed to delay implementation to January 1, 2023. The Courts request \$25,186 General Fund and 0.3 FTE in FY 2022-23, annualizing to \$57,007 and 0.8 FTE in FY 2023-24. This appropriation and FTE is necessary to process inquiries and access requests, ensure individuals are authorized to receive documents, maintain a searchable database, and implement the original legislation. **Staff recommends that the Committee approve this portion of the BA6 request.**

State Patrol Security

The State Patrol provides security for the Ralph L. Carr Judicial Center and charges the Department for these services. In FY 2022-23 the cost of this service is increasing by \$26,319. The FY 2021-22 cost was \$1,375,137; the FY 2022-23 cost will be \$1,401,456. This payment is appropriated in the Building Maintenance and Operations line item and funded by cash funds from the Judicial Center Cash Fund. **Staff recommends that the Committee approve this portion of the BA6 request.**

Budget-neutral Transfer and True-up FTE

\$830,000 General Fund, including \$530,000 General Fund from the Trial Courts Programs line item and \$300,000 General Fund from the Probation Programs line item, is moved to the General Courts Administration line item for the consolidation of telephone and network services into a single system to be managed and paid centrally. Additionally, the Courts request adjustments to recorded FTE to align with actual FTE usage that includes: an additional 0.5 FTE for the Law Library; an additional 0.5 FTE for the Problem Solving Courts; and an additional 2.2 FTE for Probation Programs. **Staff recommends that the Committee approve this portion of the BA6 request.**

BA7 PERSISTENT DRUNK DRIVING CONTRACT includes the adjustment added as a FY 2021-22 supplemental to true-up the Offender Treatment and Services appropriation in Probation. The Courts receive reappropriated funds from the Department of Human Services Office of Behavioral Health to provide treatment and support for probation offenders who qualify as persistent drunk drivers. On June 28, 2021, through an interagency agreement amendment, the Department of Human Services increased the transfer to the Offender Treatment and Services appropriation by \$157,352. **Staff recommends that the Committee approve the BA7 request.**

NP4 COUNTY COURT JUDGE FTE ADJUSTMENT includes a net increase of \$59,361 General Fund and 0.3 FTE for the statutorily defined annual calculations of salary levels for Class C and D county court judges. **Staff recommends that the Committee approve the NP4 request.**

NP5 CARR BUILDING LEASE ADJUSTMENT includes a net increase of \$50,590 total funds, including an increase of \$50,041 General Fund, a decrease of \$112,761 cash funds, and an increase of \$113,310 reappropriated funds, for the 1.8 percent annual increase in leased space payments for the Ralph L. Carr Judicial Center for all Judicial Department agencies. The Lease Space appropriation includes the lease costs for all Judicial Department tenants (this excludes the Department of Law, Attorney Regulation, the State Internet Portal Authority - SIPA) occupying space within the Ralph L. Carr Judicial Center. These adjustments are technical adjustments related to assigned fund sources. **Staff recommends that the Committee approve the NP5 request.**

(1) SUPREME COURT/COURT OF APPEALS

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The Supreme Court is the court of last resort, and its decisions are binding on the Court of Appeals and all county and district courts. Requests to review decisions of the Court of Appeals constitute the majority of the Supreme Court's filings. The Supreme Court also has direct appellate jurisdiction over cases in which a statute has been held to be unconstitutional, cases involving the Public Utilities Commission, writs of habeas corpus, cases involving adjudication of water rights, summary proceedings initiated under the Elections Code, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings. The Supreme Court also oversees the regulation of attorneys and the practice of law. The Supreme Court is composed of seven justices who serve renewable 10-year terms. The Chief Justice, selected by the justices of the Court, is the executive head of the Department.

Created by statute, the Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Its determination of an appeal is final unless the Colorado Supreme Court agrees to review the matter. The Court of Appeals is currently composed of 22 judges who serve renewable 8-year terms.

Sources of cash funds include the Judicial Stabilization Cash Fund and various fees and cost recoveries.

SUPREME COURT AND COURT OF APPEALS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$27,639,163	\$15,616,304	\$11,949,962	\$72,897	\$0	217.3
TOTAL	\$27,639,163	\$15,616,304	\$11,949,962	\$72,897	\$0	217.3
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$27,639,163	\$15,616,304	\$11,949,962	\$72,897	\$0	217.3
C&P R4/R5/BA5 Courts staff requests	65,133	65,133	0	0	0	0.5
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	0	250,000	(250,000)	0	0	0.5
Annualize prior year budget actions	473,780	473,780	0	0	0	0.0
Annualize prior year legislation	332,507	332,507	0	0	0	0.0
Indirect cost assessment	16,423	0	16,423	0	0	0.0
TOTAL	\$28,527,006	\$16,737,724	\$11,716,385	\$72,897	\$0	218.3
INCREASE/(DECREASE)	\$887,843	\$1,121,420	(\$233,577)	\$0	\$0	1.0
Percentage Change	3.2%	7.2%	(2.0%)	0.0%	0.0%	0.5%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$200	\$200	\$0	\$0	\$0	0.0

DECISION ITEMS – SUPREME COURT/ COURT OF APPEALS

The appropriation for this division is affected by C&P BA5, C&P R8, C&P R12, and C&P BA6, which are presented in the section of this document titled *Decision Items Affecting Multiple Divisions*.

LINE ITEM DETAIL — SUPREME COURT/ COURT OF APPEALS

APPELLATE COURT PROGRAMS

This line item includes funding for both personal services and operating expenses. It also includes funding to purchase volumes of the *Colorado Reporter*, the official publication of opinions of the Colorado Supreme Court and Court of Appeals, for distribution to various state offices, including district and county judges’ offices, county court law libraries, district attorneys’ offices, and state libraries.

STATUTORY AUTHORITY: Article VI of the State Constitution [Vestment of judicial power]; Section 13-2-101 *et seq.*, C.R.S. [Supreme Court]; Section 13-2-125, C.R.S. [Colorado Reporter] Section 13-4-101 *et seq.*, C.R.S. [Court of Appeals]

REQUEST: The Department requests a total of \$16,060,453, including \$15,988,453 General Fund, \$72,000 cash funds and 141.3 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

SUPREME COURT AND COURT OF APPEALS, APPELLATE COURT PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$15,205,414	\$15,133,414	\$72,000	\$0	\$0	137.8
TOTAL	\$15,205,414	\$15,133,414	\$72,000	\$0	\$0	137.8
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$15,205,414	\$15,133,414	\$72,000	\$0	\$0	137.8
Annualize prior year budget actions	459,398	459,398	0	0	0	0.0
Annualize prior year legislation	330,308	330,308	0	0	0	0.0
C&P R4/R5/BA5 Courts staff requests	65,133	65,133	0	0	0	0.5
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	0	0	0	0	0	3.0
TOTAL	\$16,060,253	\$15,988,253	\$72,000	\$0	\$0	141.3
INCREASE/(DECREASE)	\$854,839	\$854,839	\$0	\$0	\$0	3.5
Percentage Change	5.6%	5.6%	0.0%	0.0%	0.0%	2.5%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$200	\$200	\$0	\$0	\$0	0.0

OFFICE OF ATTORNEY REGULATION COUNSEL

This informational line item reflects anticipated expenditures related to the regulation of the practice of law. These activities are supported by cash funds from attorney registration fees and law examination application fees. This line item is shown for informational purposes only, as these funds are continuously appropriated under the Judicial Branch’s constitutional authority to regulate and control the practice of law. These expenditures support three types of activities:

- Administration of the Colorado bar exam by the State Board of Law Examiners administrators.
- Administration of mandatory continuing legal education for attorneys and judicial officers by the Board of Continuing Legal and Judicial Education.

- Investigation of alleged attorney misconduct. A Client Protection Fund compensates persons who suffer certain monetary losses because of an attorney's dishonest conduct.

STATUTORY AUTHORITY: Section 1 of Article VI of the State Constitution [Vestment of judicial power]; Section 13-2-119, C.R.S. [Disposition of fees]

REQUEST: The request reflects \$11,168,712 cash funds and 70.0 FTE, which includes no changes from the prior year appropriation.

RECOMMENDATION: Staff recommends approval of the Department’s informational appropriation request.

LAW LIBRARY

The Supreme Court Library is a public library located in the Ralph L. Carr Colorado Judicial Center. The library is supported by appellate filing and other fees deposited in the Supreme Court Library Fund. The cash funds in this line item are shown for informational purposes only, as these funds are continuously appropriated under the Judicial Branch’s constitutional authority. In addition, this line item includes reappropriated funds that are transferred from the Department of Law.

STATUTORY AUTHORITY: Section 13-2-120, C.R.S. [Supreme Court Library Fund]

REQUEST: The Department requests an appropriation of \$1,073,309 total funds, including \$749,471 General Fund, \$250,941 cash funds, and \$72,897 reappropriated funds, and 7.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

SUPREME COURT AND COURT OF APPEALS, LAW LIBRARY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,056,728	\$482,890	\$500,941	\$72,897	\$0	9.5
TOTAL	\$1,056,728	\$482,890	\$500,941	\$72,897	\$0	9.5
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,056,728	\$482,890	\$500,941	\$72,897	\$0	9.5
Annualize prior year budget actions	14,382	14,382	0	0	0	0.0
Annualize prior year legislation	2,199	2,199	0	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	0	250,000	(250,000)	0	0	(2.5)
TOTAL	\$1,073,309	\$749,471	\$250,941	\$72,897	\$0	7.0
INCREASE/(DECREASE)	\$16,581	\$266,581	(\$250,000)	\$0	\$0	(2.5)
Percentage Change	1.6%	55.2%	(49.9%)	0.0%	0.0%	(26.3%)
FY 2022-23 EXECUTIVE REQUEST	\$1,073,309	\$749,471	\$250,941	\$72,897	\$0	7.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

INDIRECT COST ASSESSMENT

Indirect cost assessments are charged to cash and federally-funded programs in this division for departmental and statewide overhead costs. The assessments are used in the Courts Administration division to offset General Fund appropriations.

STATUTORY AUTHORITY: Colorado Fiscal Rules #8-3; Section 24-75-1401, C.R.S. [Indirect Costs Excess Recovery Fund]

REQUEST: The Department requests \$224,732 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

SUPREME COURT AND COURT OF APPEALS, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$208,309	\$0	\$208,309	\$0	\$0	0.0
TOTAL	\$208,309	\$0	\$208,309	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$208,309	\$0	\$208,309	\$0	\$0	0.0
Indirect cost assessment	16,423	0	16,423	0	0	0.0
TOTAL	\$224,732	\$0	\$224,732	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	7.9%	0.0%	7.9%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(2) COURTS ADMINISTRATION

The justices of the Supreme Court appoint the State Court Administrator to oversee the daily administration of the Department and provide technical and administrative support to the courts and probation offices. The Courts Administration section of the budget is comprised of four subdivisions:

(A) Administration and Technology - funding and staff associated with central administration of the State's Judicial system, including information technology systems

(B) Central Appropriations - funding related to employee benefits, leased space, and services purchased from other agencies

(C) Centrally Administered Programs - funding supporting specific functions, grant programs, and distributions that are administered by the State Court Administrator's Office

(D) Ralph L. Carr Colorado Judicial Center - spending authority to support operations of the Judicial Center

COURTS ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$236,777,432	\$130,016,332	\$94,704,782	\$12,056,318	\$0	473.4
HB 22-1176 (Supplemental)	10,896,480	1,764,663	9,131,817	0	0	2.9
Other legislation	6,385,413	1,040,781	5,344,632	0	0	2.8
TOTAL	\$254,059,325	\$132,821,776	\$109,181,231	\$12,056,318	\$0	479.1
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$254,059,325	\$132,821,776	\$109,181,231	\$12,056,318	\$0	479.1
C&P R1/BA1/BA4 Fin services and HR staff	1,624,564	1,546,564	78,000	0	0	17.2
C&P BA2 Compensation study range and salary adjust	2,939,265	2,939,265	0	0	0	0.0
C&P R2 IT staff	2,009,685	932,573	1,077,112	0	0	14.6
C&P R3 IT infrastructure upgrades	24,131,390	0	24,131,390	0	0	0.0
C&P BA3 Federal ARPA admin cost	185,846	0	185,846	0	0	1.5
C&P R4/R5/BA5 Courts staff requests	489,119	489,119	0	0	0	6.0
C&P R9/R10 Behavioral and mental health requests	2,329,016	343,516	1,985,500	0	0	0.9
C&P R6/R7/R11 Restoration requests	3,259,000	2,500,000	759,000	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	982,095	955,227	(86,442)	113,310	0	0.8
C&P NP1 Courthouse furnishings	3,377,086	3,377,086	0	0	0	0.0
C&P BA8 Legislation request	0	0	0	0	0	0.0
Centrally appropriated line items	11,234,637	11,028,141	206,496	0	0	0.0
Annualize prior year budget actions	(20,686,303)	(11,563,120)	(9,123,183)	0	0	(2.9)
Annualize prior year legislation	(4,061,233)	988,107	(5,049,340)	0	0	3.2
Indirect cost assessment	25,051	0	25,051	0	0	0.0
Technical adjustments	0	(127,339)	0	127,339	0	0.0
TOTAL	\$281,898,543	\$146,230,915	\$123,370,661	\$12,296,967	\$0	520.4
INCREASE/(DECREASE)	\$27,839,218	\$13,409,139	\$14,189,430	\$240,649	\$0	41.3
Percentage Change	11.0%	10.1%	13.0%	2.0%	0.0%	8.6%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$13,882,080)	\$2,404,830	(\$25,070,627)	\$0	\$8,783,717	12.8

DECISION ITEMS – COURTS ADMINISTRATION

→ C&P R1/BA1/BA4 FIN SVCS, HR, AND PURCHASING AND CONTRACTS STAFF

REQUEST: The Courts request additional financial services staff in three request items as outlined in the following table.

C&P R1/BA1/BA4 FIN SVCS, HR, AND PURCHASING AND CONTRACTS STAFF					
AGENCY REQUEST	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE	
R1 Financial Services and HR Staff	\$1,508,826	\$78,000	\$1,586,826	16.0	
BA1 Purchasing and Contracts Staff	\$884,729	\$0	\$884,729	9.0	
BA4 Commercial card administrator	111,692	0	111,692	1.0	
Total	\$2,505,247	\$78,000	\$2,583,247	26.0	

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

C&P R1/BA1/BA4 FIN SVCS, HR, AND PURCHASING AND CONTRACTS STAFF - JBC STAFF RECOMMENDATIONS								
AGENCY REQUEST	FY 2022-23 RECOMMENDATION				OUT-YEAR ANNUALIZATIONS			
	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE
R1 Financial Services and HR Staff	\$697,139	\$78,000	\$775,139	7.2	\$713,694	\$78,000	\$791,694	8.0
BA1 Purchasing and Contracts Staff	\$730,157	\$0	\$730,157	9.0	\$730,157	\$0	\$730,157	9.0
BA4 Commercial card administrator	115,668	0	115,668	0.9	119,297	0	119,297	1.0
Total	\$1,542,964	\$78,000	\$1,620,964	17.1	\$1,563,148	\$78,000	\$1,641,148	18.0

ANALYSIS

R1 FINANCIAL SERVICES AND HUMAN RESOURCES STAFF includes an increase of \$1.6 million total funds, including \$1.5 million General Fund, and 16.0 FTE for additional financial services and human resources staff. Requested staff include: 6.0 FTE for contract management and purchasing; 1.0 FTE for a budget analyst; 2.0 FTE for accounting; 2.0 FTE for grant administrators; and 5.0 FTE for human resources. The FY 2023-24 annualization for this item totals just over \$1.6 million.

The Courts state that the Judicial Department has grown significantly since FY 1999-00, however, staffing for administrative support functions has not kept up with the increase. The Court's annual budget has increased from \$201 million in FY 1999-00 to \$629 million in FY 2020-21, and FTE have increased from 2,649 to 4,114 over that period.

The incremental increase in staffing and programmatic additions over time has resulted in a severe lack of administrative capacity to ensure necessary financial and human resource functions are completed.

The Courts state that the Financial Services and Human Resources Divisions are significantly understaffed for the workload volume of the Judicial Department. There are three primary drivers of workload growth for both Finance and Human Resources: (1) growth in Judicial Department as measured by FTE and dollars; (2) growth in the number of newly created Judicial independent agencies; and (3) growth in the number of statutorily created programs administered by the courts.

In the past few years, the General Assembly has added four new independent agencies to the Judicial Branch. The SCAO entered into a Memorandum of Understanding (MOU) with these independent agencies under the Judicial Branch umbrella to provide administrative services. For both the Human Resources and Financial Services Divisions, the services provided to the independent agencies include functions requiring additional time, effort and system usage, such as budgeting, purchasing assistance, general accounting, accounts payable, payroll, onboarding, recruitment, employee relations, timekeeping, benefit management, leave of absence, training, and reorganization. The budget unit is required to prepare budget allocations, provide monthly or quarterly reports, work with the agencies to create and submit their respective budget requests (including assistance with decision items, Performance Budgeting input, schedule creation and common policy requests), assist with supplemental requests, update figure setting, and meet with the agencies as needed.

Procurement and Contracts Unit (CMU)

The Courts have historically approached procurement and contracting with a decentralized view that relied on the staff in the judicial districts to perform and manage these functions. However, the Courts recently enhanced the procurement function with additional professional staff, which has created additional workload pertaining to contracts and contract management. The Courts are continually improving the scope of procurement and contracting support to cover all areas of the Judicial Department. This increase in support has had a significant impact on the procurement and contracting needs at the SCAO and in the 22 Judicial Districts.

As mentioned above, the historical approach to procurement and contracting was the responsibility of the districts with very little administrative support provided by the SCAO. Over time, this structure proved to be insufficient by exposing the Department to unnecessary risk. This was highlighted in a recent audit by the Office of the State Auditor and subsequent internal reviews. The Department is attempting to address these risks and account for longstanding unmet need in these administrative functions.

Contract Management and Purchasing: 6.0 FTE

This unit is requesting 2.0 Attorneys, 2.0 Contract Management Specialists I's; 1.0 Contract Management Specialist II; and 1.0 Purchasing Agent. These positions will bolster the capacity of the Contract Management Unit to meet the current and projected workload.

It is staff's understanding that these positions were requested in the supplemental S1/BA1 request. Staff addresses these items below. Staff will exclude these requested positions from consideration for the recommendation as a part of R1.

Budget

The Court's current budget unit includes 3.0 Budget Analyst II's and a Budget Manager and this staffing level has been consistent since FY 2004-05. Budget unit staff provide support to the Court Executives and Chief Probation Officers in each of the 22 districts and play an important role in the day to day operations of the courts and probation. The unit also provides support to the Appellate Courts, Law Library, and staff in SCAO; as well as three independent agencies within the Judicial Branch. The growth in the Department, compounded with the addition of new programs and new independent agencies, has significantly added to the workload of the Department's accounting and budget units resulting in an unsustainable level of work.

Budget Unit: 1.0 FTE

The Budget Unit is requesting a Budget Analyst III position to serve as lead in the unit.

Staff recommends that the Committee approve the requested budget staff.

Accounting

The accounting unit currently consists of 12.0 FTE including a Controller; an Account IV Deputy Controller; 3.0 Account III; 3.0 Account II; 4.0 Account I. The accounting unit provides accounting functions, training, rules creation and guidance to non-financial staff in the 22 judicial districts. The unit oversees the accounts payable function which includes over 230 CORE users across the State. The accounting unit supports the districts, records and reconciles revenue for over 400 different bank accounts. The unit also provides all the accounting functions for the SCAO and three independent agencies (Independent Ethics Commission, Office of the Child Protection Ombudsman, Office of Public Guardianship). The accounting unit is also responsible for recording all financial transactions at a statewide financial reporting level following the State Controller Office fiscal policies and procedures.

The Courts state that similarly sized executive branch departments have accounting units that are two to three times the size of the Judicial Department. However, the Courts did not provide comparison data.

The Courts state that since May of 2019, the accounting unit has experienced a 100 percent turnover rate. The turnover has increased workload for the new accounting staff and has adversely impacted staff at the Judicial Districts throughout the state. It is apparent that insufficient staffing and additional responsibilities contributed to the increased turnover within the unit.

Accounting Unit: 2.0 FTE

To help with the workload growth and provide better training to the Districts, the Department is requesting 1.0 FTE Accountant IV and a 1.0 FTE Accountant II positions.

The Courts request an Accountant IV position to address many of the issues identified above. With the high turnover in the last two years it has become evident that the continuity of Judicial Department job knowledge is fundamental to maintaining the efficiency and effectiveness of existing staffing levels. Having a second Accountant IV will provide the much-needed high level support and provide assurance of maintaining Judicial Department knowledge in the event of further turnover.

Since 2015, the Department has been attempting to increase the capacity of the court financial program area in the accounting unit. The technical and complicated financial elements of court cases have increased primarily as a result of restitution interest and the frequency of legislative changes to assessments. Furthermore, due to other organizational changes in the Department, the account clerk function in the districts has suffered from a lack of structure and guidance. This programmatic area has been understaffed for several years causing training and efficiency impacts around the State. The additional accounting staff will focus on providing these services to the staff; creating a more cohesive program resulting in better and more timely reporting.

Staff recommends that the Committee approve the requested accounting staff.

Grants Administration

The Courts administer several grant programs that require administrative direction and oversight. The Family Violence Justice Grant and the Eviction Legal Defense Grant Program are currently administered by temporary staff in response to greater workload and reporting requirements. Other grant programs include Courthouse Security Grants, Underfunded Courthouse Facilities Grants in addition to other smaller grant programs require proper staffing to meet workload demands.

Grants Administration: 2.0 FTE

The Department is seeking 2.0 FTE to serve in a grant administration unit to manage all aspects of grant administration including posting solicitations, communicating grant awards, initiating and monitoring the contract development; processing reimbursement requests and ensuring grantee compliance with all reporting requirements with both state and federal laws and regulations (if applicable). The combined annual total of these grant programs can be as high as \$11.2 million (including state and federal funds) and is granted to nearly 100 recipients. These positions will help the Department better manage and administer the grant programs created by the General Assembly.

Staff does not believe that the Courts have included enough information regarding the current staffing pattern for grants administration. Additionally, through several other request items, staff is recommending requested ARPA administrative positions as well as technical adjustments and increased funding for particular program positions. Staff is not confident recommending an increase in staff for grants administration at this time. **Staff recommends that the Committee deny the request for grants administration staff.**

Human Resources

As with the Financial Services Division, the growth of the Human Resources (HR) Division has not kept pace with the overall increase in the Judicial Department and is unable to efficiently provide basic services. HR supports the Courts, as well as multiple independent agencies, which total 4,000 individuals. Industry standard, according to Bloomberg BNA's HR Department Benchmarks and Analysis report, shows the ratio is 1.4 full-time HR staff per 100 employees. Therefore, to be fully staffed the HR Team would need a total of 41.4 FTE to reach 100 percent of the recommended staffing level. Currently the HR team has 26 FTE, not including the Director position, which equates to 65 percent of the recommended staffing level.

Human Resources: 5.0 FTE

Five additional FTE would bring Human Resources 32, equal to 77 percent of recommended staffing.

There are four HR Analysts who provide across-the-board human resources services and support statewide; each supports an average of 625 employees. The services in the areas of employee relations, mandatory training and first point of contact for HR would increase by 33 percent by adding 2.0 FTE and would reduce the service area per analyst from an average of 625 employees to an average of 446 employees, increasing focused attention and services for each district.

The compensation team has one staff to support the compensation structure and process statewide. Currently, the compensation staff is performing duties as Human Resources Data Analyst as well as the Total Compensation Analyst. Attracting and retaining qualified candidates continues to be challenging in the greater job market. Having a dedicated Compensation Analyst will assist in proactively identifying areas of opportunity in the current compensation structure.

Human Resources will implement multiple Human Resources Information Systems (HRIS) TalentLink (Recruitment), UKG/Kronos (Time keeping/tracking) and future system purchase of a Performance Management system. The multiple systems will not receive any technical or trouble shooting support from ITS, thus this position will be responsible for managing relationships and support via the various vendors.

Finally, an area of significant impact is the lack of an Executive Assistant to the Director of Human Resources. This position is key to the overall success of the HR team. Of note, there are many administrative functions absorbed across the HR Team, which pull the individuals away from their essential functions.

Staff recommends that the Committee approve the requested HR staff.

The following table outlines the requested positions along with classification salary range specifications. All positions are identified classifications in the Judicial Department compensation plan.

R1 Financial services and HR staff compensation plan analysis							
Class Title	FTE	Salary Range			Requested Salary	Position in Range	Total Salary
		Min	Mid	Max			
Budget Analyst III	1.0	\$88,416	\$111,240	\$134,064	\$99,828	25%	\$99,828
Accountant IV	1.0	75,708	98,106	120,504	109,116	75%	109,116
Accountant II	1.0	64,380	76,764	89,148	83,700	78%	83,700
Grants Management Specialist	2.0	81,504	102,528	123,552	81,504	0%	163,008
HR Analyst II	2.0	68,316	81,414	94,512	81,984	52%	163,968
Total Comp Analyst	1.0	61,860	73,740	85,620	111,300	208%	111,300
Executive Assistant to the Director	1.0	53,364	63,606	73,848	57,720	21%	57,720
HRIS Systems Owner/Integrated IS Coord.	1.0	88,176	105,078	121,980	100,800	37%	100,800
Total	10.0						\$889,440

As outlined in the table in the Position in Range column, the request for salaries generally ranges from 21 percent to 78 percent of the salary range. The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

Staff is generally not satisfied with this generic justification that was submitted as a "blanket" justification for several requested positions. **Nevertheless, staff recommends that these positions be appropriated at the midpoint of the salary range.**

In future years, JBC staff will not recommend salaries above minimum for the Courts if a more appropriate and specific justification for above-minimum salary for each requested position is not included or otherwise provided to staff by the time figure setting analysis is initiated. Given the total number of requests submitted, the complexity of requests, and the significance of requests in those requested at the January 15th statutory deadline for stand-alone budget amendments, staff recommends that the Courts include any and all explanation and justification for any items that vary from standard JBC policy in their initial request narrative.

Staff recommends that the Committee approve the R1 request as outlined in the following table, including the following out-year annualizations.

R1 FINANCIAL SERVICES AND HR STAFF						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Budget Analyst III	1.0	\$103,268	0.9	\$115,175	1.0	\$125,646
Personal Services - Accountant IV	1.0	112,876	0.9	101,576	1.0	110,811
Personal Services - Accountant II	1.0	86,578	0.9	79,480	1.0	86,705
Personal Services - Grants Specialist	2.0	168,625	0.0	0	0.0	0
Personal Services - HR Analyst II	2.0	169,608	1.8	168,588	2.0	183,914
Personal Services - Total Comp Analyst	1.0	115,133	0.9	76,349	1.0	83,289
Personal Services - Exec. Assistant	1.0	59,704	0.9	65,856	1.0	71,843
Personal Services - HRIS Systems Owner	1.0	104,274	0.9	108,795	1.0	118,686
Personal Services - Contracts/Purchasing	6.0	560,792	0.0	0	0.0	0
Subtotal Personal Services	16.0	\$1,480,858	7.2	\$715,819	8.0	\$780,894
Operating Expense		15,200		9,720		10,800
Capital Outlay		90,768		49,600		0
R1 Total	16.0	\$1,586,826	7.2	\$775,139	8.0	\$791,694
General Fund		1,508,826		697,139		713,694
Cash Funds		78,000		78,000		78,000

The Courts do not describe how they apportion their request across General Fund and cash funds. **Staff recommends appropriating the requested amount of cash funds for FY 2022-23 and FY 2023-24. Staff recommends an appropriation of \$697,139 General Fund and \$78,000 cash funds from the Judicial Department Information Technology Cash Fund for FY 2022-23.**

BA1 PURCHASING AND CONTRACT MANAGEMENT STAFF includes an increase of \$884,729 General Fund and 9.0 FTE for purchasing and contract management staff. Of the 9.0 FTE requested, 8.0 FTE are intended to reinforce the contract management unit and 1.0 FTE is for the purchasing unit.

The contract management unit was instituted in FY 2020-21 and consists of 4.0 FTE approved (out of 6.0 FTE requested and initially approved in that first COVID budget year). The supplemental S1 request increased staffing at the contract management unit to 12.0 FTE. Additionally, the Courts R1 request includes an additional 5.0 FTE for the contract management unit. In all, over the S1/BA1 and R1 requests, this would provide a total staff of 17.0 FTE for the contract management unit. The purchasing unit would gain 2.0 FTE across S1/BA1 and R1 requests, and provide a total of 8.0 FTE for the purchasing unit

The Courts state that historically they have managed procurement and contracting as a decentralized system in which judicial districts performed and managed these functions independently but there was no review or oversight. The Courts state that they have moved to a centralized system for procurement and contracting in order to provide centralized fiscal oversight minimize risk. Additionally, the Courts state that the centralized purchasing and contract management units will function as a "one-stop shop" with complete purchasing, contracting, and contract management functions that will remove this work from judicial district staff.

NOV 2020 OSA AUDIT FINDINGS

The Courts point to the November 2020 performance audit of the State Court Administrator's Office (SCAO) by the Office of the State Auditor as a primary source for the need to minimize risk.

It is staff's understanding that the audit addressed practices within the SCAO itself and did not address the activities of the judicial districts. However, the need to improve processes and practices extends to the Courts current request.

For the Committee's reference, the audit identified the following related findings and recommendations:

- Regarding "sole source procurements", the audit found there were insufficient provisions in Judicial Fiscal Rules and a lack of SCAO policies and procedures. The recommendation was to establish and implement written rules, policies, and procedures related to sole source procurements.
- Regarding "procurement cards", the audit found a lack of written rules and clarity defining and regarding a proper designated "budget authority" for approval of procurement card purchases. The recommendation was to improve controls by establishing written policies related to "budget authority" approval.
- Regarding the "SCAO administrative framework", the audit "identified problems with the SCAO's oversight of and accountability for its human resources and financial services functions that raise questions about the efficacy of the SCAO's system of internal control, including, in particular, its culture of accountability." The audit identified the "appearance of impropriety", the "failure to establish structure, responsibility, and authority" for contracts and approvals, and the "failure to design and implement control activities" including the segregation of duties and document retention. The audit determined these were failures of "Judicial Rules, Policies, and Procedures" and "monitoring activities" leading to the following conclusion: "Because the SCAO has not established an effective system of internal controls, it has not been transparent in some of its activities and cannot always demonstrate good stewardship of public funds." The recommendation was to "implement an effective system of internal control that fosters a culture of integrity, ethical values, and accountability" through updated policies, procedures, and Judicial Rules and implementing monitoring activities.

The 2020 audit identified weak fiscal controls generally and a lack of specificity in oversight rules and procedures. While the audit did not address fiscal oversight at the judicial districts level, it is reasonable that the Courts would have an interest in establishing greater centralized oversight of procurement and contracts based on the findings of the audit. While staff is not able to comment on the Courts progress related to the audit findings for the SCAO, staff does believe that this request for a centralized and reinforced Contract Management Unit is integral and critical for the SCAO to improve its oversight of procurement and contracts generally.

CENTRALIZED CONTRACT MANAGEMENT

The Courts state that the current workload for the 4.0 FTE contract management unit is overwhelming and has led to two staff, including the contract management unit lead, to resign after just over a year in the position. The Courts provided the following workload statistics:

- 5,058 active contracts
- 1,555 probation services contracts pending (to be drafted and finalized)
- 854 contracts processed and completed since February 2021

- 291 contracts in the queue as initial drafts
- 14,901 supplier documents (e.g. insurance and vendor certifications) awaiting review and approval
- 232 criminal history checks processed
- 1,269 criminal history checks pending

The Courts state that it is anticipated procurement and contracts staff will process at least 650 purchase orders and 2,500-3,000 contracts annually. The Courts provided data from the Departments of Public Health and Environment (CDPHE) and Health Care Policy and Financing (HCPF) for comparison. According to this data, HCPF includes a purchasing and contract unit of 12.0 FTE that handles 350-400 purchase orders and 350 contracts per year; and CDPHE includes a contract unit of 11.0 FTE that processes 3,400 contracts per year but does not perform contract administration.

The following table outlines the Courts requested positions and salary amounts as well as the identified occupational classification salary range for those positions.

S1 PURCHASING AND CONTRACTS FTE - STAFFING REQUESTS AND CLASS SALARY RANGE						
	FTE	REQUESTED	SALARY	IDENTIFIED OCCUPATIONAL CLASS SALARY RANGE		
		MO. BASE SALARY	QUARTILE	MINIMUM	MAXIMUM	MIDPOINT
CMU Manager - (Legal Contracts Manager)	1.0	\$11,000	Q3	\$8,542	\$11,832	\$10,187
CMU Specialist I (Contract Admin III)	4.0	6,058	Q4	4,370	6,395	5,383
CMU Specialist II (Contract Admin IV)	2.0	6,792	Q3	5,428	7,946	6,687
CMU Specialist III (Contract Admin V)	1.0	8,250	Q2	6,792	10,296	8,544
Purchasing Agent II (Purchasing Agent IV)	1.0	7,369	Q4	5,428	7,946	6,687

As outlined in the table, the Courts request funding at greater than midpoint for all positions except the CMU Specialist III. However, the standard Committee policy is to appropriate at the range minimum. Setting salary at the requested amount is neither explained nor justified in the narrative as it relates to Committee policy; therefore, for the supplemental request, staff recommended an appropriation at the minimum for these positions.

The Judicial personnel system does not currently include the identified occupational classes. The Courts have established the job description and salary range for the CMU Manager position, and that data is included in the table. The Courts state that they are modeling the additional occupational classes on the executive branch occupational classes included in parentheses in the table. Staff has included salary range data from the executive branch personnel system for this analysis.

Staff recommended and the Committee approved the related supplemental S1 request as outlined in the following table. **Staff recommends that the Committee approve the BA1 request as outlined in the FY 2022-23 annualization.**

S1/BA1 PURCHASING AND CONTRACTS FTE REQUEST AND RECOMMENDATION								
	FY 2021-22 REQUEST		FY 2021-22 RECOMMENDATION		FY 2022-23 REC. ANNUALIZATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST	FTE	COST
Personal Services								
CMU Manager - (Legal Contracts Manager)	1.0	\$49,434	0.3	\$28,945	1.0	\$129,332	1.0	\$129,332
CMU Specialist I (Contract Admin III)	4.0	108,899	1.0	59,231	4.0	236,924	4.0	236,924
CMU Specialist II (Contract Admin IV)	2.0	61,046	0.5	36,785	2.0	147,142	2.0	147,142

S1/BA1 PURCHASING AND CONTRACTS FTE REQUEST AND RECOMMENDATION								
	FY 2021-22 REQUEST		FY 2021-22 RECOMMENDATION		FY 2022-23 REC. ANNUALIZATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST	FTE	COST
CMU Specialist III (Contract Admin V)	1.0	37,076	0.3	23,014	1.0	92,059	1.0	92,059
Purchasing Agent II (Purchasing Agent IV)	1.0	33,116	0.3	18,393	1.0	73,571	1.0	73,571
Subtotal - Personal Services	9.0	289,571	2.4	166,368	9.0	679,028	9.0	679,028
POTS		25,774		0		38,979		38,979
Operating Expense		8,550		3,915		12,150		12,150
Capital Outlay		18,873		55,800		0		0
Subtotal FY 2021-22	9.0	\$342,768	2.4	\$226,083	9.0	\$730,157	9.0	\$730,157

BA4 COMMERCIAL CARD ADMINISTRATOR includes an increase of \$111,692 General Fund and 1.0 FTE for a commercial card administrator position.

The Courts use the Department of Personnel’s procurement card program for the purchase of various items ranging from routine operating expenses to information technology items and to pay for offender treatment services. The Courts believe that the use of procurement cards is an efficient method of purchasing that provides numerous operational benefits and auditing capability. However, the use of the procurement card requires oversight and administrative support that has previously not been provided by the Courts. The Courts state that executive branch departments similar in size to Judicial have a dedicated commercial card administrator. As with many other administrative-related functions, the Courts' dispersed structure (22 Judicial Districts) presents challenging implementation and operational issues to ensure the development of a consistent statewide procurement card program.

In the fall of 2021, the Courts implemented the Department of Personnel’s new US Bank procurement card program. Currently there are 326 active cards statewide with about 220 staff who have access to the US Bank system to review and monitor card usage. The Courts processes approximately 7,100 procurement card transactions valued at nearly \$1.5 million annually. Currently, the responsibility for administering the procurement card program for the Courts is spread across several staff members which results in inefficiencies and omissions. Some of these inefficiencies include delays in opening and closing cards, delays in addressing urgent purchasing limit restrictions reconciliation of card statements, reallocation, coding correction and payment delays, and the timely processing of bank-related requirements.

The Office of the State Controller recently issued new requirements for state agencies that use the procurement card. The guidance describes what reports will be required and reviewed at monthly cycle close to assist in identifying potential fraud, split procurements, and other unfavorable or unlawful fiscal activities. Currently, the Department is unable to fully implement these requirements due to inadequate staffing and a lack of a dedicated program administrator.

This request seeks a 1.0 FTE Financial Analyst III position to ensure compliance with the State Controller issued guidelines. The Courts believe this position will provide the appropriate level of management and coordination for the procurement card program. This position will ensure that the Courts are able to efficiently meet the requirements of the State Controller, pay the vendor timely, properly record accounting transactions, train key stakeholders and minimize the inappropriate use of the card.

Staff recommends that the Committee approve the requested staff for the BA4 request.

The commercial card administrator position is aligned with a Financial Analyst III classification in the Judicial Department with a salary range of \$7,297 to \$10,107 (\$87,564 to \$121,284 annually). The appropriation is requested at \$8,783 (\$105,396), which is just above salary midpoint of \$8,702 (\$104,424). The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

Staff is generally not satisfied with this generic justification that was submitted as a "blanket" justification for several requested positions. Nevertheless, staff recommends, due to the singular, technical nature of the position, that the Committee approve salary funding at midpoint of the salary range.

In future years, JBC staff will not recommend salaries above minimum for the Courts if a more appropriate and specific justification for above-minimum salary for each requested position is not included or otherwise provided to staff by the time figure setting analysis is initiated. Given the total number of requests submitted, the complexity of requests, and the significance of requests in those requested at the January 15th statutory deadline for stand-alone budget amendments, staff recommends that the Courts include any and all explanation and justification for any items that vary from standard JBC policy in their initial request narrative.

Staff recommends that the Committee approve the BA4 request as outlined in the following table, including the following out-year annualizations.

BA4 COMMERCIAL CARD ADMINISTRATOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Comm Card Admin	1.0	\$108,542	0.9	\$108,118	1.0	\$117,947
Operating Expense		950		1,350		1,350
Capital Outlay		2,200		6,200		0
R5 Total	1.0	\$111,692	0.9	\$115,668	1.0	\$119,297

→ C&P BA2 COMPENSATION STUDY RANGE AND SALARY ADJUSTMENTS

REQUEST: The Courts request \$3,210,050 total funds, including \$3,200,196 General Fund and \$854 cash funds to pay for the Judicial Department Compensation Maintenance Study which realigns 16 job class salary ranges, as identified by Segal Waters, the compensation consultant.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$2,939,266 General Fund.

ANALYSIS

The Courts state that the Judicial Department compensation system, with funding from the General Assembly, has successfully aided in the retention of existing staff and helped attract qualified new candidates to the Judicial Department. The current salary distribution of the Court's employees experiences limited compression and other salary bunching issues that plague the executive branch.

The Courts state that this is due to the General Assembly’s funding of past system maintenance studies, which has kept salaries spread throughout the pay ranges. The Courts state that with the implementation of the Equal Pay for Equal Work Act, funding this request will also assist in avoiding equity issues in the effected job classes.

Pursuant to Section 13-3-105, C.R.S., the Chief Justice is required to maintain a compensation package that is comparable to the executive branch. To comply with this statute, the Judicial Department conducts an annual compensation study. This year, the study was completed by Segal Waters.

Segal utilized the Executive Branch classification system as one of the sources of information, as well as data from the private sector, other state judicial branches and other governmental entities. The data revealed that while most of positions are within the acceptable range of the market, individual salary ranges are starting to lag compared to the overall market. If job classification ranges that are greater than an average of 6 percent out of alignment are not adjusted, compression issues with current employees and newly hired employees start to present problems for equitable pay.

This request seeks \$3,201,050 (this includes PERA, AED/SAED, Medicare, STD and Paid Family and Medical Leave Insurance) for range realignments for the 16 job classes identified by Segal, as being out of alignment and represents approximately 1,140 persons (which is close to 33 percent of the Courts' personnel).

Staff appreciates that the Courts approach maintenance of their compensation system in a manner that avoids compression and bunching at the bottom of the range as happens in the executive branch.

The most significant factor is in making individual salary adjustments when making salary range adjustments. While the executive branch moves salary range for all classifications with across the board increases, typically at the same rate, the executive branch will only occasionally adjust individual occupational class salary ranges in order to make significant corrections based on compensation study recommendations. However, those isolated occupational class or group adjustment do not include a request to adjust actual, individual salaries by the same percentage; the only adjustment requested is to maintain those salaries that may fall below the new minimum of the range to bring them up to the minimum. This mechanism creates bunching at the bottom of the salary range.

Staff recommends that the Committee approve requested adjustments as outlined in the following tables.

BA2 - SYSTEM MAINTENANCE STUDY - SALARY ADJUSTMENTS							
CLASS TITLE	POSITIONS	FTE	REQUESTED RANGE ADJUST	NET SALARY INCREASE	TEMPLATE ANN SALARY	SALARY INCREASE	PERA/FICA 12.85%
Appellate Court Assistant I	2	2.0	5.0%	2.0%	\$114,252	\$2,285	\$294
Appellate Court Assistant III	1	1.0	5.0%	2.0%	72,264	1,445	186
Appellate Law Clerk	62	55.0	5.0%	2.0%	3,439,353	68,787	8,839
Bilingual Services Assistant	4	6.0	8.0%	5.0%	290,849	14,542	1,869
Court Judicial Assistant	909	888.4	8.0%	5.0%	43,452,782	2,172,639	279,184
Customer Support Technician I	2	2.0	11.5%	8.5%	87,982	7,478	961

BA2 - SYSTEM MAINTENANCE STUDY - SALARY ADJUSTMENTS

CLASS TITLE	POSITIONS	FTE	REQUESTED RANGE ADJUST	NET SALARY INCREASE	TEMPLATE ANN SALARY	SALARY INCREASE	PERA/FICA 12.85%
Customer Support Technician II	2	2.0	12.0%	9.0%	102,561	9,230	1,186
Executive Assistant to the SCA	1	1.0	11.0%	8.0%	83,945	6,716	863
Human Resources Assistant	1	1.0	10.3%	7.3%	38,515	2,823	363
Human Resources Technician	2	2.0	9.0%	6.0%	93,955	5,637	724
Law Clerk	67	64.3	9.3%	6.3%	3,430,382	217,486	27,947
Senior Customer Support Technician	3	3.0	11.5%	8.5%	193,522	16,449	2,114
Specialist	70	67.0	4.0%	1.0%	3,905,975	39,060	5,019
Staff Assistant	3	3.0	11.0%	8.0%	202,291	16,183	2,080
Staff Assistant (District)	6	6.0	11.0%	8.0%	423,237	33,859	4,351
Staff Assistant (SCAO)	4	4.0	11.0%	8.0%	227,655	18,212	2,340
Supervisor I	60	60.0	3.5%	0.5%	4,030,884	20,154	2,590
Supervisor II	18	17.0	3.5%	0.5%	1,486,759	7,434	955
Water Specialist	4	2.8	4.0%	1.0%	231,808	2,318	298
Total		1,187.4				\$2,662,740	\$342,162

BA2 - SYSTEM MAINTENANCE STUDY - SALARY SURVEY AND POTS

CLASS TITLE	SALARY SURVEY	AED 5.00%	SAED 5.00%	STD 0.16%	PFMLI 0.23%	TOTAL INCREASE
Appellate Court Assistant I	\$2,285	\$114	\$114	\$4	\$5	\$2,522
Appellate Court Assistant III	1,445	72	72	2	3	1,595
Appellate Law Clerk	68,787	3,439	3,439	110	155	75,931
Bilingual Services Assistant	14,542	727	727	23	33	16,053
Court Judicial Assistant	2,172,639	108,632	108,632	3,476	4,888	2,398,268
Customer Support Technician I	7,478	374	374	12	17	8,255
Customer Support Technician II	9,230	462	462	15	21	10,189
Executive Assistant to the SCA	6,716	336	336	11	15	7,413
Human Resources Assistant	2,823	141	141	5	6	3,116
Human Resources Technician	5,637	282	282	9	13	6,223
Law Clerk	217,486	10,874	10,874	348	489	240,072
Senior Customer Support Technician	16,449	822	822	26	37	18,158
Specialist	39,060	1,953	1,953	62	88	43,116
Staff Assistant	16,183	809	809	26	36	17,864
Staff Assistant (District)	33,859	1,693	1,693	54	76	37,375
Staff Assistant (SCAO)	18,212	911	911	29	41	20,104
Supervisor I	20,154	1,008	1,008	32	45	22,247
Supervisor II	7,434	372	372	12	17	8,206
Water Specialist	2,318	116	116	4	5	2,559
Total	\$2,662,740	\$133,137	\$133,137	\$4,260	\$5,991	\$2,939,266

The Courts do not describe how they apportion their request across General Fund and cash funds. Given the preponderance of General Fund in the request amount, representing 99.97 percent of the total request, **staff recommends an appropriation of \$2,939,266 General Fund.**

→ C&P R2 IT STAFF

REQUEST: The Department requests \$2,018, 556 total funds, including \$936,689 General Fund and \$1,081,867 cash funds from the Judicial Department Information Technology Cash Fund and 16.0 FTE for IT staff in their R2 request.

JTC RECOMMENDATION: The Joint Technology Committee recommends approval of the requests.

RECOMMENDATION: Staff recommends that the Committee approve the request. Staff recommends a total appropriation of \$2,009,685, including \$932,573 General Fund and \$1,077,112 cash funds from the Judicial Department Information Technology Cash Fund, and 14.6 FTE for FY 2022-23.

ANALYSIS

The request includes 9.0 FTE for audio-visual (AV) support staff; a senior engineer for the unified communication program; and 6.0 FTE for IT support technicians for judicial districts that do not currently have technical support. The project also includes \$500,000 in FY 2022-23 and \$1.0 million in FY 2023-24 for a consulting contract to help the Courts select a new case management system. The FY 2023-24 annualization for this item totals \$2.6 million.

Selection of new case management system

The Courts also request \$500,000 for FY 2022-23, and \$1.0 million for FY 2023-24, to issue an RFP for a management consulting firm to help select a new case management system intended to replace the existing systems.

The JTC recommends approval of the Courts R2 IT Staff request. **On that basis, staff recommends approval of the funding for the selection of a new case management system.**

IT Staff

The Courts request: nine additional A/V team members to augment the current staff of six; one senior network engineer to augment the current staff of two engineers; and six technical support technicians to augment the current staff of 26 distributed across the state.

Staff recommends that the Committee approve the requested staff in the R2 request. The following table outlines the requested positions along with classification salary range specifications. All positions are identified classifications in the Judicial Department compensation plan.

R2 IT STAFF COMPENSATION PLAN ANALYSIS							
POSITION/CLASS TITLE	FTE	SALARY RANGE			REQUESTED SALARY	POSITION IN RANGE	TOTAL SALARY
		MIN	MID	MAX			
AV Engineer I	2.0	\$57,612	\$67,848	\$78,084	\$69,132	56.3%	\$138,264
AV Engineer II	3.0	64,716	76,572	88,428	77,664	54.6%	232,992
Senior AV Engineer	2.0	77,004	93,408	109,812	92,400	46.9%	184,800
Manager of AV Network	1.0	111,996	136,272	160,548	134,400	46.1%	134,400
Lead AV Architect	1.0	84,708	102,750	120,792	111,828	75.2%	111,828
Senior Unified Comm Engineer	1.0	90,636	108,486	126,336	105,216	40.8%	105,216
Senior IT Tech	1.0	65,808	78,438	91,068	92,364	105.1%	92,364
Tech Support Lead	1.0	76,968	91,722	106,476	90,516	45.9%	90,516
IT Tech II	4.0	57,324	68,340	79,356	68,784	52.0%	275,136
Total	16.0						\$1,365,516

As outlined in the table in the Position in Range column, the request is for salaries at just under midpoint to over maximum of the salary range. The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions." Additionally the Courts provided turnover and vacancy data related to IT positions as justification for higher than minimum salaries. **Staff recommends that these positions be appropriated at the midpoint of the salary range.**

Staff recommends that the Committee approve the IT staff portion of the R2 request as outlined in the following table, including the following out-year annualizations. Costs for the selection of the new case management system are also included to reflect the total request and recommendation.

R2 IT STAFF									
	FY 2022-23		FY 2022-23		FY 2023-24		FY 2024-25		
	REQUEST		RECOMMENDATION		REC. ANNUALIZATION		REC. ANNUALIZATION		
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	
Personal Services - AV Engineer I	2.0	\$143,033	1.8	\$140,496	2.0	\$153,269	2.0	\$153,269	
Personal Services - AV Engineer II	3.0	241,005	2.8	237,842	3.0	259,464	3.0	259,464	
Personal Services - Sr. AV Engineer	2.0	191,178	1.8	193,425	2.0	211,009	2.0	211,009	
Personal Services - Mgr. AV Network	1.0	139,026	0.9	141,093	1.0	153,919	1.0	153,919	
Personal Services - Lead AV Architect	1.0	115,684	0.9	106,385	1.0	116,056	1.0	116,056	
Personal Services - Sr. UnifCommEng	1.0	108,847	0.9	112,324	1.0	122,535	1.0	122,535	
Personal Services - Sr. IT Tech	1.0	95,544	0.9	81,213	1.0	88,596	1.0	88,596	
Personal Services - Tech Support Lead	1.0	93,634	0.9	94,967	1.0	103,600	1.0	103,600	
Personal Services - IT Tech II	4.0	284,637	3.7	283,030	4.0	308,760	4.0	308,760	
Operating Expense		15,200		19,710		21,600		21,600	
Capital Outlay		90,768		99,200		0		0	
Case Management System selection		500,000		500,000		1,000,000		0	
R2 Total	16.0	\$2,018,556	14.6	\$2,009,685	16.0	\$2,538,808	16.0	\$1,538,808	
General Fund		936,689		932,573		1,178,106		714,067	
Cash Funds		1,081,867		1,077,112		1,360,702		824,741	

The Courts do not describe how they apportion their request across General Fund and cash funds. **Staff recommends a proportional split based on the Courts request – 46.4 percent General fund and 53.6 percent cash funds. Staff recommends an appropriation of \$932,573 General Fund and \$1,077,112 cash funds from the Judicial Department Information Technology Cash Fund for FY 2022-23. Staff recommends a similar proportional split for out-year annualizations.**

➔ C&P R3 IT INFRASTRUCTURE UPGRADES

REQUEST: The Courts request \$8,541,863 cash funds from the Revenue Loss Restoration Cash Fund for IT infrastructure upgrades in their R3 request.

JTC RECOMMENDATION: The Joint Technology Committee recommends approval of the requests.

RECOMMENDATION: Staff recommends that the Committee appropriate a three-year project total of \$24,131,390 cash funds from the Revenue Loss Restoration Cash Fund for FY 2022-23 with a footnote providing spending authority through December 30, 2024.

ANALYSIS

The request includes an increase of \$8.5 million federal funds from federal ARPA funds for information technology infrastructure upgrades. The FY 2022-23 request represents the year 2 request for this four-phase project. The Committee approved the Courts supplemental request for FY 2021-22 based on the JTC recommendation for approval of the supplemental request.

The following table outlines the components of the request over four years.

COURTS R3 IT INFRASTRUCTURE UPGRADES					
COMPONENT	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	TOTAL
1. SDWAN Project	\$1,304,170	\$650,000	\$650,000	\$0	\$2,604,170
2. AV Infrastructure	2,500,000	3,600,000	3,600,000	3,600,000	13,300,000
3. Webex	482,160	482,160	482,160	482,160	1,928,640
4. Network Infrastructure	2,105,446	1,285,000	1,300,000	1,300,000	5,990,446
5. Data Center Hardware	2,061,126	0	1,000,000	0	3,061,126
6. Disaster Recovery / OIT Move	0	1,096,779	0	0	1,096,779
7. Security	620,226	1,427,924	1,483,739	1,691,468	5,223,357
TOTAL	\$9,073,128	\$8,541,863	\$8,515,899	\$7,073,628	\$33,204,518

SDWAN

The Courts seek to implement a technology called Software Defined Wide Area Network (SDWAN). This allows for network traffic to flow through multiple network connections. With this the Courts would add a secondary internet service provider (ISP) to provide Direct Internet Access (DIA) to all court locations. The Courts state that DIA is significantly cheaper than traditional network technologies currently being used. SDWAN is a three-year project. Phase 1 seeks to acquire DIA circuits to establish network backup capabilities and increase bandwidth at each courthouse.

A/V INFRASTRUCTURE

The Courts state that the cost of a single courtroom A/V system is approximately \$60,000. The Courts state that this item will provide new A/V infrastructure for all 450+ courtrooms and proceeding spaces across the state. The request states that with an eight-year replacement lifecycle, the goal is to provide 60 updates per year; over four years this provides approximately 240 updated courtrooms.

WEBEX PLATFORM

The Courts state that the use of Cisco Webex licenses was increased from 250 to 500 concurrent host licenses during the pandemic.

NETWORK INFRASTRUCTURE

The Courts state that their largest consumer of bandwidth is video conferencing technologies used for department collaboration, virtual proceedings, and probationer communications. The Courts state that their video conferencing solution generates over 17,500 videoconference meetings per month and nearly 1,000 hours of videoconferences per day, with 130,000 stakeholders participating in virtual proceedings each month.

DATA CENTER HARDWARE

The Courts have two data centers that support IT network operations – GGCC (OIT-maintained) and Ralph L. Carr (onsite at Judicial). The Courts state that they need to upgrade two groups of major components that are end of life at each data center, plus introduce new architecture that will streamline Internet Edge routing and provide more security to the Demilitarized Zone (DMZ) design. The DMZ segregates internet traffic from the internal network traffic. The Courts state that new internet and DMZ design will improve internet security as well as add reliability and faster convergence time to external connectivity.

DISASTER RECOVERY

The Courts request a one-time disaster recovery hardware installation that will require refreshes in future years.

SECURITY

This component includes security hardware items that are one-time and application access items that will require annual, ongoing funding.

The Committee approved the Courts supplemental request for FY 2021-22 based on the JTC recommendation for approval of the supplemental request.

Similarly, the JTC recommends approval of the project as requested by the Courts through FY 2024-25. The JTC has prioritized this project in its IT Capital prioritization list as priority #8 of 21 prioritized projects. While the JTC has included this project as a potential IT Capital project, due to current law which only clearly provides for executive branch projects to be funded as an IT Capital project, staff recommends that the Committee fund this project in the Courts operating budget.

Technical Issue: The requested fund source is the Revenue Loss Restoration Cash Fund for FY 2022-23, FY 2023-24, and FY 2024-25. Staff is concerned that ARPA-originated funds require expenditure by December 30, 2024, and that all available funding transferred into the Revenue Loss Restoration Cash Fund may be fully appropriated before the start of FY 2023-24. **Staff recommends that the Committee appropriate a three-year total of \$24,131,390 for FY 2022-23 with a footnote providing spending authority through December 30, 2024.**

→ C&P BA3 FEDERAL ARPA ADMIN COST

REQUEST: The Courts requested their BA3 to include a continuation of their supplemental S4 request as well as an additional staff request related to managing and administering federal ARPA funds for the IT infrastructure request. The request identifies a request for \$241,854 in federal funds and 1.5 FTE for FY 2022-23.

RECOMMENDATION: Staff recommends that Committee approve the requests as outlined in the following table.

BA3 FEDERAL ARPA ADMIN COST REQUESTS									
	FY 2022-23		FY 2022-23		FY 2023-24		FY 2024-25		
	REQUEST		RECOMMENDATION		REC. ANNUALIZATION		REC. ANNUALIZATION		
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	
Personal Services - Acct IV – IT infrastructure	1.0	\$137,018	1.0	\$110,818	1.0	\$110,818	0.5	\$55,409	
Personal Services - Acct IV – VALE	0.5	\$66,965	0.5	\$55,139	0.5	\$55,139	0.25	\$27,570	
POTS		33,446		14,989		37,399		11,205	
Operating Expense		1,425		2,700		2,700		1,350	
Capital Outlay		3,000		2,200		0		0	
Subtotal FY 2022-23	1.5	\$241,854	1.5	\$185,846					
FY 2023-24	1.5	241,854			1.5	206,056			
FY 2024-25	1.5	241,854					0.75	95,534	
Total		\$725,562						\$487,436	

ANALYSIS

There are two distinct pieces to this request: (1) the continuation of the supplemental S4 request for a half-time federal ARPA VALE administrative recovery officer; and (2) a request for a full-time federal ARPA administrative recovery officer for funding provided for the IT infrastructure R2 request.

S4/BA3 FEDERAL ARPA VALE ADMIN COST

The supplemental S4 request was approved by the Committee as \$58,689 cash funds from the Economic Recovery and Relief Cash Fund and 0.5 FTE for a Recovery Officer position for VALE funds.

The following table outlines the requested and recommended appropriation details as provided by staff in the supplemental recommendation. All appropriations from this ARPA-originated, cash fund source expire on December 30, 2024, therefore a half-year of funding is identified for FY 2024-25.

S4/BA3 FEDERAL ARPA VALE ADMIN COST REQUEST										
	FY 2021-22 REQUEST		FY 2021-22 RECOMMENDATION		FY 2022-23 ANNUALIZATION		FY 2023-24 ANNUALIZATION		FY 2024-25 ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Accountant IV	0.5	\$66,965	0.5	\$55,139	0.5	\$55,139	0.5	\$55,139	0.3	\$27,570
POTS		6,128		0		14,989		14,989		7,495
Operating Expense		475		1,350		1,350		1,350		675
Capital Outlay		2,200		2,200		0		0		0
Subtotal FY 2021-22	0.5	\$75,768	0.5	\$58,689						
FY 2022-23	0.5	75,768			0.5	71,478				
FY 2023-24	0.5	75,768					0.5	71,478		
FY 2024-25	0.5	37,884							0.3	35,739
Total		\$265,188								\$237,384

Staff recommends a total appropriation of \$71,478 cash funds from the Economic Recovery and Relief Cash Fund and 0.5 FTE for FY 2022-23 for the continuation of the S4 Federal ARPA VALE administrative cost request.

BA3 FEDERAL ARPA IT INFRASTRUCTURE ADMIN COST

The Courts request \$166,806 cash funds from the Revenue Loss Restoration Cash Fund and 1.0 FTE for a recovery officer.

Based on the recommendation for S4, staff recommends that the Committee approve the request for a recovery officer to manage and administer the ARPA-related funding for the IT infrastructure appropriation. Staff recommends cash funds from the Revenue Loss Restoration Cash Fund.

Staff recommends that the Committee approve this portion of the BA3 request as outlined in the following table, including the following out-year annualizations.

BA3 FEDERAL ARPA IT INFRASTRUCTURE ADMIN COST									
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION		FY 2024-25 REC. ANNUALIZATION		
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	
Personal Services - Accountant IV	1.0	\$137,018	1.0	\$110,818	1.0	\$110,818	0.5	\$55,409	
POTS		27,318		0		22,410		11,205	
Operating Expense		950		1,350		1,350		675	

BA3 FEDERAL ARPA IT INFRASTRUCTURE ADMIN COST							
	FY 2022-23		FY 2022-23		FY 2023-24	FY 2024-25	
	REQUEST		RECOMMENDATION		REC. ANNUALIZATION	REC. ANNUALIZATION	
Capital Outlay		3,000		2,200	0	0	
Subtotal FY 2022-23	1.0	\$168,286	1.0	\$114,368			
FY 2023-24	1.0	168,286			1.0	134,578	
FY 2024-25	1.0	168,286				0.5	67,289
Total		\$504,858					\$316,235

➔ C&P R9/R10 BEHAVIORAL AND MENTAL HEALTH REQUESTS

REQUEST: The Courts' request includes an increase of \$2,378,014 total funds, including increases of \$392,514 General Fund and \$1,985,500 cash funds from the Behavioral and Mental Health Cash Fund, created in Section 24-75-230 (2)(a) and funded with ARPA funds in S.B. 21-137 Behavioral Health Recovery Act, and 1.0 FTE for behavioral and mental health requests outlined in the following table.

C&P R9/R10 BEHAVIORAL AND MENTAL HEALTH REQUESTS				
AGENCY REQUEST	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE
R9 Behavioral Health Court Liaison Program	\$392,514	\$0	\$392,514	1.0
R10 Mental Health and DA Pretrial Diversion Program	0	1,985,500	1,985,500	0.0
Total	\$392,514	\$1,985,500	\$2,378,014	1.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

C&P R9/R10 Behavioral and Mental Health Requests - JBC Staff Recommendations								
Agency Request	FY 2022-23 Recommendation				Out-year annualizations			
	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FT E	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FT E
R9 Behavioral Health Court Liaison Program	\$343,516	\$0	\$343,516	0.9	\$344,978	\$0	\$344,978	1.0
R10 Mental Health and DA Pretrial Diversion Program	0	1,985,500	1,985,000	0.0	0	1,985,500	1,985,000	0.0
Total	\$343,516	\$1,985,500	\$2,329,016	0.9	\$344,978	\$1,985,500	\$2,330,478	1.0

ANALYSIS

R9 BEHAVIORAL HEALTH COURT LIAISON PROGRAM, also known as the Bridges Program, includes an increase of \$392,514 General Fund and 1.0 FTE for (1) a clinical supervisor position, (2) a program evaluation at a cost of \$250,000 over three years (\$50,000-\$150,000-\$50,000), and (3) a reinstatement of the 10.0 percent reduction in contractor rates instituted in FY 2020-21 and continued in FY 2021-22 at a cost of \$198,000, along with a 2.5 percent provider rate increase, adopted as common policy in FY 2021-22 but not provided for Behavioral Court Liaison providers, at a cost of \$48,000; net provider rate increases total \$247,000. The FY 2023-24 annualization cost for this item is identified as \$495,000.

The statewide Behavioral Health Court Liaison Program (Bridges) was established by S.B. 18-251, *Statewide Behavioral Health Court Liaison Program*, and places 29 Court Liaisons (7.0 Judicial FTE plus 22 contract positions) across all 22 judicial districts to facilitate collaboration between the criminal justice and mental health systems. Liaisons serve defendants in the criminal justice system with

mental health needs, with a priority on serving individuals for whom a question of competency has been raised. In addition, liaisons address more comprehensive needs of a defendant beyond competency (such as mental health, housing, and transportation), thereby supporting long-term stability and positive outcomes for the defendant, while simultaneously reducing the burden on the court system and jails as a repository for individuals struggling with mental health needs.

Court Liaisons serve as case managers, working directly with defendants to identify needs and connect them to services, inform judges and attorneys about available services in the community, and facilitate communication and coordination of care with numerous providers, including the Office of Behavioral Health (OBH) competency programs. The Courts state that in FY 2020-21, 85 percent of judicial officers with criminal dockets utilized the services of the Bridges Program. Liaisons served more than 1,700 participants between July 1, 2020 and June 30, 2021, representing 2,518 cases. These numbers represent a 50 percent increase in the number of participants served by the Bridges Program over the prior fiscal year.

Court Liaisons also keep courts and attorneys informed regarding the participant's individual needs and available services. In communicating with judges and attorneys, liaisons submitted almost 6,000 reports in FY21, doubling the number of reports filed in the previous fiscal year. Among other things, these reports help inform the decision making regarding whether to release a defendant from custody, which is more likely if stability factors are addressed and supported.

Approximately half of Bridges participants are in custody before entering the program. Of those, 19 percent were released upon the appointment of a liaison in FY 2020-21. Additionally, by the close of program participation, 61 percent of those who remained in custody were released during their engagement with the Bridges Program. With the support of their liaison, out-of-custody participants connected to approximately 1,100 community-based services. Forty-seven percent of those referrals were to behavioral health services, and 53 percent were to other support services, such as housing, social support programs, and healthcare.

Program Evaluation

The Courts state that a program evaluation is necessary to analyze data and examine outcomes related to the legislative intent and goals of the program. The Courts state that program evaluation is necessary as outlined in S.B. 18-251, *Statenide Behavioral Health Court Liaison Program*, and is also critical to long term program success, as the purpose is to identify progress towards outcomes, improve program effectiveness, and inform programming decisions. The Courts further state that because of the collaborative nature of the program model, thorough data collection and analysis of outcomes for the Bridges Program requires a robust evaluation design that examines the intersection of data across contracted agencies, the Judicial Department, the Office of Behavioral Health, jails, and law enforcement agencies.

The Courts request \$250,000 for a quantitative and qualitative program evaluation of which \$50,000 is requested for FY 2022-23 for vendor recruitment and project design; \$150,000 for FY 2023-24 for data collection; and \$50,000 for FY 2024-25 for data analysis.

Staff notes that the S.B. 18-251 fiscal note provided funding for required statutory reporting. Staff is not convinced that this request is envisioned as part of the legislation and the Courts have submitted thorough and substantial annual reports as required in the legislation.

Staff does believe that the Bridges Program appears to be widely well received. A program evaluation along the lines envisioned and requested by the Courts may in fact provide additional valuable data and analysis that is not currently collected. However, based on the data provided through current reporting as required by statute, staff does not clearly envision a significantly different or deeper analysis that that already provided and is not convinced that this additional program evaluation is absolutely critical or necessary.

Staff recommends that the Committee deny the program evaluation portion of the request.

Provider Rate Increase

The Courts state that contracts were reduced by 10 percent totaling \$198,329 in FY 2020-21 and continued in FY 2021-22 in response to COVID-19 budget cuts. The Courts state that much of the cost reduction was possible because travel budgets were suspended; however, travel in most situations is again necessary to maintain best practices with courts and participants. The Courts state that additionally, there is a 50 percent increase in caseloads over the previous fiscal year and providers did not receive the 2.5 percent common policy rate provider increase granted by the General Assembly for FY 2021-22. The Courts state that in order to retain services with these agencies for the long-term, contracts will need to be restored to pre-COVID-19 rates, enabling agencies to meet the costs of travel and employment expenses and increased caseload sizes.

The Courts request reinstatement of the original decrease of \$198,329 and a 2.5 percent provider rate increase totaling \$48,349, which was adopted as provider rate common policy for FY 2021-22 but not granted to Behavioral Court Liaison providers. Provider rate adjustments total \$246,678.

Staff agrees that the FY 2020-21 budget reduction should be reinstated. Additionally, staff agrees that an additional 2.5 percent provider rate increase is a reasonable and fair increase request.

Staff recommends that the Committee approve the provider rate increase portion of the request.

Staffing request

As the Bridges Program expands and becomes more robust, the significant increase in caseloads also reflects an increase in high acuity participants. Liaisons are more frequently supporting participants in crisis situations that require immediate intervention and emergency consultations with courts, attorneys, jails, and multiple mental health providers. Crisis situations include suicide ideation or attempts, severe mental health decompensation, psychotic episodes, and substance overdose. Best practice to ensure competent and ethical services for high acuity cases and crisis intervention is to engage multiple professionals in the decision making, including clinical supervision for case managers (court liaisons) with a licensed mental health professional.

The Courts state that a 1.0 FTE Bridges Program Clinical Supervisor (licensed) would provide: 1) direct clinical supervision of 7.0 FTE Judicial Department liaisons, 2) emergency staffing regarding high acuity clients and crisis situations for 29 liaisons statewide, and 3) ongoing staff development and training for 29 liaisons statewide.

With appropriate clinical guidance in place from a licensed mental health professional, liaisons would have additional support and direction to understand and respond more effectively to all types of clinical situations and prevent clinical crises from escalating. A full-time clinical supervisor

dedicated to supporting liaisons would also be well-versed in the legal considerations that are unique to the Bridges Program, given the parallel systems involvement in active legal proceedings for participants.

The National Association of Social Work describes clinical supervision as encompassing, "several interrelated functions and responsibilities... that ensure clients are protected and that clients receive competent and ethical services... During supervision, services received by the client are evaluated and adjusted, as needed, to increase the benefit to the client. It is the supervisor's responsibility to ensure that the supervisee provides competent, appropriate, and ethical services to the client." (2013, National Association of Social Workers and Association of Social Work Boards, *Best Practice Standards in Social Work Supervision*)

The Bridges Program Clinical Supervisor would also provide educational supervision to the statewide program, focusing on staff development and the training needs of the liaisons in their work providing assessment, intervention, identification and resolution of ethical issues (particularly important during active criminal proceedings), and evaluation and termination of services. Training and education are currently delivered to liaisons through bi-monthly, two-day long statewide meetings and quarterly regional meetings. Staff development and training by a licensed clinician would support consistent standards of care across the state and provide opportunities for group supervision of complex, yet common, situations.

Staff agrees that the Bridges Program would be particularly enhanced and stabilized with the addition of the requested clinical supervisor position.

The clinical supervisor position is aligned to the Court Programs Analyst II classification in the Judicial Department with a salary range of \$5,693 to \$7,876 (\$68,316 to \$94,512 annually). The appropriation is requested at the salary range midpoint of \$6,784 (\$81,408 annually). The Courts state: "The difficult hiring environment coupled with the Equal Pay Act forces the Department to request higher than range minimums on its requested positions."

Staff is generally not satisfied with this generic justification that was submitted as a "blanket" justification for several requested positions. Nevertheless, staff recommends, due to the clinical nature of this position and due to the singular program management nature of the position, that the Committee approve the requested salary funding at midpoint of the salary range.

In future years, JBC staff will not recommend salaries above minimum for the Courts if a more appropriate and specific justification for above-minimum salary for each requested position is not included or otherwise provided to staff by the time figure setting analysis is initiated. Given the total number of requests submitted, the complexity of requests, and the significance of requests in those requested at the January 15th statutory deadline for stand-alone budget amendments, staff recommends that the Courts include any and all explanation and justification for any items that vary from standard JBC policy in their initial request narrative.

Additionally, the request includes extraordinary travel expenses of \$5,000 for this position. Staff recommends approval of that travel expense request for this position.

Staff recommends that the Committee approve the R9 staffing request, provider rate increase, and program evaluation request as outlined in the following table, including the following out-year annualizations.

C&P R9 STAFF REQUEST, PROVIDER RATE INCREASE, AND PROGRAM EVALUATION						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Clinical Supervisor	1.0	\$84,213	0.9	\$84,288	1.0	\$91,950
Operating Expense		950		1,350		1,350
Travel Expense		5,000		5,000		5,000
Capital Outlay		5,673		6,200		0
Staff subtotal	1.0	95,836	0.9	96,838	1.0	98,300
Provider rate increase		246,678		246,678		246,678
Program evaluation		50,000		0		0
R9 total	1.0	\$392,514	0.9	\$343,516	1.0	\$344,978

R10 MENTAL HEALTH AND DA PRETRIAL DIVERSION PROGRAM includes an increase of \$1,985,500 cash funds from the Behavioral and Mental Health Cash Fund, created and funded with ARPA funds in S.B. 21-137 Behavioral Health Recovery Act, for the Pretrial Adult Diversion Program. The request for the Pretrial Diversion Program includes \$1.6 million for additional adult diversion funding and \$339,000 for the one-time cost for a case management system for the Pretrial Diversion Program.

Prior to FY 2020-21, the Pretrial Diversion Program was General Funded at \$400,000 per year, was initially approved for an increase to \$874,000 General Fund, and was then reduced to \$100,000 General Fund for FY 2020-21.

Additionally, the request includes the transfer of \$100,000 General Fund and 1.0 FTE from the Mental Health Diversion Program into General Courts Administration and termination of the Mental Health Diversion Program.

Adult Pretrial Diversion Program

House Bill 13-1156, *Adult Pretrial Diversion Program*, created the Pretrial Diversion Program to divert individuals from prosecution, when appropriate, while holding them accountable for their actions. Pretrial adult diversion programs further the legislative intent of crime prevention, restoration of victims, payment of restitution, and reduction of criminal court case volume. Diversion can also interrupt cyclical involvement in the criminal legal system, foster residential, mental health, family, financial, and employment stability, provide access to rehabilitative services, and prevent collateral consequences of conviction by addressing factors that contribute to criminal legal system involvement, such as behavioral health treatment needs.

The number of Adult Diversion programs operating pursuant to Section 18-1.3-101, C.R.S., increased from four at the program's inception to 12 in FY 2020-21. The General Fund appropriation to the program remained constant at \$400,000 annually through FY 2019-20. An FY 2020-21 request to more than double the annual appropriation received initial JBC approval prior to its elimination due to the COVID-19 pandemic-related budget constraints. Consequently, the Adult

Diversion program appropriations were reduced by 75% to \$100,000 in FY 2020-21 and FY 2021-22, divided among 12 and 10 programs, respectively.

Diversion programs have become fundamental to criminal legal system operations. Diversion resolves cases without resource-intensive trials. Diversion programs can decrease the pipeline of individuals who cannot undergo trial due to their inability to consult with counsel and their inability to understand the charges against them. Rather than placing individuals on the waitlist for competency evaluation and restoration services, diversion can provide expedited triage of cases to determine the level and type of interventions needed, such as mental health or substance use disorder treatment, and can lead to dismissal of charges for those successfully completing their diversion agreements.

Mental Health Diversion Program (Pilot)

Among legislative efforts to address shortcomings in the competency evaluation and restoration system was S.B. 18-249, *Redirection Criminal Justice Mental Health*, which created the pilot Mental Health Diversion Program (MHDP), amended by S.B. 19-211, *Mental Health Criminal Diversion Program*, and H.B. 20-1393, *Expand Mental Health Diversion Pilot Program*. The MHDP sunsets as of June 30, 2022.

Although pilot site operations terminated prematurely due to pandemic-related budget cuts, pilot experiences inform this request in several ways.

- First, pilot sites observed the frequent role of untreated mental health impairments and substance use disorders in criminal justice legal system involvement.
- Second, pilot sites expressed the need for supportive case management and short-term funding for participant basic needs as crucial components of participant and program success.
- Third, pilot sites agreed that funding of behavioral health interventions under the Pretrial Adult Diversion Program, rather than extending the pilot MHDP, would increase operational and funding efficiencies and decrease administrative burdens by combining application, reporting, oversight, and program operation functions.

Program Consolidation

Funding behavioral health interventions under the Adult Diversion program would also provide access to Correctional Treatment Funding and would leverage the existing structure and experience of the Adult Diversion Funding Committee, which is governed by Section 13-3-115, C.R.S. Consolidating behavioral health interventions under the Adult Diversion Program would also foster an integrated approach for case triage, with cases matched to programs such as general diversion, diversion with behavioral health interventions, problem-solving courts, restorative justice practices, trial, etc.

The Adult Diversion Program provides flexibility regarding eligible offenses and individualized diversion agreement terms, such as the duration of diversion. The Adult Diversion statute emphasizes rehabilitation and reintegration and elevates reparation of harm to victims. Incorporating supportive case management and behavioral health interventions is compatible with the Adult Diversion statute, as written, such that the statute would require no modification. Furthermore, between 10 and 12 of Colorado's 22 judicial districts have participated in the Adult Diversion

program in the past two years and have program structures and stakeholder relationships in place to incorporate behavioral health interventions and supportive case management.

With the impending sunset of the MHDP, FY 2022-23 presents an opportunity to meaningfully and efficiently integrate mental health interventions into Adult Diversion programming.

Following the FY 2020-21 budget cuts, the Adult Diversion Program Coordinator sought and received notice of a funding award from the Competency Fines Committee, established through the Consent Decree in *Center for Legal Advocacy v. Barnes*, 11-CV-02285-NYW, U.S. District Court, to provide mental health interventions for individuals involved in the criminal legal system on behalf of four judicial districts. The appropriation for expending these funds is in the Adult Diversion Program line item. Although the Committee announced that it would award funding for FY 2021-22, its renewal in FY 2022-23 is uncertain.

Case Management System

In addition to funding for behavioral health interventions and other participant supports, the Adult Diversion Program and other criminal justice programs coordinated by the State Court Administrator's Office (SCAO) are in dire need of funding for a multi-purpose case management system for data collection, quarterly reporting, and analysis. The SCAO and the criminal justice stakeholders involved in implementing Adult Diversion, Problem-Solving Courts, Bridges, and other of its programs lack a shared database or other case management system for accessing, collecting, updating, reporting, sharing, and analyzing programmatic data.

Most of the criminal justice programs coordinated by the SCAO rely on Excel spreadsheets or similar means to manually record and track data. Human error in data entry and Excel usage present data integrity challenges, necessitating painstaking data review and clean-up, particularly in jurisdictions with multiple Excel spreadsheet users. The increase in the number of criminal justice programs administered by the SCAO and the growing number of sites for each program (an increase from 4 to 12 adult diversion sites, for example), warrants an investment in technology infrastructure.

In years when grant awards are nominal, the administrative burden of data collection and reporting has resulted in award rejection. Administrative tasks, such as data collection and reporting, unduly consume staff resources, detracting from direct support of participants. A case management system that would decrease administrative burden, increase data integrity, enhance information sharing, and consolidate data management for the multiple criminal justice programs coordinated by the SCAO has become increasingly vital.

The Division of Criminal Justice's Juvenile Diversion Program addressed a similar need through enhancements to the ACTION database already in use by Colorado District Attorney Offices, which may provide a potential solution. The development and/or purchase of a case management system or other information technology enhancements would require a request for proposal process. The initial cost in FY 2022-23 to purchase or develop a case management system would be a one-time expense, followed by lower, recurring annual maintenance and servicing expenses.

The proposed solution is to provide ongoing funding of \$1,646,150 for pretrial diversion, deflection, or other programs that interrupt or prevent involvement in the criminal legal system. The following tables outline the basis (budget build) for the request.

FY 2021-22 REQUESTS FOR DIVERSION FUNDING			
JUDICIAL DISTRICT (DA OFFICE)	ADP REQUESTS	CONSENT DECREE REQUESTS	MHDP REQUESTS
2	\$165,600		
3	72,242	15,995	
5	27,500		
7	56,574	78,000	
8			180,350
9	88,584		
12	151,412		
14	22,500		
15	39,155		
16	75,000		139,000
20	27,500	220,000	
21	109,187	27,900	
22	105,950	43,700	
Subtotal - requests by program	\$941,204	\$385,595	\$319,350
Total Requests			\$1,646,149

PROPOSED FY 2022-23 FUNDING FOR DIVERSION PROGRAM	
Adult Diversion Program	\$1,646,150
Case Management System (one-time)	339,350
Total	\$1,985,500

Staff recommends that the Committee approve the requested funding for the Adult Diversion Program. Additionally, staff recommends that the Committee approve the requested transfer of 1.0 FTE and associated \$100,000 General Fund from the Mental Health Diversion Program to General Courts Administration.

Technical Issue: The request includes the use of Behavioral Health and Mental Health Cash Fund resources for FY 2022-23, FY 2023-24, and FY 2024-25. Staff is concerned that ARPA-originated funds require expenditure by December 30, 2024, and the Court's anticipated timeline for this request may not comport with that requirement. Additionally, staff is concerned that all available funding transferred into the Behavioral Health and Mental Health Cash Fund may be fully appropriated before the start of FY 2023-24. If the Committee wishes to address these concerns for this multi-year request of these cash fund resources, **staff recommends that the Committee may wish to appropriate a three-year total of \$4,938,450 for the Adult Diversion Program, plus the funding for the case management system of \$339,350, totaling an appropriation of \$5,277,800 for FY 2022-23 with a footnote providing spending authority through December 30, 2024.**

→ C&P R6/R7/R11 RESTORATION REQUESTS

REQUEST: The Courts' request includes an increase of \$3.3 million General Fund for the restoration of funding for items eliminated or reduced in FY 2020-21 due to the revenue downturn. The following table outlines the request items.

C&P R6/R7/R11 RESTORATION REQUESTS				
AGENCY REQUEST	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE
C&P R6 Judicial Education restoration	\$400,000	\$0	\$400,000	0.0
C&P R7 Problem Solving Court restoration	359,000	0	359,000	0.0
C&P R11 Underfunded Facilities GF restoration	2,500,000	0	2,500,000	0.0
Total	\$3,259,000	\$0	\$3,259,000	0.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

C&P R6/R7/R11 RESTORATION REQUESTS - JBC STAFF RECOMMENDATIONS								
AGENCY REQUEST	FY 2022-23 RECOMMENDATION				OUT-YEAR ANNUALIZATIONS			
	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE	GENERAL FUND	CASH FUNDS	TOTAL FUNDS	FTE
C&P R6 Judicial Education restoration	\$0	\$400,000	\$400,000	0.0	\$0	\$400,000	\$400,000	0.0
C&P R7 Problem Solving Court restoration	0	359,000	359,000	0.0	0	359,000	359,000	0.0
C&P R11 Underfunded Facilities GF restoration	2,500,000	0	2,500,000	0.0	2,500,000	0	2,500,000	0.0
Total	\$2,500,000	\$759,000	\$3,259,000	0.0	\$2,500,000	\$759,000	\$3,259,000	0.0

ANALYSIS

R6 JUDICIAL EDUCATION RESTORATION

This request includes an increase of \$400,000 General Fund, which includes the restoration of \$350,000 for the annual Colorado Judicial Conference and \$50,000 for the Colorado Institute for Faculty Excellence (COIFE), a six-month program for education program and project planning and design.

The Courts' request narrative states (emphasis added):

The Judicial Department (Courts and Probation) requests \$400,000 General Fund to restore funding for the annual Judicial Conference and for the Department's Colorado Institute for Faculty Excellence in Judicial Education. ... due to the COVID-19 pandemic, the in-person event was cancelled in FY21 and FY22. This request will enable the Department to resume the conference in FY23...

Due to the FY21 COVID-induced budget crisis, funding for the annual Judicial Conference was eliminated. ...

Similarly, funding for the Department's Colorado Institute for Faculty Excellence (COIFE) was also eliminated.

Based on a review of the appropriations history, this line item was funded as follows since FY 2013-14:

R6 JUDICIAL EDUCATION FUNDING RESTORATION				
	TF	GF	CF	FTE
FY 2022-23 Base	\$555,986	\$30,000	\$525,986	2.0
R6 Request	400,000	400,000	0	0.0
FY 2022-23 Requested Appropriation	962,974	430,941	532,033	0.0
Appropriations History				
FY 2013-14	1,462,036	0	1,462,036	2.0
FY 2014-15	1,448,906	0	1,448,906	2.0
FY 2015-16	1,453,718	4,812	1,448,906	2.0
FY 2016-17	1,456,806	4,812	1,451,994	2.0
FY 2017-18	1,460,283	8,289	1,451,994	2.0
FY 2018-19	1,464,342	12,348	1,451,994	2.0
FY 2019-20	1,525,938	73,944	1,451,994	2.0
FY 2020-21	525,938	0	525,938	2.0
FY 2021-22	555,986	30,000	525,986	2.0

As outlined in the table, this line item was never traditionally funded with General Fund. Funding has historically been provided by fee revenue collected in the Judicial Stabilization Cash Fund.

In FY 2019-20, S.B. 19-223 *Actions Related to Competency to Proceed*, added a one-time appropriation of \$50,000 General Fund, which was annualized out for FY 2020-21. In FY 2021-22, \$30,000 General Fund was added for a one-time appropriation for the BA4 *Magistrates* request, and is annualized out for FY 2022-23.

Staff is not able to explain why annualizations for salary survey and merit pay were added to this entirely cash funded line item in FY 2015-16, FY 2017-18, and FY 2018-19. These random General Fund amounts that had accumulated based on salary increase annualizations in three of four years were reversed as a part of FY 2020-21 balancing actions.

The FY 2020-21 budget actions included a Courts request for a cash funds decrease of \$456,056 for the R1 *Judicial Budget Adjustments* request and a cash funds decrease of \$470,000 for a balancing action.

Based on the history of funding and the Courts' request for a "restoration" of funding and not a request for refinancing to General Fund, staff recommends that the Committee approve a restoration of \$400,000 cash funds from the Judicial Stabilization Cash Fund.

R7 PROBLEM SOLVING COURT OPERATING RESTORATION

This request includes an increase of \$359,000 General Fund, which includes \$200,000 for statewide training and education and \$159,000 for local support, program development, and evaluation of outcomes.

The Courts' request narrative states (emphasis added):

The Judicial Department (Courts and Probation) requests \$359,000 General Fund for the Problem-Solving Courts program to reinstate funding lost due to the COVID-19 budget crisis. ... In response to the FY21 COVID-19 pandemic budget crisis, the Problem-Solving Court program budget was reduced by \$539,000. ... Restoring the \$359,000 in program funding that was reduced in FY21 will enable the Unit to better respond to the issues presented in maintaining continued operational fidelity to the problem-solving court model.

Based on a review of the appropriations history, this line item was funded as follows since FY 2013-14:

R7 PROBLEM SOLVING COURT OPERATING RESTORATION				
	TF	GF	CF	FTE
FY 2022-23 Base	\$3,149,032	\$0	\$3,149,032	36.7
Base adjustments	143,809	143,809	0	0.0
R7 Request	359,000	359,000	0	0.0
FY 2022-23 Requested Appropriation	3,651,841	502,809	3,149,032	36.7
Appropriations History				
FY 2013-14	3,045,535	0	3,045,535	41.5
FY 2014-15	3,133,985	0	3,133,985	41.5
FY 2015-16	3,509,361	375,376	3,133,985	44.3
FY 2016-17	3,603,032	398,446	3,204,586	44.3
FY 2017-18	4,079,624	875,038	3,204,586	50.6
FY 2018-19	4,621,027	1,416,441	3,204,586	57.6
FY 2019-20	3,390,923	186,337	3,204,586	43.6

R7 PROBLEM SOLVING COURT OPERATING RESTORATION				
	TF	GF	CF	FTE
FY 2020-21	3,148,757	0	3,148,757	36.7
FY 2021-22	3,149,032	0	3,149,032	36.7

As outlined in the table, this line item was not historically funded with General Fund. Funding has historically been provided by fee revenue collected in the Judicial Stabilization Cash Fund.

In FY 2015-16, approval of the *R12 Problem-solving Courts FTE* request item added \$170,107 General Fund and 2.8 FTE. The additional \$205,269 were annualizations for salary survey and merit pay added to this entirely cash funded line item prior to the R12 request in FY 2015-16.

In FY 2016-17, additional annualizations for salary survey and merit pay, and an annualization for R12 from the prior year added \$23,070 General Fund to this line item.

In FY 2017-18, a Long Bill conference committee amendment replaced \$473,699 of funding from the Marijuana Tax Cash Fund added in a Long Bill amendment, with an equivalent amount of General Fund. There was an additional annualization of salary survey for \$2,893 General Funded included as a base adjustment in that fiscal year.

In FY 2018-19, annualizations for salary survey and merit pay added \$73,642 General Fund in base adjustments. Additionally, \$467,761 General Fund and 7.0 FTE were added for the *R3 Problem Solving Court Coordinators* request item.

In FY 2019-20, \$183,250 General Fund was added for annualizations for salary survey, S.B. 18-200 *PERA Unfunded Liability*, for the FY 2018-19 R3 item. Adjustments for that year's *BA8 Clean-up problem solving courts approp* included a decrease of \$942,689 General Fund and a decrease of 14.0 FTE. In the 2020 Long Bill, a Long Bill balancing action add-on, identified as a reversion, further decreased the FY 2019-20 General Fund appropriation by \$470,665. These adjustments totaled a net decrease of \$1,227,104 General Fund, leaving a remaining General Fund appropriation of \$186,337.

In FY 2020-21, \$680,808 General Fund was added for annualizations for salary survey, merit pay, S.B. 18-200 *PERA Unfunded Liability*, and the prior year one-time reversion decrease. Adjustments for the *R16 Technical Adjustments* item included a decrease of \$635,306 General Fund and a decrease of 6.9 FTE. Adjustments for that year's budget balancing action included a decrease of \$359,000 total funds, including \$231,839 General Fund and a decrease of \$127,161 cash funds from the Judicial Stabilization Cash Fund.

Based on the history of funding and the Courts' request for a "restoration" of funding and not a request for refinancing to General Fund, staff recommends that the Committee approve a restoration of \$359,000 cash funds from the Judicial Stabilization Cash Fund.

R11 UNDERFUNDED FACILITIES GF RESTORATION

This request includes an increase of \$2.5 million General Fund for the General Fund appropriation to the Underfunded Courthouse Facility Cash Fund. The current appropriation is \$500,000.

The Courts' request narrative states (emphasis added):

The Judicial Department (Courts and Probation) requests reinstatement of \$2,500,000 General Fund transfer to the Underfunded Courthouse Facility Cash Fund. This appropriation was reduced from \$3,000,000 in FY20 to \$500,000 in FY21 and FY22 due to the COVID-19 induced budget crisis.

Based on a review of the appropriations history, this line item was funded as follows since FY 2014-15:

R11 UNDERFUNDED FACILITIES GF RESTORATION				
	TF	GF	CF	FTE
FY 2022-23 Base	\$500,000	\$500,000	\$0	0.0
R7 Request	2,500,000	2,500,000	0	0.0
FY 2022-23 Requested Appropriation	3,000,000	3,000,000	0	0.0
Appropriations History				
FY 2014-15	700,000	700,000	0	0.0
FY 2015-16	2,000,000	2,000,000	0	0.0
FY 2016-17	2,000,000	2,000,000	0	0.0
FY 2017-18	2,000,000	2,000,000	0	0.0
FY 2018-19	3,000,000	3,000,000	0	0.0
FY 2019-20	3,000,000	3,000,000	0	0.0
FY 2020-21	500,000	500,000	0	0.0
FY 2021-22	500,000	500,000	0	0.0

In FY 2020-21, an adjustments for that year's budget balancing action included a decrease of \$2.5 million General Fund. **Staff recommends that the Committee approve a restoration of \$2,500,000 General Fund.**

→ C&P NP1 COURTHOUSE FURNISHINGS

REQUEST: The Courts request \$3,377,086 General Fund for the State's share of county-initiated courthouse infrastructure projects. The FY 2022-23 request includes projects in six counties including Pitkin, Moffat, Otero, Adams, Arapahoe, and Mesa Counties. The Courts also request two-year spending authority for this line item due to the calendar-year basis of county budgets.

RECOMMENDATION: Staff recommends that the Committee approve the request, including two-year spending authority.

ANALYSIS

The Courts cite sections 13-3-104 and 13-3-108, C.R.S., for the basis of capital construction-related funding for court facilities. Section 13-3-104, C.R.S., provides the following:

13-3-104. State shall fund courts. (1) *The state of Colorado shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts.*

(2) *When a board of county commissioners determines that any furniture or equipment transferred to the judicial department as of January 1, 1970, has historic value, it shall remain in the county courthouse and revert to the county when no longer used by the judicial department.*

Sections 13-3-108, (1), (2), and (4)(a), C.R.S., provide the following (emphasis added):

13-3-108. Maintenance of court facilities - capital improvements. (1)
The board of county commissioners in each county shall continue to have the responsibility of providing and maintaining adequate courtrooms and other court facilities including janitorial service, except as otherwise provided in this section.

(2) *The court administrator, subject to the approval of the chief justice, shall prepare annually a capital construction budget. The capital construction budget shall specify: The additional court housing facilities required for each court; the estimated cost of such additional structures or facilities and whether such additional court structures or facilities will include space used by other governmental units for nonjudicial purposes; and a detailed report on the present court facilities currently in use and the reasons for their inadequacy.*

(4) (a) *The chief justice is authorized to approve payment of state funds for the construction of any capital improvement facilities to be used for judicial purposes authorized and approved by the general assembly.*

While statute specifies that counties have the responsibility to provide and maintain court facilities, statute also provides that the General Assembly may authorize state funds for construction and capital improvement of court facilities. It appears that tradition and practice is that the State annually funds furnishings, IT infrastructure, and related architect services as requested by counties and submitted to the Courts pursuant to Section 13-3-104 (1), C.R.S., in the Courthouse Furnishings and Infrastructure Maintenance line item.

The following table outlines the courthouse projects included in the request:

NP1 COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE				
DISTRICT AND PROJECT	ARCH SVCS	A/V, NETWORK, TECH SVCS	FURNITURE	TOTAL
9th Pitkin Co courthouse 2nd floor	\$2,500	\$118,298	\$282,750	\$403,548
14th Moffat Co C&P county office	2,150	366,064	609,975	978,189
16th Otero Co courthouse	1,900	113,935	65,825	181,660
17th Adams Co probation Westminster	100	31,836	239,850	271,786
17th Adams Co probation Brighton	100	43,114	75,350	118,564
18th Arapahoe Co ACJC courthouse 2, 3rd floor	0	84,711	454,125	538,836
21st Mesa Co courthouse	300	109,905	285,370	395,575
21st Mesa Co probation	800	146,178	341,950	488,928
Total	\$7,850	\$1,014,041	\$2,355,195	\$3,377,086

PROJECT DESCRIPTIONS

9TH PITKIN CO COURTHOUSE 2ND FLOOR: Pitkin County is remodeling the 2nd floor of the courthouse starting March 2022 and the estimated length of the project is 6 months.

14TH MOFFAT CO C&P COUNTY OFFICE: Moffat County will be renovating existing 1-story former commercial space for Court, Probation, and County Office.

16TH OTERO CO COURTHOUSE: Otero County is modifying the main public entrance of the courthouse to allow for security screening that adheres to ADA standards. Additionally, the courts have outgrown their space and require a hearing room and office.

17TH ADAMS CO PROBATION WESTMINSTER: Adams County will expand offices in the Westminster probation offices (western services building).

17TH ADAMS CO PROBATION BRIGHTON: Adams County is relocating probation offices in Brighton.

18TH ARAPAHOE CO ACJC COURTHOUSE 2, 3RD FLOOR: Arapahoe County is building new courtroom and office suites on the 3rd Floor at Courthouse 2 of the Arapahoe County Justice Center.

21ST MESA CO COURTHOUSE: Mesa County expects to build one district courtroom with accompanying staff offices and chambers on the 2nd floor of the justice center. Also, the division 8 court room on the third floor will be remodeled to add six jury seats, an ADA accessible bench, and moving back the bar into the seating gallery by one bench. Rolling file storage units on the first floor will be removed to create four framed offices as well as a cube farm with eight to 10 cubicles for staff.

21ST MESA CO PROBATION: Mesa County is moving probation offices from the current location to a remodeled warehouse that is connected to Mesa County Central Services.

TWO-YEAR SPENDING AUTHORITY

The Courts also request two-year spending authority for this line item. The Courts state that these projects are county-initiated with timelines outside of the Courts' control. Additionally, in staff's opinion it is not unusual for the completion of capital construction projects to cross fiscal years. **Consistent with the Committee's approval for two-year spending authority for the supplemental request, staff recommends that the Committee provide two-year spending authority for FY 2022-23 and on an ongoing basis for this line item.**

→ C&P BA8 LEGISLATION REQUEST

REQUEST: The Courts request that the Joint Budget Committee sponsor legislation that would administratively streamline the processing of certain revenues and fees currently collected by the Judicial Department for the Trial Courts and Collection programs. There is no cost to this request.

RECOMMENDATION: Staff recommends that the Committee consider pursuing legislation as requested.

ANALYSIS

The Department proposes the following legislative changes to simplify the administration of revenues collected.

DRUG OFFENDER SURCHARGE/RURAL ALCOHOL AND SUBSTANCE ABUSE SURCHARGE

Both the Drug Offender Surcharge (Section 18-19-103 (3)(a), C.R.S.) and the Rural Alcohol and Substance Abuse Surcharge (Section 18-19-103.5 (2)(a), C.R.S.) allow the clerk of court to retain five percent of the surcharge for the administration of the disbursement of the funds collected in these two sections. The proposed legislation would deposit the five percent surcharge into the Judicial Stabilization Cash Fund established in Section 13-32-101(6), C.R.S.

Currently this five percent surcharge is treated as a "cost-recovery" requiring it to be kept on a balance sheet account and then expenses are identified to "offset" this revenue. The Courts state that this is a more labor-intensive process that could be simplified by having these funds deposited directly into the Judicial Stabilization Cash Fund.

The following are the proposed amendments:

Drug Offender Surcharge:

18-19-103(3)(a) Five percent shall be ~~retained~~ DEPOSITED by the clerk IN THE JUDICIAL STABILIZATION CASH FUND ESTABLISHED IN SECTION 13-32-101(6) for purposes of administering the disbursal of the surcharge pursuant to this subsection (3).

Rural Alcohol and Substance Abuse Surcharge:

18-19-103.5(2)(a) Five percent shall be ~~retained~~ DEPOSITED by the clerk IN THE JUDICIAL STABILIZATION CASH FUND ESTABLISHED IN SECTION 13-32-101(6) for the purposes of administering the disbursal of the surcharge pursuant to this subsection (2);

ELIMINATE ONE OF TWO CASH FUNDS FOR THE COLLECTIONS INVESTIGATOR PROGRAM

The Courts' collection program has two cash funds for funding the Collections Investigator's appropriation: the Fines Collection Cash Fund created in Section 18-1.3-401 (1)(a)(III)(D), C.R.S.; and the Judicial Collections Enhancement Fund created in Section 16-11-101.6 (2), C.R.S.

The Fines Collection Cash Fund is really a one-year holding account as at the end of every fiscal year the remaining fund balance reverts to the General Fund. In practice, the Department utilizes all revenue in the Fines Collection Cash Fund each fiscal year and there is no reversion to the General Fund. Having two cash funds imposes an unnecessary administrative workload for the Department that could be reduced by having all revenue generated by these sources be deposited in a single Judicial Collections Enhancement Fund. The source of revenues would still be identifiable, however the burden of administering two cash funds would be eliminated.

The following are the proposed amendments:

Fines Collection Cash Fund:

18-1.3-401 (1)(a)(III)(D) All fines collect pursuant to this subparagraph (III) shall be deposited in the ~~fines collections cash fund, which fund is hereby created.....shall revert to the general fund at the end of each fiscal year.~~ JUDICIAL COLLECTIONS ENHANCEMENT CASH FUND CREATED IN SECTION 16-11-101.6 (2), C.R.S.

Staff agrees that these requested legislative changes will provide additional administrative efficiency. **Staff recommends that the Committee consider pursuing legislation as requested.**

LINE ITEM DETAIL – COURTS ADMINISTRATION

(A) ADMINISTRATION AND TECHNOLOGY

This subsection funds the activities of the Office of the State Court Administrator, including the following central administrative functions: accounting and budget; human resources; facilities management; procurement; public information; legal services; and information technology. Line items in this section are primarily supported by General Fund and the Judicial Department Information Technology Cash Fund.

ADMINISTRATION AND TECHNOLOGY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$47,102,475	\$16,965,532	\$27,883,351	\$2,253,592	\$0	248.5
HB 22-1176 (Supplemental)	9,357,900	226,083	9,131,817	0	0	2.9
Other legislation	267,550	199,318	68,232	0	0	2.8
TOTAL	\$56,727,925	\$17,390,933	\$37,083,400	\$2,253,592	\$0	254.2
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$56,727,925	\$17,390,933	\$37,083,400	\$2,253,592	\$0	254.2
C&P R3 IT infrastructure upgrades	24,131,390	0	24,131,390	0	0	0.0
C&P R2 IT staff	1,910,485	833,373	1,077,112	0	0	14.6
C&P R1/BA1/BA4 Fin services and HR staff	1,568,764	1,490,764	78,000	0	0	17.2
Annualize prior year legislation	1,341,989	1,146,696	195,293	0	0	3.2
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	1,089,905	944,191	70,000	75,714	0	2.3
C&P BA3 Federal ARPA admin cost	185,846	0	185,846	0	0	1.5
C&P R4/R5/BA5 Courts staff requests	182,080	182,080	0	0	0	2.3
C&P R9/R10 Behavioral and mental health requests	100,000	100,000	0	0	0	1.0
Indirect cost assessment	25,051	0	25,051	0	0	0.0
Technical adjustments	0	(127,339)	0	127,339	0	0.0
C&P BA2 Compensation study range and salary adjust	0	0	0	0	0	0.0
C&P BA8 Legislation request	0	0	0	0	0	0.0
Annualize prior year budget actions	(8,713,584)	407,012	(9,120,596)	0	0	(2.9)
TOTAL	\$78,549,851	\$22,367,710	\$53,725,496	\$2,456,645	\$0	293.4
INCREASE/(DECREASE)	\$21,821,926	\$4,976,777	\$16,642,096	\$203,053	\$0	39.2
Percentage Change	38.5%	28.6%	44.9%	9.0%	0.0%	(2)
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$14,068,604)	\$1,460,160	(\$24,312,481)	\$0	\$8,783,717	12.4

GENERAL COURTS ADMINISTRATION

This line item provides funding for personal services and operating expenses for the Office of the State Court Administrator's central administrative functions (e.g., human resources, accounting and budget, courts and probation administration and technical assistance, etc.). This line item also supports staff that develops and maintains information technology systems used by court and

probation staff in all 22 judicial districts, as well as systems used by other agencies and individuals to file information with the courts and access court information. Staff also provides training and technical assistance to system users. In addition, this line item provides funding for the costs of the Judicial Nominating Commission and the Jury Instruction Revision Committee, the printing of civil and criminal jury instructions, and the Branch's membership in the National Center for State Courts.

Sources of cash funds that support this line item include: the Judicial Department Information Technology Cash Fund; the Correctional Treatment Cash Fund; the Restorative Justice Surcharge Fund; and various sources of cash funds. Reappropriated funds that support this line item are from indirect cost recoveries.

STATUTORY AUTHORITY: Section 13-3-101 *et seq.*, C.R.S. [Judicial Department]

REQUEST: The Department requests \$33,288,959 total funds, including \$21,845,353 General Fund, \$8,745,107 cash funds, \$2,456,645 reappropriated funds, and \$241,854 federal funds, and 305.8 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, GENERAL COURTS ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$26,344,620	\$16,840,302	\$7,250,726	\$2,253,592	\$0	248.5
HB 22-1176 (Supplemental)	\$284,772	\$226,083	\$58,689	\$0	\$0	2.9
Other legislation	\$267,550	\$199,318	\$68,232	\$0	\$0	2.8
TOTAL	\$26,896,942	\$17,265,703	\$7,377,647	\$2,253,592	\$0	254.2
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$26,896,942	\$17,265,703	\$7,377,647	\$2,253,592	\$0	254.2
C&P R2 IT staff	1,910,485	833,373	1,077,112	0	0	14.6
C&P R1/BA1/BA4 Fin services and HR staff	1,565,164	1,487,164	78,000	0	0	17.2
Annualize prior year budget actions	350,912	407,012	(56,100)	0	0	(2.9)
Annualize prior year legislation	316,702	123,009	193,693	0	0	3.2
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	259,905	114,191	70,000	75,714	0	2.3
C&P BA3 Federal ARPA admin cost	185,846	0	185,846	0	0	1.5
C&P R4/R5/BA5 Courts staff requests	182,080	182,080	0	0	0	2.3
C&P R9/R10 Behavioral and mental health requests	100,000	100,000	0	0	0	1.0
C&P BA2 Compensation study range and salary adjust	0	0	0	0	0	0.0
Technical adjustments	0	(127,339)	0	127,339	0	0.0
C&P BA8 Legislation request	0	0	0	0	0	0.0
TOTAL	\$31,768,036	\$20,385,193	\$8,926,198	\$2,456,645	\$0	293.4
INCREASE/(DECREASE)	\$4,871,094	\$3,119,490	\$1,548,551	\$203,053	\$0	39.2
Percentage Change	18.1%	18.1%	21.0%	9.0%	0.0%	15.4%
FY 2022-23 EXECUTIVE REQUEST	\$33,288,959	\$21,845,353	\$8,745,107	\$2,456,645	\$241,854	305.8
Request Above/(Below) Recommendation	\$1,520,923	\$1,460,160	(\$181,091)	\$0	\$241,854	12.4

INFORMATION TECHNOLOGY INFRASTRUCTURE

This line item provides funding for the following information technology-related expenses:

- The majority of the Department's data line charges;
- Hardware replacement (personal computers, servers, routers, switches, etc.); and
- Software and hardware maintenance, including: licenses, updates and maintenance; hardware/software maintenance agreements related to the Department's voice/data network; anti-virus software; and the ongoing costs associated with the maintenance and upkeep of all of the Department's hardware (personal computers, terminals, printers, and remote controllers).

STATUTORY AUTHORITY: Section 13-3-101 *et seq.*, C.R.S. [Judicial Department]; Section 13-32-114, C.R.S. [Judicial Department Information Technology Cash Fund]

REQUEST: The Department requests \$26,385,642 total funds, including \$1,982,517 General Fund, \$15,861,262 cash funds, and \$8,541,863 federal funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, INFORMATION TECHNOLOGY INFRASTRUCTURE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$15,976,260	\$125,230	\$15,851,030	\$0	\$0	0.0
HB 22-1176 (Supplemental)	\$9,073,128	\$0	\$9,073,128	\$0	\$0	0.0
TOTAL	\$25,049,388	\$125,230	\$24,924,158	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$25,049,388	\$125,230	\$24,924,158	\$0	\$0	0.0
C&P R3 IT infrastructure upgrades	24,131,390	0	24,131,390	0	0	0.0
Annualize prior year legislation	1,025,287	1,023,687	1,600	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	830,000	830,000	0	0	0	0.0
C&P R1/BA1/BA4 Fin services and HR staff	3,600	3,600	0	0	0	0.0
Technical adjustments	0	0	0	0	0	0.0
Annualize prior year budget actions	(9,064,496)	0	(9,064,496)	0	0	0.0
TOTAL	\$41,975,169	\$1,982,517	\$39,992,652	\$0	\$0	0.0
INCREASE/(DECREASE)	\$16,925,781	\$1,857,287	\$15,068,494	\$0	\$0	0.0
Percentage Change	67.6%	1,483.1%	60.5%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$15,589,527)	\$0	(\$24,131,390)	\$0	\$8,541,863	0.0

INFORMATION TECHNOLOGY COST RECOVERIES

This line item isolates program expenditures related to e-filing and its related costs as well as any other data requests that are eligible for cash reimbursement. The idea is to isolate these expenditures in order to allow better tracking of expenses and revenues associated with e-filing.

REQUEST: The Department requests an appropriation of \$3,860,800 cash funds, which includes no changes from the prior year.

RECOMMENDATION: Staff recommends the requested appropriation.

INDIRECT COST ASSESSMENT

Statewide indirect cost assessments are charged to cash and federal programs for statewide overhead costs (such as those generated by the Department of Personnel and Administration or DPA), and then the assessments are used in administrative divisions to offset General Fund appropriations. This department’s share of statewide costs is primarily related to the DPA’s archive services, DPA’s Office of the State Controller, and the State Treasurer’s Office.

Departmental indirect cost assessments are charged to cash and federally-funded programs for departmental overhead costs, and then the assessments are used in the Courts Administration section to offset General Fund appropriations.

STATUTORY AUTHORITY: Colorado Fiscal Rules #8-3; Section 24-75-1401, C.R.S. [Indirect Costs Excess Recovery Fund]

REQUEST: The Department requests \$945,846 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$920,795	\$0	\$920,795	\$0	\$0	0.0
TOTAL	\$920,795	\$0	\$920,795	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$920,795	\$0	\$920,795	\$0	\$0	0.0
Indirect cost assessment	25,051	0	25,051	0	0	0.0
TOTAL	\$945,846	\$0	\$945,846	\$0	\$0	0.0
INCREASE/(DECREASE)	\$25,051	\$0	\$25,051	\$0	\$0	0.0
Percentage Change	2.7%	0.0%	2.7%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$945,846	\$0	\$945,846	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(B) CENTRAL APPROPRIATIONS

This Long Bill group includes various centrally appropriated line items. Some of the appropriations are for the entire Judicial Branch; some are for “main judicial” – i.e. for the courts, courts administration, and probation. Unless otherwise noted, the sources of cash funds include: the Offender Services Fund, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Judicial Collection Enhancement Fund, the Correctional Treatment Cash Fund, the Alcohol and Drug Driving Safety Program Fund, and the State Commission on Judicial Performance Cash Fund.

CENTRAL APPROPRIATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$100,776,240	\$98,029,932	\$2,746,308	\$0	\$0	0.0
Other legislation	267,862	241,462	26,400	0	0	0.0
HB 22-1176 (Supplemental)	0	0	0	0	0	0.0
TOTAL	\$101,044,102	\$98,271,394	\$2,772,708	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$101,044,102	\$98,271,394	\$2,772,708	\$0	\$0	0.0
Centrally appropriated line items	11,234,637	11,028,141	206,496	0	0	0.0
C&P BA2 Compensation study range and salary adjust	2,939,265	2,939,265	0	0	0	0.0
C&P R2 IT staff	99,200	99,200	0	0	0	0.0
C&P R4/R5/BA5 Courts staff requests	60,100	60,100	0	0	0	0.0
C&P R1/BA1/BA4 Fin services and HR staff	55,800	55,800	0	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	50,041	50,041	0	0	0	0.0
C&P R9/R10 Behavioral and mental health requests	6,200	6,200	0	0	0	0.0
Annualize prior year budget actions	(9,487,191)	(9,269,776)	(217,415)	0	0	0.0
Annualize prior year legislation	(222,862)	(196,462)	(26,400)	0	0	0.0
TOTAL	\$105,779,292	\$103,043,903	\$2,735,389	\$0	\$0	0.0
INCREASE/(DECREASE)	\$4,735,190	\$4,772,509	(\$37,319)	\$0	\$0	0.0
Percentage Change	4.7%	4.9%	(1.3%)	0.0%	0.0%	(2)
FY 2022-23 EXECUTIVE REQUEST	\$105,871,444	\$103,135,201	\$2,736,243	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$92,152	\$91,298	\$854	\$0	\$0	0.0

HEALTH, LIFE AND DENTAL

This is the first of several line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Main Judicial (the courts and probation).

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The Department requests \$44,208,491 total funds, including \$42,732,376 General Fund and \$1,476,115 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$41,118,276	\$39,695,403	\$1,422,873	\$0	\$0	0.0
TOTAL	\$41,118,276	\$39,695,403	\$1,422,873	\$0	\$0	0.0

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$41,118,276	\$39,695,403	\$1,422,873	\$0	\$0	0.0
Centrally appropriated line items	3,090,215	3,036,973	53,242	0	0	0.0
TOTAL	\$44,208,491	\$42,732,376	\$1,476,115	\$0	\$0	0.0
INCREASE/(DECREASE)						
	\$3,090,215	\$3,036,973	\$53,242	\$0	\$0	0.0
Percentage Change	7.5%	7.7%	3.7%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This is the first of several line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff. Note that the Department does not provide short-term disability for justices and judges, so the premium calculation excludes base salaries for judges and justices. It is staff's understanding that this is due to the constitutional prohibition on decreasing compensation for a judge or justice during their term of office. If a judge or justice becomes disabled, he or she is either paid a full salary while on short-term leave or is paid under long-term disability provisions.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The Department requests \$461,822 total funds, including \$451,210 General Fund and \$10,612 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$436,858	\$426,279	\$10,579	\$0	\$0	0.0
TOTAL	\$436,858	\$426,279	\$10,579	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$436,858	\$426,279	\$10,579	\$0	\$0	0.0
Centrally appropriated line items	20,807	20,776	31	0	0	0.0
C&P BA2 Compensation study range and salary adjustments	4,260	4,260	0	0	0	0.0
TOTAL	\$461,925	\$451,315	\$10,610	\$0	\$0	0.0
INCREASE/(DECREASE)						
	\$25,067	\$25,036	\$31	\$0	\$0	0.0
Percentage Change	5.7%	5.9%	0.3%	0.0%	0.0%	0.0%

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 EXECUTIVE REQUEST	\$461,822	\$451,210	\$10,612	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$103)	(\$105)	\$2	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this is the first of several line items that provide additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The Department requests \$14,282,629 total funds, including \$13,951,236 General Fund and \$331,393 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$13,702,122	\$13,369,919	\$332,203	\$0	\$0	0.0
TOTAL	\$13,702,122	\$13,369,919	\$332,203	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$13,702,122	\$13,369,919	\$332,203	\$0	\$0	0.0
Centrally appropriated line items	450,630	451,475	(845)	0	0	0.0
C&P BA2 Compensation study range and salary adjustments	133,137	133,137	0	0	0	0.0
TOTAL	\$14,285,889	\$13,954,531	\$331,358	\$0	\$0	0.0
INCREASE/(DECREASE)	\$583,767	\$584,612	(\$845)	\$0	\$0	0.0
Percentage Change	4.3%	4.4%	(0.3%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$3,260)	(\$3,295)	\$35	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)

Pursuant to S.B. 06-235, this is the first of several line items that provide additional funding to increase the state contribution for PERA. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the

benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The Department requests \$14,282,629 total funds, including \$13,951,236 General Fund and \$331,393 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$13,702,122	\$13,369,919	\$332,203	\$0	\$0	0.0
TOTAL	\$13,702,122	\$13,369,919	\$332,203	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$13,702,122	\$13,369,919	\$332,203	\$0	\$0	0.0
Centrally appropriated line items	450,630	451,475	(845)	0	0	0.0
C&P BA2 Compensation study range and salary adjustments	133,137	133,137	0	0	0	0.0
TOTAL	\$14,285,889	\$13,954,531	\$331,358	\$0	\$0	0.0
INCREASE/(DECREASE)	\$583,767	\$584,612	(\$845)	\$0	\$0	0.0
Percentage Change	4.3%	4.4%	(0.3%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$3,260)	(\$3,295)	\$35	\$0	\$0	0.0

PERA DIRECT DISTRIBUTION

This line item is included as a common policy allocation payment for the state portion of the PERA Direct Distribution created in Section 24-51-414, C.R.S., which was enacted in S.B. 18-200. This appropriation pays the PERA Direct Distribution for all the agencies in the Judicial Branch.

STATUTORY AUTHORITY: Section 24-51-414 (2) C.R.S.

REQUEST: The Judicial Branch agencies collectively request an appropriation of \$6,778,707 total funds, including \$6,496,831 General Fund and \$281,786 cash funds.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

SALARY SURVEY

The Department uses this line item to pay for annual salary increases. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the

compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for “main judicial”, i.e. for the Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The Judicial Department requests an appropriation of \$12,386,867 total funds, including \$12,168,259 General Fund and \$218,608 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$8,954,081	\$8,736,666	\$217,415	\$0	\$0	0.0
TOTAL	\$8,954,081	\$8,736,666	\$217,415	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$8,954,081	\$8,736,666	\$217,415	\$0	\$0	0.0
Centrally appropriated line items	9,455,573	9,237,745	217,828	0	0	0.0
C&P BA2 Compensation study range and salary adjustments	2,662,740	2,662,740	0	0	0	0.0
Annualize prior year budget actions	(8,954,081)	(8,736,666)	(217,415)	0	0	0.0
TOTAL	\$12,118,313	\$11,900,485	\$217,828	\$0	\$0	0.0
INCREASE/(DECREASE)	\$3,164,232	\$3,163,819	\$413	\$0	\$0	0.0
Percentage Change	35.3%	36.2%	0.2%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$268,554	\$267,774	\$780	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The Department requests an appropriation of \$478,534 total funds including, \$463,621 General Fund and \$14,913 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$472,689	\$457,778	\$14,911	\$0	\$0	0.0
C&P BA2 Compensation study range and salary adjustments	5,991	5,991	0	0	0	0.0
TOTAL	\$478,680	\$463,769	\$14,911	\$0	\$0	0.0
INCREASE/(DECREASE)	\$478,680	\$463,769	\$14,911	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$478,534	\$463,621	\$14,913	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$146)	(\$148)	\$2	\$0	\$0	0.0

WORKERS' COMPENSATION

This line item is used to pay the entire Branch's estimated share for inclusion in the state's workers' compensation program for state employees (including funding associated with the independent agencies). This program is administered by the Department of Personnel and Administration.

STATUTORY AUTHORITY: Pursuant to Section 24-30-1510.7, C.R.S.

REQUEST: The Judicial Branch agencies collectively request \$898,894 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, WORKERS' COMPENSATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,365,003	\$1,365,003	\$0	\$0	\$0	0.0
TOTAL	\$1,365,003	\$1,365,003	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,365,003	\$1,365,003	\$0	\$0	\$0	0.0
Centrally appropriated line items	(110,107)	(110,107)	0	0	0	0.0
TOTAL	\$1,254,896	\$1,254,896	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$110,107)	(\$110,107)	\$0	\$0	\$0	0.0
Percentage Change	(8.1%)	(8.1%)	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$898,894	\$898,894	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$356,002)	(\$356,002)	\$0	\$0	\$0	0.0

LEGAL SERVICES

This line item is a combination of the amounts paid by Main Judicial (the courts and probation, but not the appropriation to the Office of Attorney Regulation Counsel for legal services), the Office of the State Public Defender, the Office of the Alternate Defense Counsel, the Office of the Child's Representative, the Office of the Respondent Parents' Counsel, the Office of the Child Protection Ombudsman, and the Independent Ethics Commission. The appropriation does not include the Office of Public Guardianship.

Since FY 2017-18, legal services appropriations have been based on a three-year average of legal services hours consumed by each agency as well as an average of other litigation costs incurred by the agency. Similar to other common policies, the Department of Law now bills client agencies in 12 equal monthly installments based on the appropriation rather than actual hours of services provided in a given month.

Though judicial branch agencies have attorneys on staff, they still need legal representation. For example, main Judicial indicates that it requires services from the Department of Law for litigation-related matters because its attorneys cannot appear in front of judicial officers that they advise as clients. Some examples of the types of cases in which the Department of Law provides legal counsel for judicial branch agencies are listed below:

- Representing an agency in procurement disputes;
- Performing contract review and other transactional matters for an agency;
- Representing agency employees when confidential records are subpoenaed;
- Representing judicial employees who are sued and injunctive relief is sought against them; and
- Representing the agency in certain matters before the PERA board.

STATUTORY AUTHORITY: Pursuant to 24-31-101 (1) (a), C.R.S., and defined in Section 24-75-112 (1), C.R.S.

REQUEST: Judicial Branch agencies collectively request a legal services appropriation of \$468,355 total funds, including \$397,022 General Fund and \$71,333 cash funds.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS

This line item provides funding for the entire Branch's share of the statewide costs for two programs operated by the Department of Personnel and Administration: (1) the liability program, and (2) the property program. The state's liability program is used to pay liability claims and expenses brought against the State. The property program provides insurance coverage for state buildings and their contents. This line item includes funding for the independent agencies.

STATUTORY AUTHORITY: Pursuant to Section 24-30-1510 and 24-30-1510.5, C.R.S.

REQUEST: The Judicial Branch agencies collectively request \$2,338,151 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,439,403	\$1,439,403	\$0	\$0	\$0	0.0
TOTAL	\$1,439,403	\$1,439,403	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,439,403	\$1,439,403	\$0	\$0	\$0	0.0
Centrally appropriated line items	719,687	719,687	0	0	0	0.0
TOTAL	\$2,159,090	\$2,159,090	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$719,687	\$719,687	\$0	\$0	\$0	0.0
Percentage Change	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,338,151	\$2,338,151	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$179,061	\$179,061	\$0	\$0	\$0	0.0

VEHICLE LEASE PAYMENTS

The Department of Personnel administers the state's fleet management program, which purchases or leases vehicles, manages maintenance and repairs, manages the fleet, auctions older vehicles, and manages the state motor pool. Vehicle costs include variable and fixed expenses. Variable costs are billed at a rate per mile based on department and vehicle type and are typically paid from *Operating Expenses* line items. Variable costs include insurance, fuel, maintenance, and repairs. Fixed costs include the vehicle lease payments and the Department's vehicle management fee and are included in each department's *Vehicle Lease Payments* line item.

This line item provides funding for annual payments to the Department of Personnel for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles [see Section 24-30-1117, C.R.S.]. The current appropriation covers costs associated with a total of 25 vehicles which are shared by probation and trial court staff within each judicial district. The Department indicates that these vehicles travel a little over 475,000 miles per year, which represents a fraction of the total miles driven by court and probation employees. Most of the miles driven for judicial business are in personal vehicles. State vehicles are primarily used by rural judges traveling to courthouses within their judicial district, computer technicians, and some probation officers performing home visits.

STATUTORY AUTHORITY: Pursuant to Section 24-30-1104 (2), C.R.S.

REQUEST: The Department requests \$140,649 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$124,412	\$124,412	\$0	\$0	\$0	0.0
HB 22-1176 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$124,412	\$124,412	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$124,412	\$124,412	\$0	\$0	\$0	0.0
C&P R4/R5/BA5 Courts staff requests	10,500	10,500	0	0	0	0.0
Centrally appropriated line items	2,705	2,705	0	0	0	0.0
TOTAL	\$137,617	\$137,617	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$13,205	\$13,205	\$0	\$0	\$0	0.0
Percentage Change	10.6%	10.6%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$3,032	\$3,032	\$0	\$0	\$0	0.0

CAPITAL OUTLAY

This line item provides funding for the one-time costs associated with new employees and programs (office furniture, a computer and software, etc.).

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

STATUTORY AUTHORITY: Section 13-3-106, C.R.S. [Judicial Department operating budget]; Section 24-82-801, C.R.S. [Lease-purchase agreements]

REQUEST: The Department requests an appropriation of \$284,830 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$533,110	\$533,110	\$0	\$0	\$0	0.0
Other legislation	\$267,862	\$241,462	\$26,400	\$0	\$0	0.0
TOTAL	\$800,972	\$774,572	\$26,400	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$800,972	\$774,572	\$26,400	\$0	\$0	0.0
C&P R2 IT staff	99,200	99,200	0	0	0	0.0
C&P R1/BA1/BA4 Fin services and HR staff	55,800	55,800	0	0	0	0.0
C&P R4/R5/BA5 Courts staff requests	49,600	49,600	0	0	0	0.0
C&P R9/R10 Behavioral and mental health requests	6,200	6,200	0	0	0	0.0
Annualize prior year budget actions	(533,110)	(533,110)	0	0	0	0.0
Annualize prior year legislation	(222,862)	(196,462)	(26,400)	0	0	0.0
TOTAL	\$255,800	\$255,800	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$545,172)	(\$518,772)	(\$26,400)	\$0	\$0	0.0

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	(68.1%)	(67.0%)	(100.0%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$284,830	\$284,830	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$29,030	\$29,030	\$0	\$0	\$0	0.0

RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE

This line item provides funding to cover the leased space expenses for use of Carr Center space for the following Judicial Branch agencies: Office of the State Court Administrator; Office of the State Public Defender (central administrative and appellate offices only); Office of the Alternate Defense Counsel; Office of the Child's Representative (central administrative office only); Office of the Respondent Parents' Counsel; Office of the Child Protection Ombudsman; and Independent Ethics Commission.

These leased space payments are paid by the General Fund and are revenue to the Justice Center Cash Fund. Pursuant to a JBC decision regarding payments for Carr Center debt service, the payments increase 1.8 percent annually. The increases are annualizations of a prior budget action by the Committee.

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S. [State Justice Center]

REQUEST: The Department requests \$2,820,097 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,770,056	\$2,770,056	\$0	\$0	\$0	0.0
TOTAL	\$2,770,056	\$2,770,056	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,770,056	\$2,770,056	\$0	\$0	\$0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	50,041	50,041	0	0	0	0.0
TOTAL	\$2,820,097	\$2,820,097	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$50,041	\$50,041	\$0	\$0	\$0	0.0
Percentage Change	1.8%	1.8%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,820,097	\$2,820,097	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAYMENTS TO OIT

This line item covers the entire Judicial Branch's share of funding for the various services provided by the Governor's Office of Information Technology.

STATUTORY AUTHORITY: Section 24-37.5-104, C.R.S.

REQUEST: The Judicial Branch agencies collectively request a total of \$4,178,215 General Fund.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

CORE OPERATIONS

This line item provides the entire Branch's share of funding the CORE system that is used to record all state revenues and expenditures. This line item includes funding associated with the independent agencies.

STATUTORY AUTHORITY: Pursuant to Section 24-30-209, C.R.S.

REQUEST: The Department requests \$1,862,574 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

COURTS ADMINISTRATION, CENTRAL APPROPRIATIONS, CORE OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,595,667	\$1,595,667	\$0	\$0	\$0	0.0
TOTAL	\$1,595,667	\$1,595,667	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,595,667	\$1,595,667	\$0	\$0	\$0	0.0
Centrally appropriated line items	291,661	291,661	0	0	0	0.0
TOTAL	\$1,887,328	\$1,887,328	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$291,661	\$291,661	\$0	\$0	\$0	0.0
Percentage Change	18.3%	18.3%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$24,754)	(\$24,754)	\$0	\$0	\$0	0.0

(C) CENTRALLY ADMINISTERED PROGRAMS

This Long Bill group includes various programs and distributions that are administered by the Office of the State Court Administrator for the benefit of the courts, probation, and administrative functions.

CENTRALLY ADMINISTERED PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$66,764,712	\$14,137,450	\$50,385,007	\$2,242,255	\$0	210.9
Other legislation	5,850,001	600,001	5,250,000	0	0	0.0
HB 22-1176 (Supplemental)	1,538,580	1,538,580	0	0	0	0.0
TOTAL	\$74,153,293	\$16,276,031	\$55,635,007	\$2,242,255	\$0	210.9
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$74,153,293	\$16,276,031	\$55,635,007	\$2,242,255	\$0	210.9
C&P NP1 Courthouse furnishings	3,377,086	3,377,086	0	0	0	0.0
C&P R6/R7/R11 Restoration requests	3,259,000	2,500,000	759,000	0	0	0.0
C&P R9/R10 Behavioral and mental health requests	2,222,816	237,316	1,985,500	0	0	(0.1)
C&P R4/R5/BA5 Courts staff requests	246,939	246,939	0	0	0	3.7
Annualize prior year legislation	(5,181,678)	37,873	(5,219,551)	0	0	0.0
Annualize prior year budget actions	(2,489,702)	(2,700,356)	210,654	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	(114,719)	(39,005)	0	(75,714)	0	(1.5)
TOTAL	\$75,473,035	\$19,935,884	\$53,370,610	\$2,166,541	\$0	213.0
INCREASE/(DECREASE)	\$1,319,742	\$3,659,853	(\$2,264,397)	(\$75,714)	\$0	2.1
Percentage Change	1.8%	22.5%	(4.1%)	(3.4%)	0.0%	(2)
FY 2022-23 EXECUTIVE REQUEST	\$75,567,407	\$20,789,256	\$52,611,610	\$2,166,541	\$0	213.4
Request Above/(Below) Recommendation	\$94,372	\$853,372	(\$759,000)	\$0	\$0	0.4

VICTIM ASSISTANCE AND VICTIM COMPENSATION

These two line items represent funds that are collected by the courts from offenders and then transferred to local governments for compensation and assistance of victims. These amounts are included for informational purposes only, as they are continuously appropriated under the Judicial Branch's constitutional authority. The sources of cash funds are the Victims and Witnesses Assistance and Law Enforcement Funds (for Victim Assistance) and Crime Victim Compensation Funds (for Victim Compensation).

STATUTORY AUTHORITY: Articles 4.1 and 4.2 of Title 24, C.R.S.

REQUEST: The Department requests a continuation level of funding, including \$16,375,000 cash funds for Victim Assistance and \$13,400,000 cash funds for Victim Compensation.

RECOMMENDATION: Staff recommends the requested appropriation.

COLLECTIONS INVESTIGATORS

Collection investigators located in each judicial district are responsible for maximizing the collection of court-imposed fines, fees, and restitution. Recoveries are credited to the General Fund, victim restitution, victims compensation and support programs, and various law enforcement, trial court, probation, and other funds. Investigators are supported from cash funds (from the Judicial Collection Enhancement Fund and the Fines Collection Cash Fund), as well as grants from local Victims and Witness Assistance Law Enforcement Boards.

STATUTORY AUTHORITY: Section 16-11-101.6, C.R.S. [Collection of fines and fees]; Section 16-18.5-104, C.R.S. [Initial collections investigation]; Section 18-1.3-401 (1) (a) (III) (C), C.R.S. [Investigators in each judicial district]; Section 18-1.3-602, C.R.S. [Restitution]

REQUEST: The Department requests \$7,781,193 total funds, including \$6,883,652 cash funds and \$897,541 reappropriated funds, and 121.2 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, COLLECTIONS INVESTIGATORS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$7,561,958	\$0	\$6,664,417	\$897,541	\$0	121.2
TOTAL	\$7,561,958	\$0	\$6,664,417	\$897,541	\$0	121.2
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$7,561,958	\$0	\$6,664,417	\$897,541	\$0	121.2
Annualize prior year budget actions	190,486	0	190,486	0	0	0.0
Annualize prior year legislation	28,749	0	28,749	0	0	0.0
TOTAL	\$7,781,193	\$0	\$6,883,652	\$897,541	\$0	121.2
INCREASE/(DECREASE)	\$219,235	\$0	\$219,235	\$0	\$0	0.0
Percentage Change	2.9%	0.0%	3.3%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$7,781,193	\$0	\$6,883,652	\$897,541	\$0	121.2
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PROBLEM-SOLVING COURTS

This line item provides state funding for all adult drug treatment courts, mental health treatment courts, family dependency treatment courts, and veterans treatment courts that have been implemented by various judicial districts. This line item also provides funding for all DUI treatment courts except for the Denver County Sobriety Court. This line item appropriation is intended to encourage districts to implement and operate problem-solving courts in a manner that has been proven effective in reducing the need for jail and prison beds, reducing crime rates, increasing treatment participation and effectiveness, and increasing employment among offenders.

STATUTORY AUTHORITY: Article VI of the State Constitution [Vestment of judicial power]; Sections 13-3-101 (9) and 13-5-144, C.R.S. [Veterans treatment courts]; Section 13-5-101 et seq., C.R.S. [District courts]; Section 13-6-101 et seq., C.R.S. [County courts].

REQUEST: The Department requests \$3,651,841 total funds, including \$502,809 General Fund and \$3,149,032 cash funds from the Judicial Stabilization Cash Fund and 37.2 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, PROBLEM-SOLVING COURTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$3,149,032	\$0	\$3,149,032	\$0	\$0	36.7
TOTAL	\$3,149,032	\$0	\$3,149,032	\$0	\$0	36.7
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$3,149,032	\$0	\$3,149,032	\$0	\$0	36.7
C&P R6/R7/R11 Restoration requests	359,000	0	359,000	0	0	0.0
Annualize prior year budget actions	130,579	130,579	0	0	0	0.0
Annualize prior year legislation	13,230	13,230	0	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	0	0	0	0	0	0.5
TOTAL	\$3,651,841	\$143,809	\$3,508,032	\$0	\$0	37.2
INCREASE/(DECREASE)	\$502,809	\$143,809	\$359,000	\$0	\$0	0.5
Percentage Change	16.0%	0.0%	11.4%	0.0%	0.0%	1.4%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$359,000	(\$359,000)	\$0	\$0	0.0

LANGUAGE INTERPRETERS AND TRANSLATORS

This is one of several line item appropriations for "mandated costs". These are costs associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. This is one of two line items administered by the Office of the State Court Administrator that provides funding for mandated costs.

This line item provides funding for foreign language services. Interpreters translates orally and translators translates written text. This line item supports a total of 33.0 FTE, including: 2.0 FTE Court Programs Analysts that administer the program; 2.0 FTE Court Translators who translate written text (e.g. forms, instructional documentation, signage, and communications of the court) from Spanish to English and vice versa, and coordinate requests for translations in languages other than Spanish as needed; and the following 29.0 FTE interpreters in judicial districts:

- 14 Managing Interpreters (certified Spanish interpreters who provide interpretation services, perform administrative duties, and support their assigned district by providing subject matter expertise);
- One Interpreter Scheduler (an individual who provides many of the same services as Managing Interpreters but is currently in the process of achieving certification); and
- 14 Court Interpreters (certified Spanish interpreters whose primary function is to interpret for their assigned district and, when their services are not required, provide administrative support for the local interpreter offices).

In addition, the 20th judicial district houses the Center for Telephone Interpreting, which provides over-the-phone statewide Spanish interpretation for in-court proceedings, court customer needs, and probation. Interpreting assistance can be scheduled in advance or provided when needed. The Center also coordinates interpretation for languages other than Spanish upon request.

Finally, this line item supports payments to certified language interpreters who provide contract services. The Department contracts with independent certified Spanish interpreters as well as interpreters of other languages. Certified Spanish interpreters are paid \$35 per hour, plus compensation for travel time (at half the hourly rate) and mileage.

BACKGROUND INFORMATION – NEED FOR LANGUAGE INTERPRETER SERVICES

Language interpreter services are critical for the operation of the courts. A judge must be able to understand a party's response, to hear a victim's concerns, and be assured that the parties in court understand the terms and conditions of court orders and sentences. (Presidential) Executive Order 13166 requires that all recipients of federal funding develop a plan for providing that access. Colorado's plan for Limited English Proficiency (LEP) persons is in Chief Justice Directive 06-03.

This Chief Justice Directive indicates that the court shall pay for interpreter services for all parties in interest during or ancillary to a court proceeding, including:

- Facilitation of communication outside of a judicial officer's presence in order to allow a court proceeding to continue as scheduled, including pre-trial conferences between defendants and district attorneys in order to relay a plea offer immediately prior to a court appearance or to discuss a continuance;
- Facilitation of communication between clients and state-funded counsel;
- Facilitation of communication with parties of interest in court mandated programs (*e.g.*, family court facilitations and mediations); and
- Completion of evaluations and investigations ordered by and performed for the purpose of aiding the court in making a determination.

The court *may* provide and pay for language interpretation for limited English proficient persons other than parties in interest directly impacted by a court proceeding.

The court *shall not* arrange, provide, or pay for language interpretation during or ancillary to a court proceeding to facilitate communication with attorneys, prosecutors, or other parties related to a case involving LEP individuals for the purpose of gathering background information, investigation, trial preparation, witness interviews, or client representation at a future proceeding; for communications relating to probation treatment services. Prosecutors and parties' attorneys are expected to arrange for language interpretation for case preparation and general communication with parties outside of court proceedings at their own expense.

STATUTORY AUTHORITY: Title VI of the federal Civil Rights Act of 1964 [prohibits recipients of federal financial assistance from discriminating based upon national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP)]; Sections 13-90-113 and 114, C.R.S. [Payment of language interpreters].

REQUEST: The Department requests \$6,846,899 total funds, including \$6,796,899 General Fund and \$50,000 cash funds, and 37.0 FTE. The source of cash funds is fees and cost recoveries.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, LANGUAGE INTERPRETERS AND TRANSLATORS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$6,461,187	\$6,411,187	\$50,000	\$0	\$0	33.0
TOTAL	\$6,461,187	\$6,411,187	\$50,000	\$0	\$0	33.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$6,461,187	\$6,411,187	\$50,000	\$0	\$0	33.0
C&P R4/R5/BA5 Courts staff requests	246,939	246,939	0	0	0	3.7
Annualize prior year budget actions	81,491	81,491	0	0	0	0.0
Annualize prior year legislation	12,435	12,435	0	0	0	0.0
TOTAL	\$6,802,052	\$6,752,052	\$50,000	\$0	\$0	36.7
INCREASE/(DECREASE)	\$340,865	\$340,865	\$0	\$0	\$0	3.7
Percentage Change	5.3%	5.3%	0.0%	0.0%	0.0%	11.2%
FY 2022-23 EXECUTIVE REQUEST	\$6,846,899	\$6,796,899	\$50,000	\$0	\$0	37.0
Request Above/(Below) Recommendation	\$44,847	\$44,847	\$0	\$0	\$0	0.3

COURTHOUSE SECURITY

Established in 2007 (S.B. 07-118), the Courthouse Security Grant Program provides grant funds to counties with limited financial resources for use in improving courthouse security efforts. Such efforts include security staffing, security equipment, training, and court security emergency needs. Grants are potentially available to all counties with highest priority given to counties meeting at least two of the following criteria: population below the state median; per capita income below the state median; property tax revenues below the state median; population living below the federal poverty line above the state median.

A court security specialist (1.0 FTE) administers the grant program, and the Court Security Cash Fund Commission evaluates grant applications.

The program is supported by the Court Security Cash Fund, which consists of a \$5 surcharge on: docket fees and jury fees for certain civil actions; docket fees for criminal convictions, special proceeding filings, and certain traffic infraction penalties; filing fees for certain probate filings; and fees for certain filings on water matters. The Fund is used for grants and related administrative costs. County-level local security teams may apply to the SCAO for grants.

STATUTORY AUTHORITY: Section 13-1-201, et seq., C.R.S.

REQUEST: The Department requests \$2,530,635 cash funds from the Court Security Cash Fund and 1.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, COURTHOUSE SECURITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,527,329	\$0	\$2,527,329	\$0	\$0	1.0
TOTAL	\$2,527,329	\$0	\$2,527,329	\$0	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,527,329	\$0	\$2,527,329	\$0	\$0	1.0
Annualize prior year budget actions	2,868	0	2,868	0	0	0.0
Annualize prior year legislation	438	0	438	0	0	0.0
TOTAL	\$2,530,635	\$0	\$2,530,635	\$0	\$0	1.0
INCREASE/(DECREASE)	\$3,306	\$0	\$3,306	\$0	\$0	0.0
Percentage Change	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,530,635	\$0	\$2,530,635	\$0	\$0	1.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

APPROPRIATION TO THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND *and* UNDERFUNDED COURTHOUSE FACILITIES GRANT PROGRAM

Established by H.B. 14-1096, the Underfunded Courthouse Facilities Grant Program provides supplemental funding for courthouse facility projects in counties in need of financial assistance for courthouse facility projects. Grants are limited to counties meeting at least two of the following four criteria, with counties meeting all four criteria given highest priority: population below the state median; per capita income below the state median; property tax revenues below the state median; population living below the federal poverty line above the state median.

The Underfunded Courthouse Facility Cash Fund Commission evaluates grant applications. Grant funds must be used for master planning services, matching funds, leveraging grant funding opportunities, or addressing emergency needs due to the imminent closure of a court facility.

STATUTORY AUTHORITY: Section 13-1-301 et seq., C.R.S.

REQUEST: The Department requests an appropriation of \$3,000,000 General Fund for the appropriation to the Underfunded Courthouse Facility Cash Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, APPROPRIATION TO UNDERFUNDED COURTHOUSE FACILITY CASH FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$500,000	\$500,000	\$0	\$0	\$0	0.0
TOTAL	\$500,000	\$500,000	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$500,000	\$500,000	\$0	\$0	\$0	0.0
C&P R6/R7/R11 Restoration requests	2,500,000	2,500,000	0	0	0	0.0

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, APPROPRIATION TO UNDERFUNDED COURTHOUSE FACILITY CASH FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$3,000,000	\$3,000,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$2,500,000	\$2,500,000	\$0	\$0	\$0	0.0
Percentage Change	500.0%	500.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$3,000,000	\$3,000,000	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

REQUEST: The Department requests \$3,000,000 total funds, including \$2,500,000 cash funds and \$500,000 reappropriated funds, and 0.0 FTE for the Underfunded Courthouse Facilities Grant Program.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, UNDERFUNDED COURTHOUSE FACILITIES GRANT PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$3,000,000	\$0	\$2,500,000	\$500,000	\$0	1.0
TOTAL	\$3,000,000	\$0	\$2,500,000	\$500,000	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$3,000,000	\$0	\$2,500,000	\$500,000	\$0	1.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	0	0	0	0	0	(1.0)
TOTAL	\$3,000,000	\$0	\$2,500,000	\$500,000	\$0	0.0
INCREASE/(DECREASE)	\$0	\$0	\$0	\$0	\$0	(1.0)
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	(100.0%)
FY 2022-23 EXECUTIVE REQUEST	\$3,000,000	\$0	\$2,500,000	\$500,000	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE

Statute requires each county to provide and maintain adequate courtrooms and other court facilities. However, the State is statutorily required pay for the "operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts." Pursuant to the latter provision, the General Assembly annually appropriates funds for courthouse facilities, including the following types of expenditures: furnishings for new, expanded, and remodeled courthouse facilities (including probation facilities); costs associated with the temporary relocation of a court; shelving; phone and communication systems; audiovisual systems; and wireless access.

In addition, staff in the SCAO provides technical support and information for Judicial Department managers and county officials with regard to the planning, design, and construction of new or remodeled court and probation facilities. Staff is available to provide support throughout the design process including the selection of design professionals and contractors, space planning, conceptual

design, schematic design, design development, and construction administration. Staff also offers technical assistance and consultation regarding courthouse security issues, courtroom technology, furnishings, fixtures, and associated equipment. The annual appropriation varies significantly depending on the number and size of county construction projects.

STATUTORY AUTHORITY: Section 13-3-104, C.R.S. [State shall fund state courts, except county courts in Denver and municipal courts]; Section 13-3-108, C.R.S. [Each county shall provide and maintain adequate courtrooms and other court facilities].

REQUEST: The Department requests \$3,377,086 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
HB 22-1176 (Supplemental)	\$1,538,580	\$1,538,580	\$0	\$0	\$0	0.0
SB 21-205 (Long Bill)	\$1,384,262	\$1,384,262	\$0	\$0	\$0	0.0
TOTAL	\$2,922,842	\$2,922,842	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,922,842	\$2,922,842	\$0	\$0	\$0	0.0
C&P NP1 Courthouse furnishings	3,377,086	3,377,086	0	0	0	0.0
Annualize prior year budget actions	(2,922,842)	(2,922,842)	0	0	0	0.0
TOTAL	\$3,377,086	\$3,377,086	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$454,244	\$454,244	\$0	\$0	\$0	0.0
Percentage Change	15.5%	15.5%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$3,377,086	\$3,377,086	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

SENIOR JUDGE PROGRAM

Upon written agreement with the Chief Justice prior to retirement, a justice or judge may perform temporary judicial duties for between 60 and 90 days a year. These agreements may not exceed three years (most are currently one-year contracts), but a retiree may enter into subsequent agreements for a maximum of 12 years. These retired judges cover for sitting judges who are on vacation or sick leave, have an over-scheduled docket, are taking judicial training, or have conflicts of interest. Retired judges provide flexibility in coverage as they can fill a temporary need anywhere in the state. The SCAO or the Chief Justice may also call upon Senior Judges to perform special duties related to specific types of cases or needs, and the Court of Appeals may ask Senior Judges to handle overscheduled dockets, write opinions, and operate the court's pre-argument settlement program.

A senior judge receives reimbursement for travel expenses for out-of-town assignments, and is compensated with a temporary PERA retirement benefit increase. For a 60 day contract, the increase is equal to 20 percent of the annual salary of individuals serving in the same position as that held by the retiree at the time of retirement. Thus, for example, a retired county court judge who

serves as a county court judge in the senior judge program, will continue to draw his or her PERA pension and, during a year in which he or she has a 60 day contract, will receive an additional PERA benefit equal to 20 percent of the salary of a sitting county judge. The PERA increase will be paid in equal amounts that are spread over the entire year. If the retired judge does not have a contract the next year, his or her PERA payments will return to the pre-senior-service level; there is no permanent bump to PERA benefits.

This appropriation is used to pay for travel expenses during out-of-town assignments and to reimburse the PERA Judicial Division Trust Fund for the payment of senior judges' additional benefits during the previous fiscal year.

STATUTORY AUTHORITY: Section 24-51-1105, C.R.S.

REQUEST: The Department requests \$2,290,895 total funds, including \$990,895 General Fund and \$1,300,000 cash funds from the Judicial Stabilization Cash Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, SENIOR JUDGE PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,681,769	\$381,769	\$1,300,000	\$0	\$0	0.0
Other legislation	\$600,001	\$600,001	\$0	\$0	\$0	0.0
TOTAL	\$2,281,770	\$981,770	\$1,300,000	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,281,770	\$981,770	\$1,300,000	\$0	\$0	0.0
Annualize prior year legislation	9,125	9,125	0	0	0	0.0
TOTAL	\$2,290,895	\$990,895	\$1,300,000	\$0	\$0	0.0
INCREASE/(DECREASE)	\$9,125	\$9,125	\$0	\$0	\$0	0.0
Percentage Change	0.4%	0.9%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,290,895	\$990,895	\$1,300,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

JUDICIAL EDUCATION AND TRAINING

This line item supports education and training for judicial officers. New judges attend a five-day orientation training which addresses the transition from lawyer to judge, followed by a 2½-day advanced orientation session which addresses some specific case type issues and topics such as jury management, court security, evidentiary issues, findings and conclusions of law, etc. For all judges, the Department's overall goal is to provide timely and structured learning experiences, operational training, and developmental activities that support judicial officers' continuing educational and professional needs in leadership, case management, and legal matter subject expertise.

This line item also supports training and technical assistance on procedural fairness for judges, district administrators, chief probation officers, and senior staff in the Office of the State Court Administrator. According to the Department, substantial research suggests that public perception of

procedural fairness is associated with higher levels of compliance with court orders and lower levels of recidivism.

This line item is supported by General Fund and the Judicial Stabilization Cash Fund.

STATUTORY AUTHORITY: Section 13-3-102, C.R.S.

REQUEST: The Department requests \$962,974 total funds, including \$430,941 General Fund and \$532,033 cash funds, and 2.0 FTE

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, JUDICIAL EDUCATION AND TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$555,986	\$30,000	\$525,986	\$0	\$0	2.0
TOTAL	\$555,986	\$30,000	\$525,986	\$0	\$0	2.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$555,986	\$30,000	\$525,986	\$0	\$0	2.0
C&P R6/R7/R11 Restoration requests	400,000	0	400,000	0	0	0.0
Annualize prior year budget actions	6,047	0	6,047	0	0	0.0
Annualize prior year legislation	941	941	0	0	0	0.0
TOTAL	\$962,974	\$30,941	\$932,033	\$0	\$0	2.0
INCREASE/(DECREASE)	\$406,988	\$941	\$406,047	\$0	\$0	0.0
Percentage Change	73.2%	3.1%	77.2%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$400,000	(\$400,000)	\$0	\$0	0.0

OFFICE OF JUDICIAL PERFORMANCE EVALUATION

In January 1967, Colorado's Constitution was amended to repeal a provision providing for the election of judges, and to add a provision enacting a system of judicial nominating commissions, Governor-appointed judges, and retention elections for justices and judges. This line item provides funding for the State Commission on Judicial Performance, which is responsible for developing and administering the judicial performance evaluation system. Specifically, this office is responsible for:

- Staffing the state and district commissions, and training their members;
- Collecting and distributing data on judicial performance evaluations;
- Conducting public education efforts concerning the performance evaluation process;
- Measuring public awareness of the process through regular polling; and
- Other duties as assigned by the State Commission.

The Office is supported by the State Commission on Judicial Performance Cash Fund, which receives revenue from a \$5 docket fee on certain criminal actions in district courts and a \$3 docket fee on certain traffic infractions.

STATUTORY AUTHORITY: Section 13-5.5-101 et seq., C.R.S.

REQUEST: The Department requests \$863,433 total funds, including \$214,500 General Fund and \$648,933 cash funds, and 2.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, OFFICE OF JUDICIAL PERFORMANCE EVALUATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$853,713	\$214,500	\$639,213	\$0	\$0	2.0
TOTAL	\$853,713	\$214,500	\$639,213	\$0	\$0	2.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$853,713	\$214,500	\$639,213	\$0	\$0	2.0
Annualize prior year budget actions	8,828	0	8,828	0	0	0.0
Annualize prior year legislation	892	0	892	0	0	0.0
TOTAL	\$863,433	\$214,500	\$648,933	\$0	\$0	2.0
INCREASE/(DECREASE)	\$9,720	\$0	\$9,720	\$0	\$0	0.0
Percentage Change	1.1%	0.0%	1.5%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$863,433	\$214,500	\$648,933	\$0	\$0	2.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

FAMILY VIOLENCE JUSTICE GRANTS

This line item provides funding for the State Court Administrator to award grants to qualifying organizations providing civil legal services to indigent Colorado residents. This program is the only state-funded grant program for civil legal services in Colorado. Grant funds may be used to provide legal advice, representation, and advocacy for and on behalf of indigent clients who are victims of family violence (typically assistance with restraining orders, divorce proceedings, and custody matters). Colorado Legal Services, which provides legal services in almost every county, typically receives more than 80 to 90 percent of grant moneys each year.

In addition to General Fund appropriations for this grant program, the State Court Administrator is authorized to receive gifts, grants, and donations for this program; such funds are credited to the Family Violence Justice Fund. Further, S.B. 09-068 increased the fees for petitions and responses in divorce proceedings by \$10 each (from \$220 and \$106, respectively); half of the resulting revenue is credited to the Family Violence Justice Fund (providing an estimated \$155,033 in new fund revenues). The act directs the Judicial Department to use this fee revenue to award grants to qualifying organizations that provide services for or on behalf of indigent persons and their families who are married, separated, or divorced.

STATUTORY AUTHORITY: Section 14-4-107, C.R.S.

REQUEST: The Department requests a total of \$2,170,000, including \$2,000,000 General Fund and \$170,000 cash funds from the Family Violence Justice Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, FAMILY VIOLENCE JUSTICE GRANTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,170,000	\$2,000,000	\$170,000	\$0	\$0	0.0
Other legislation	\$750,000	\$0	\$750,000	\$0	\$0	0.0
TOTAL	\$2,920,000	\$2,000,000	\$920,000	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,920,000	\$2,000,000	\$920,000	\$0	\$0	0.0
Annualize prior year legislation	(750,000)	0	(750,000)	0	0	0.0
TOTAL	\$2,170,000	\$2,000,000	\$170,000	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$750,000)	\$0	(\$750,000)	\$0	\$0	0.0
Percentage Change	(25.7%)	0.0%	(81.5%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,170,000	\$2,000,000	\$170,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

RESTORATIVE JUSTICE PROGRAMS

This line item provides funding for a pilot program in four judicial districts to facilitate and encourage diversion of juveniles from the juvenile justice system to restorative justice practices. This line item also supports related research and data collection efforts by the Restorative Justice Coordinating Council (Council). This line item is supported by the Restorative Justice Surcharge Fund, which consists of revenues from a \$10 surcharge on each person convicted of a crime and each juvenile adjudicated of a crime (minus five percent that is retained by the clerk of the court for administrative costs).

STATUTORY AUTHORITY: Section 18-25-101 (3) (a), C.R.S. [Restorative justice surcharge]; Section 19-2-213 [Restorative Justice Coordinating Council]

REQUEST: The Department requests \$1,010,825 cash funds and 1.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, RESTORATIVE JUSTICE PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,008,030	\$0	\$1,008,030	\$0	\$0	1.0
TOTAL	\$1,008,030	\$0	\$1,008,030	\$0	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,008,030	\$0	\$1,008,030	\$0	\$0	1.0
Annualize prior year budget actions	2,425	0	2,425	0	0	0.0
Annualize prior year legislation	370	0	370	0	0	0.0
TOTAL	\$1,010,825	\$0	\$1,010,825	\$0	\$0	1.0
INCREASE/(DECREASE)	\$2,795	\$0	\$2,795	\$0	\$0	0.0

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, RESTORATIVE JUSTICE PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	0.3%	0.0%	0.3%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$1,010,825	\$0	\$1,010,825	\$0	\$0	1.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DISTRICT ATTORNEY ADULT PRETRIAL DIVERSION PROGRAMS

This line item provides funding for district attorneys' adult pretrial diversion programs. A five-member Diversion Funding Committee is responsible for: developing funding guidelines and an application process for district attorneys to request state funds to support an adult pretrial diversion program; reviewing funding requests; and allocating state funding for adult pretrial diversion programs that meet the established statutory guidelines. District attorneys that receive funding are required to collect data and provide a status report to the Judicial Department concerning its adult pretrial diversion program.

The act that created this program (H.B. 13-1156) provided funding for 0.5 FTE to develop guidelines and procedures for distribution of funding and to perform regular oversight activities associated with monitoring and expenditure of funds. This position continues to be supported through the "General Courts Administration" line item.

STATUTORY AUTHORITY: Section 13-3-115, C.R.S. [Diversion Funding Committee]; Section 18-1.3-101, C.R.S. [Pretrial diversion programs, including requirements for district attorneys that receive state funds for such program]

REQUEST: The Department requests \$2,660,500 total funds, including \$100,000 General Fund, \$2,391,500 cash funds, and \$169,000 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, DISTRICT ATTORNEY ADULT PRETRIAL DIVERSION PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$675,000	\$100,000	\$406,000	\$169,000	\$0	0.0
TOTAL	\$675,000	\$100,000	\$406,000	\$169,000	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$675,000	\$100,000	\$406,000	\$169,000	\$0	0.0
C&P R9/R10 Behavioral and mental health requests	1,985,500	0	1,985,500	0	0	0.0
TOTAL	\$2,660,500	\$100,000	\$2,391,500	\$169,000	\$0	0.0
INCREASE/(DECREASE)	\$1,985,500	\$0	\$1,985,500	\$0	\$0	0.0
Percentage Change	294.1%	0.0%	489.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,660,500	\$100,000	\$2,391,500	\$169,000	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

FAMILY FRIENDLY COURT PROGRAM

Many persons who attend court proceedings (e.g. plaintiffs, respondents, defendants, parents of defendants, and jurors) are responsible for the care of young children. Childcare issues can make it difficult for these people to participate in the proceedings. The Family-friendly Court Program provides funding for courts to create facilities or services that meet these needs. The program is funded with a \$1.00 surcharge on traffic violations. The Judicial Department allocates money from the Family-friendly Court Program Cash Fund to judicial districts that apply for funding for the creation, operation, and enhancement of family-friendly court facilities. The goal of the program is to provide child care services for families attending court proceedings, either through on-site centers and waiting rooms located in courthouses or through vouchers for private childcare services. The programs also provide supervised parenting time and a location for the transfer of the physical custody of a child from one parent to another. In addition, the programs help families connect with relevant community services, such as youth mentoring, crime and dropout prevention, employment counseling and training, financial management, legal counseling, and substance abuse programs.

STATUTORY AUTHORITY: Section 13-3-113, C.R.S.

LINK: <https://www.courts.state.co.us/Administration/Section.cfm?Section=jp3famfri>

REQUEST: The Department requests continuation funding of \$270,000 cash funds.

RECOMMENDATION: Staff recommends the requested appropriation.

CHILD SUPPORT ENFORCEMENT

This line item supports 1.0 FTE to coordinate the courts' role in child support enforcement with state and county child support enforcement offices. The purpose is to increase the collection of court-ordered child support payments. This individual acts as a liaison between the courts and federal and state offices of child support enforcement, and is a member of the Child Support Commission.

STATUTORY AUTHORITY: Section 13-5-140, C.R.S.

REQUEST: The Department requests no appropriation for this line item in its R12 consolidation request.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, CHILD SUPPORT ENFORCEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$114,719	\$39,005	\$0	\$75,714	\$0	1.0
TOTAL	\$114,719	\$39,005	\$0	\$75,714	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$114,719	\$39,005	\$0	\$75,714	\$0	1.0

C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	(114,719)	(39,005)	0	(75,714)	0	(1.0)
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$114,719)	(\$39,005)	\$0	(\$75,714)	\$0	(1.0)
Percentage Change	(100.0%)	(100.0%)	0.0%	(100.0%)	0.0%	(100.0%)
FY 2022-23 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

MENTAL HEALTH CRIMINAL JUSTICE DIVERSION GRANT PROGRAM

Senate Bill 18-249 (a JBC bill) established the Mental Health Criminal Justice Diversion Grant Program to support up to four pre-plea local-level mental health pilot programs. These programs divert individuals with mental health conditions who have been charged with low-level criminal offenses out of the criminal justice system into community treatment programs.

STATUTORY AUTHORITY: Section 18-1.3-101.5, C.R.S.

REQUEST: The Department requests no appropriation for this line item in its R10 program funding consolidation request.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, MENTAL HEALTH CRIMINAL JUSTICE DIVERSION GRANT PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$100,000	\$100,000	\$0	\$0	\$0	1.0
TOTAL	\$100,000	\$100,000	\$0	\$0	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$100,000	\$100,000	\$0	\$0	\$0	1.0
C&P R9/R10 Behavioral and mental health requests	(100,000)	(100,000)	0	0	0	(1.0)
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$100,000)	(\$100,000)	\$0	\$0	\$0	(1.0)
Percentage Change	(100.0%)	(100.0%)	0.0%	0.0%	0.0%	(100.0%)
FY 2022-23 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM

Senate Bill 18-251 (a JBC bill) established the Statewide Behavioral Health Court Liaison Program. The program allocates funding to each judicial district to contract with local behavioral health professionals to facilitate communication and collaboration between judicial and behavioral health.

STATUTORY AUTHORITY: Sections 16-11.9-201 through 205, C.R.S.

REQUEST: The Department requests \$2,776,126 General Fund and 12.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,376,727	\$2,376,727	\$0	\$0	\$0	11.0
TOTAL	\$2,376,727	\$2,376,727	\$0	\$0	\$0	11.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,376,727	\$2,376,727	\$0	\$0	\$0	11.0
C&P R9/R10 Behavioral and mental health requests	337,316	337,316	0	0	0	0.9
Annualize prior year budget actions	10,416	10,416	0	0	0	0.0
Annualize prior year legislation	2,142	2,142	0	0	0	0.0
TOTAL	\$2,726,601	\$2,726,601	\$0	\$0	\$0	11.9
INCREASE/(DECREASE)	\$349,874	\$349,874	\$0	\$0	\$0	0.9
Percentage Change	14.7%	14.7%	0.0%	0.0%	0.0%	8.2%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$49,525	\$49,525	\$0	\$0	\$0	0.1

COMPENSATION FOR EXONERATED PERSONS

This line item provides funding to compensate persons who are found actually innocent of felony crimes after serving time in jail, prison, or juvenile placement. If found actually innocent, the exonerated person is eligible to receive the following benefits:

- monetary compensation in the amount of \$70,000 for each year incarcerated, plus an additional \$25,000 for each year he or she served on parole and \$50,000 for each year he or she was incarcerated and awaited execution;
- tuition waivers at state institutions of higher education, if the exonerated person was incarcerated for at least three years;
- compensation for child support payments and associated interest owed by the exonerated person that were incurred during his or her incarceration;
- reasonable attorney fees; and
- the amount of any fine, penalty, court costs, or restitution imposed as a result of the exonerated person's wrongful conviction.

The act requires the State Court Administrator to make an annual payment of \$100,000 to an exonerated person that is adjusted annually for inflation and continues until the total amount of compensation owed by the State is paid.

STATUTORY AUTHORITY: Sections 13-3-114 and 13-65-101 through 103, C.R.S.

REQUEST: The Department requests no appropriation for this line item for FY 2022-23.

RECOMMENDATION: Staff recommends no appropriation.

APPROPRIATION TO THE EVICTION LEGAL DEFENSE FUND AND
EVICTION LEGAL DEFENSE GRANT PROGRAM

These line items were added to the Long Bill by S.B. 19-180 (Eviction Legal Defense Fund), which creates the Eviction Legal Defense Fund, from which grants are awarded via the Eviction Legal Defense Grant Program appropriation to nonprofit organizations that provide legal advice, counseling, and representation to indigent clients facing or at risk of eviction

STATUTORY AUTHORITY: Sections 13-40-127, C.R.S.

REQUEST: The Department requests a continuation appropriation of \$600,000 General Fund for the Appropriation to the Eviction Legal Defense Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

REQUEST: The Department requests \$2,000,000 total funds, including \$1,400,000 cash funds and \$600,000 reappropriated funds for the Eviction Legal Defense Grant Program.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, EVICTION LEGAL DEFENSE GRANT PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,000,000	\$0	\$1,400,000	\$600,000	\$0	0.0
Other legislation	\$1,500,000	\$0	\$1,500,000	\$0	\$0	0.0
TOTAL	\$3,500,000	\$0	\$2,900,000	\$600,000	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$3,500,000	\$0	\$2,900,000	\$600,000	\$0	0.0
Annualize prior year legislation	(1,500,000)	0	(1,500,000)	0	0	0.0
TOTAL	\$2,000,000	\$0	\$1,400,000	\$600,000	\$0	0.0
INCREASE/(DECREASE)	(\$1,500,000)	\$0	(\$1,500,000)	\$0	\$0	0.0
Percentage Change	(42.9%)	0.0%	(51.7%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,000,000	\$0	\$1,400,000	\$600,000	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(D) RALPH L. CARR COLORADO JUDICIAL CENTER

This Long Bill subsection includes appropriations related to the operations of the Ralph L. Carr Colorado Judicial Center. The line items in this section are supported by the Justice Center Cash Fund, which consists of docket fees, tenant lease payments, and parking fees paid by employees and members of the public who utilize the Carr Center parking garage. In addition, the cash funds appropriation for Debt Service Payments includes the federal share of annual debt service payments associated with "Build America" certificates of participation.

Reappropriated funds reflect transfers of appropriations to the Department of Law and to the State Court Administrator's Office for leased space in the Carr Center and expenditures from the new Justice Center Maintenance Fund. The remainder of the money from tenant lease payments is reflected as cash funds. For purposes of simplicity, the General Fund and reappropriated funds are only reflected in the Debt Service Payments line item.

RALPH L. CARR COLORADO JUDICIAL CENTER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$22,134,005	\$883,418	\$13,690,116	\$7,560,471	\$0	14.0
TOTAL	\$22,134,005	\$883,418	\$13,690,116	\$7,560,471	\$0	14.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$22,134,005	\$883,418	\$13,690,116	\$7,560,471	\$0	14.0
Annualize prior year budget actions	4,174	0	4,174	0	0	0.0
Annualize prior year legislation	1,318	0	1,318	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	(43,132)	0	(156,442)	113,310	0	0.0
TOTAL	\$22,096,365	\$883,418	\$13,539,166	\$7,673,781	\$0	14.0
INCREASE/(DECREASE)	(\$37,640)	\$0	(\$150,950)	\$113,310	\$0	0.0
Percentage Change	(0.2%)	0.0%	(1.1%)	1.5%	0.0%	(2)
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

BACKGROUND INFORMATION: In 2008 (S.B. 08-206) the General Assembly authorized the State to enter into lease-purchase agreements for the development and construction of a new history museum and a state justice center. The act established the following limits on these projects:

- Museum: Principal component of the lease-purchase agreements may not to exceed \$85 million. The annual rental and lease-purchase payments may not exceed \$4,998,000 and the associated term may not exceed 37 years.
- Justice Center: Principal component of the lease-purchase agreements may not exceed \$275 million. The annual rental and lease-purchase payments may not exceed \$19,000,000 and the associated term may not exceed 38 years.

In July 2009, project financing was secured through a single issuance for both projects totaling \$338.8 million. This issuance included two components: \$39.0 million in traditional tax-exempt certificates of participation (COPs); and \$299.8 million in taxable "Build America" COPs, a new financing mechanism made available through the federal American Recovery and Reinvestment Act. Build America COPs offered lower costs to public entities because the federal government subsidizes about a third of the interest paid on the project. This financing resulted in debt payments of less than \$19 million per year for 33 years (September 2012 through September 2045). Thus, total annual payments for both projects are more than \$5 million lower than the caps established in S.B. 08-206, and these payments will be made for 33 years rather than the 37 and 38 year terms allowed by S.B. 08-206.

BUILDING MANAGEMENT AND OPERATIONS

This line item supports three types of expenditures, which are described below.

- *Colorado State Patrol Services.* The Department purchases security services from the Colorado State Patrol. The appropriation covers the costs of a total of 15.0 FTE (11.0 FTE security officers, 3.0 FTE troopers, and 1.0 FTE supervisor) that provide weapons screening at two public entrances during business hours, 24-hour roving coverage, and the staffing of an information/security desk.
- *Facility Staff.* Two state employees manage and oversee the operational and engineering aspects of the Carr Center. A Building Manager is responsible for handling all tenant inquiries, and coordinating maintenance work among building staff, vendors, and contractors. The Building Manager also oversees the shared services within the Center, such as a copy center, mail room, food services, fitness center, and conference/training facility. The Building Manager also monitors performance of all third party vendor contracts, and reviews price quotes for the procurement of parts, services, and labor for the building. A Building Engineer is responsible for the supervision of engineering operations, including mechanical, electrical, plumbing, and life/safety equipment and systems, as well as all inspections and licensing matters. The Building Engineer also directs the activities of contract engineering staff.
- *Contract Services Related to Facility Management.*

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requests a total of \$5,454,511 cash funds from the Justice Center Cash Fund and 14.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, RALPH L. CARR COLORADO JUDICIAL CENTER, BUILDING MANAGEMENT AND OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$5,492,700	\$0	\$5,492,700	\$0	\$0	14.0
TOTAL	\$5,492,700	\$0	\$5,492,700	\$0	\$0	14.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$5,492,700	\$0	\$5,492,700	\$0	\$0	14.0
Annualize prior year budget actions	4,174	0	4,174	0	0	0.0
Annualize prior year legislation	1,318	0	1,318	0	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	(43,681)	0	(43,681)	0	0	0.0
TOTAL	\$5,454,511	\$0	\$5,454,511	\$0	\$0	14.0
INCREASE/(DECREASE)	(\$38,189)	\$0	(\$38,189)	\$0	\$0	0.0
Percentage Change	(0.7%)	0.0%	(0.7%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$5,454,511	\$0	\$5,454,511	\$0	\$0	14.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

APPROPRIATION TO THE JUSTICE CENTER MAINTENANCE FUND

The Justice Center Maintenance Fund was established by 18-267 (Justice Center Maintenance Fund) to pay future controlled maintenance needs of the Carr Center. Based on projected controlled

maintenance needs, appropriations are made into the fund. As actual needs arise, appropriations are made from the fund.

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requested no funding for this item in FY 2022-23.

RECOMMENDATION: Staff recommends no appropriation.

JUSTICE CENTER MAINTENANCE FUND EXPENDITURES

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requests continuation funding of \$1,288,538 cash funds from the Justice Center Maintenance Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

DEBT SERVICE PAYMENTS

This line item was added to this section of the budget in FY 2015-16, when appropriations for lease purchase payments (certificates of participation) were moved from the capital construction section of the Long Bill to the operating section. Senate Bill 08-206 authorized the State to enter into lease-purchase agreements for the development and construction of a new museum and a state justice center. This line item appropriation covers the lease purchase payments that are due in September and March each fiscal year.

RALPH L. CARR COLORADO JUDICIAL CENTER: DEBT SERVICE PAYMENTS							
FISCAL YEAR	DEBT SERVICE PAYMENT			FISCAL YEAR	DEBT SERVICE PAYMENT		
	TOTAL PAYMENT	FEDERAL SUBSIDY	NET PAYMENT		TOTAL PAYMENT	FEDERAL SUBSIDY	NET PAYMENT
2016-17	21,577,604	(5,899,159)	15,678,445	2031-32	18,653,659	(3,804,031)	14,849,628
2017-18	21,593,531	(5,913,165)	15,680,366	2032-33	18,474,251	(3,625,738)	14,848,513
2018-19	21,565,990	(5,925,946)	15,640,044	2033-34	18,290,026	(3,437,009)	14,853,017
2019-20	21,840,338	(5,927,368)	15,912,970	2034-35	18,095,052	(3,242,768)	14,852,284
2020-21	21,687,647	(5,828,426)	15,859,221	2035-36	17,890,517	(3,039,931)	14,850,586
2021-22	20,811,564	(5,458,797)	15,352,767	2036-37	16,905,212	(2,556,824)	14,348,388
2022-23	20,707,408	(5,354,093)	15,353,315	2037-38	16,682,208	(2,335,273)	14,346,935
2023-24	20,592,716	(5,238,701)	15,354,015	2038-39	16,450,297	(2,103,604)	14,346,693
2024-25	20,471,435	(5,117,502)	15,353,933	2039-40	15,491,570	(1,610,550)	13,881,021
2025-26	20,342,505	(4,988,377)	15,354,129	2040-41	15,236,686	(1,356,840)	13,879,846
2026-27	19,745,330	(4,690,116)	15,055,215	2041-42	14,965,869	(1,085,304)	13,880,565
2027-28	19,603,826	(4,549,589)	15,054,237	2042-43	14,684,220	(802,977)	13,881,243
2028-29	19,454,666	(4,401,133)	15,053,533	2043-44	14,389,742	(509,160)	13,880,582
2029-30	19,299,603	(4,247,111)	15,052,492	2044-45	14,085,276	(203,096)	13,882,179
2030-31	19,139,982	(4,086,244)	15,053,738	2045-46	4,902,771	(55,220)	4,847,551

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requests \$15,353,316 total funds, including \$883,418 General Fund, \$8,084,655 cash funds from the Justice Center Cash Fund, and \$6,385,243 reappropriated funds from the Justice Center Cash Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

COURTS ADMINISTRATION, RALPH L. CARR COLORADO JUDICIAL CENTER, DEBT SERVICE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$15,352,767	\$883,418	\$8,197,416	\$6,271,933	\$0	0.0
TOTAL	\$15,352,767	\$883,418	\$8,197,416	\$6,271,933	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$15,352,767	\$883,418	\$8,197,416	\$6,271,933	\$0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjustments	549	0	(112,761)	113,310	0	0.0
TOTAL	\$15,353,316	\$883,418	\$8,084,655	\$6,385,243	\$0	0.0
INCREASE/(DECREASE)	\$549	\$0	(\$112,761)	\$113,310	\$0	0.0
Percentage Change	0.0%	0.0%	(1.4%)	1.8%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(3) TRIAL COURTS

This section of the budget provides funding for operation of the State trial courts, which include district courts in 22 judicial districts, water courts, and county courts.

District courts preside over felony criminal matters, civil claims, juvenile matters, probate, mental health, and divorce proceedings. In addition, district courts handle appeals from municipal and county courts, and review decisions of administrative boards and agencies. The General Assembly establishes judicial districts and the number of judges for each district in statute; these judges serve renewable 6-year terms.

The General Assembly established seven *water divisions* in the State based on the drainage patterns of major rivers in Colorado. Each water division is staffed by a division engineer, a district court judge who is designated as the water judge by the Colorado Supreme Court, a water referee appointed by the water judge, and a water clerk assigned by the district court. Water judges have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water.

County courts have limited jurisdiction, handling civil actions involving no more than \$25,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints. County courts also issue search warrants and protection orders in cases involving domestic violence. In addition, county courts handle appeals from municipal courts. The General Assembly establishes the number of judges for each county in statute; these judges serve renewable 4-year terms.

The following table summarizes the staff recommendations for the Trial Courts.

TRIAL COURTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$192,005,237	\$154,843,847	\$33,286,390	\$2,250,000	\$1,625,000	1,959.7
Other legislation	506,952	506,952	0	0	0	4.9
TOTAL	\$192,512,189	\$155,350,799	\$33,286,390	\$2,250,000	\$1,625,000	1,964.6
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$192,512,189	\$155,350,799	\$33,286,390	\$2,250,000	\$1,625,000	1,964.6
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	(470,639)	(470,639)	0	0	0	0.3
C&P NP3 District Attorney mandated costs	83,173	83,173	0	0	0	0.0
Annualize prior year budget actions	5,205,393	5,205,393	0	0	0	0.0
Annualize prior year legislation	3,537,536	3,537,536	0	0	0	4.3
TOTAL	\$200,867,652	\$163,706,262	\$33,286,390	\$2,250,000	\$1,625,000	1,969.2
INCREASE/(DECREASE)	\$8,355,463	\$8,355,463	\$0	\$0	\$0	4.6
Percentage Change	4.3%	5.4%	0.0%	0.0%	0.0%	0.2%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

DECISION ITEMS – TRIAL COURTS

→ C&P NP3 DISTRICT ATTORNEY MANDATED COSTS

REQUEST: The Courts submit this request on behalf of the Colorado District Attorneys' Council (CDAC). The CDAC request includes a net increase of \$83,173 General Fund for a 3.0 percent increase for statutorily-specified state costs for district attorneys on this \$2.8 million base appropriation.

RECOMMENDATION: Staff recommends that the Committee approve this request.

ANALYSIS

Colorado's District Attorneys' offices are responsible for prosecuting all criminal and traffic cases filed in the district and county courts. The state's contribution to the individual offices of the 22 District Attorneys is limited to covering 80 percent of each elected District Attorney's individual salary. Aside from this salary contribution, mandated costs are the only other state funds provided. Pursuant to Section 16-18-101, C.R.S., mandated costs are reimbursement payments for costs expended by local District Attorneys' offices for prosecution of state matters are not part of local office budgets. Beginning in 1999, at the request of the Chief Justice, the General Assembly required that the CDAC set up and maintain a system of estimating the statewide need for mandated costs funds and for allocating them among the state's judicial districts. The Mandated Costs Committee of the CDAC manages the mandated costs budget through an allocation system based on historical usage, monthly expenditure reports, additional allocation requests, and quarterly meetings for the allocation of reimbursements to the 22 judicial districts. Based upon the likelihood of at least a few major cases, and the amount awarded last year, the DAs seek a 3 percent increase of the amount appropriated for FY 2021-22 and believe such to be a reasonable and best estimate of likely need.

LINE ITEM DETAIL – TRIAL COURTS

TRIAL COURT PROGRAMS

This line item provides funding for personal services and operating expenses for judges, magistrates, court staff, and the Office of Dispute Resolution. Cash fund sources include the Judicial Stabilization Cash Fund, various court fees and cost recoveries, grants, and the sale of jury pattern instructions. Reappropriated funds reflect federal funds transferred from the Departments of Public Safety and Human Services.

STATUTORY AUTHORITY: Article VI of the State Constitution [Vestment of judicial power]; Section 13-5-101 et seq., C.R.S [District courts]; Section 13-6-101 et seq., C.R.S. [County courts]

REQUEST: The Department requests \$182,995,066 total funds, including \$149,168,925 General Fund, \$31,876 cash funds, and \$1,950,000 reappropriated funds, and 1,956.2 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

TRIAL COURTS, TRIAL COURT PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$174,284,925	\$140,458,784	\$31,876,141	\$1,950,000	\$0	1,946.7
Other legislation	\$437,851	\$437,851	\$0	\$0	\$0	4.9
TOTAL	\$174,722,776	\$140,896,635	\$31,876,141	\$1,950,000	\$0	1,951.6
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$174,722,776	\$140,896,635	\$31,876,141	\$1,950,000	\$0	1,951.6
Annualize prior year budget actions	5,205,393	5,205,393	0	0	0	0.0
Annualize prior year legislation	3,537,536	3,537,536	0	0	0	4.3
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	(470,639)	(470,639)	0	0	0	0.3
TOTAL	\$182,995,066	\$149,168,925	\$31,876,141	\$1,950,000	\$0	1,956.2
INCREASE/(DECREASE)	\$8,272,290	\$8,272,290	\$0	\$0	\$0	4.6
Percentage Change	4.7%	5.9%	0.0%	0.0%	0.0%	0.2%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

COURT COSTS, JURY COSTS, AND COURT-APPOINTED COUNSEL

This is currently the largest of several line item appropriations for mandated costs, and one of two that are administered by the State Court Administrator's Office. Mandated costs are associated with activities, events, and services that accompany court cases that are required in statute and the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation.

BACKGROUND INFORMATION – MANDATED COSTS APPROPRIATIONS

Prior to January of 2000, funding for mandated costs was appropriated through a single line item to the Judicial Department. A judge presiding over a case had the responsibility to approve expenditures of these state funds by the defense and the prosecution, and to give both sides a fair hearing when doing so. There was concern that this created an inherent conflict in which the judge, by his or her decision about expenditures, could compromise a case.

An ad hoc committee on mandated costs established by Chief Justice Volland issued a report recommending that the responsibility for managing these costs of prosecution and defense be transferred to the entities responsible for incurring the costs. Thus, since FY 1999-00, the General Assembly has provided multiple appropriations for mandated costs.

Currently, the Long Bill includes six appropriations for mandated costs, including three to the Judicial Department, and individual appropriations to the Office of the State Public Defender, the Office of the Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel.

STATUTORY AUTHORITY: Several provisions concerning court-appointed counsel, including: Titles 13 [Court procedures], 14 [Domestic relations], 15 [Probate], 19 [Children's Code], 22 [Education], 25 [Health], and 27 [Behavioral health]; Section 13-3-104, C.R.S. [State funding for courts]; Sections 13-

71-125 through 13-71-131, C.R.S. [Juror compensation]; Section 16-18-101, C.R.S. [Costs in criminal cases paid by the State]; Section 18-1.3-701 (2), C.R.S. [Judgement for costs and fines]

REQUEST: The Department requests a continuation level appropriation for a total of \$8,876,977 total funds, including \$8,711,728 General Fund and \$165,249 cash funds from various fees, cost recoveries, and grants.

RECOMMENDATION: Staff recommends the requested appropriation.

DISTRICT ATTORNEY MANDATED COSTS

This is one of several line item appropriations for mandated costs. This line item provides state funding to reimburse Colorado's district attorneys' offices (DAs) for costs incurred for prosecution of state matters, as required by state statute.

Prior to FY 2000-01, funding for DAs' mandated costs was included within the Mandated Costs line item appropriation to the Judicial Department and judges made decisions about their use in specific cases. In 1999, an ad hoc committee on mandated costs released a report recommending that responsibility for managing court costs be transferred to the entities that incur them. Thus, since FY 2000-01, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

The CDAC allocates funds among the 22 judicial districts (including those districts that are not members of the CDAC) based on historical spending. However, the CDAC excludes from this initial allocation: a portion of the appropriation to cover its costs of administering the allocation (5.0 percent of the appropriation); and another amount (typically \$300,000) to cover any unanticipated district needs. District attorneys submit information quarterly concerning costs incurred, as well as projections of annual expenditures. The CDAC has a special process for requesting additional funds above the allocated amount. In order to limit state expenditures, the CDAC has limited expert witness fees to \$1,500 per expert. Fees paid in excess of this limit are only reimbursed if funds remain available at the end of the fiscal year. In FY 2015-16, DAs' incurred \$70,312 above this limit.

BACKGROUND INFORMATION CDAC'S ROLE:

Since FY 1999-00, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information (e.g., RFI #3 in the 2018 RFI letter sent to the Chief Justice) indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

Two statutory provisions appear to provide statutory authority for the CDAC to play this role. First, Section 20-1-110, C.R.S., authorizes a DA to participate in an intergovernmental cooperative relationship concerning criminal prosecution and to enter into contracts on behalf of his or her judicial district for cooperation with other DAs concerning such prosecution and prosecution-

related services. Second, Section 20-1-111, C.R.S., authorizes DAs to cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting DAs, "including the sharing of costs and the administration and distribution of moneys received for mandated costs." This provision also authorizes DAs to "allocate up to five percent of the moneys received for mandated costs authorized by the general assembly for administrative expenses." Consistent with this provision, the CDAC annually receives 5.0 percent of the appropriation (\$127,965 in FY 2018-19) to cover the administrative costs associated with allocating and managing this appropriation.

The Judicial Department (not the CDAC) actually pays out the reimbursements to DAs and makes the related accounting entries in the state accounting system. Individual DAs make payments related to any mandated costs, and submit a list of such payments to the local district court administrator each month in order to receive reimbursement.

STATUTORY AUTHORITY: Section 13-3-104, C.R.S. [State funding for courts]; Section 16-18-101, C.R.S. [Costs in criminal cases paid by the State]; Section 18-1.3-701 (2), C.R.S. [Judgement for costs and fines].

REQUEST: The CDAC requests \$2,885,609 total funds, including \$2,655,609 General Fund and \$200,000 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

TRIAL COURTS, DISTRICT ATTORNEY MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,772,436	\$2,572,436	\$200,000	\$0	\$0	0.0
TOTAL	\$2,772,436	\$2,572,436	\$200,000	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,772,436	\$2,572,436	\$200,000	\$0	\$0	0.0
C&P NP3 District Attorney mandated costs	83,173	83,173	0	0	0	0.0
TOTAL	\$2,855,609	\$2,655,609	\$200,000	\$0	\$0	0.0
INCREASE/(DECREASE)	\$83,173	\$83,173	\$0	\$0	\$0	0.0
Percentage Change	3.0%	3.2%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$2,855,609	\$2,655,609	\$200,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

ACTION AND STATEWIDE DISCOVERY SHARING SYSTEMS

This line item provides funding for both the eDiscovery and ACTION systems. Fund sources include General Fund and cash fund revenues from a new criminal surcharge for persons who are represented by private counsel or appear without legal representation.

Senate Bill 14-190 (a JBC bill) required the Colorado District Attorneys' Council (CDAC) to develop and maintain a statewide system that would enable the sharing and transfer of information electronically between law enforcement agencies, district attorneys' offices, and the defense. This

statewide discovery sharing system (often called the "eDiscovery" system) was integrated with CDAC's preexisting ACTION case management system, which is used by district attorneys. eDiscovery has now been fully implemented in the majority of districts. There are two districts that have chosen to use their own methods but are currently planning to convert to the eDiscovery system. Once eDiscovery was fully implemented, district attorneys could no longer charge the defense for duplicating discoverable materials. The entire DA community stopped charging for discovery on June 30, 2017. This allowed existing General Fund appropriations for such reimbursements to be repurposed to support the ongoing operations of the eDiscovery and ACTION systems.

STATUTORY AUTHORITY: Section 16-9-701 et seq., C.R.S.

REQUEST: The Judicial Department, on behalf of the CDAC, requests continuation funding of \$3,240,000, including \$3,170,000 General Fund and \$70,000 cash funds from the Statewide Discovery Sharing Surcharge Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

FEDERAL FUNDS AND OTHER GRANTS

This line item reflects miscellaneous grants and federal funds associated with the trial courts. The FTE shown in the Long Bill are not permanent employees of the Department, but instead represent the Department's estimates of the full-time equivalent employees who are working under the various grants.

STATUTORY AUTHORITY: Section 13-3-101 (9), C.R.S.

REQUEST: The Department requests a continuation appropriation of \$2,900,000 total funds, including \$975,000 cash funds, \$300,000 reappropriated funds, and \$1,625,000 federal funds, and 13.0 FTE. The source of reappropriated funds is federal funds transferred from the Departments of Human Services and Public Safety.

RECOMMENDATION: Staff recommends the requested appropriation.

(4) PROBATION AND RELATED SERVICES

This section provides funding for probation officers and staff, as well as services that are provided to offenders on probation or related to the probation function. Cash fund sources include: the Offender Services Fund, the Alcohol and Drug Driving Safety Program Fund, the Correctional Treatment Cash Fund, the Sex Offender Surcharge Fund, the Offender Identification Fund, and various fees, cost recoveries, and grants. Sources of reappropriated funds include transfers from the Education, Human Services, and Public Safety Departments.

Persons convicted of certain offenses are eligible to apply to the court for probation. If the court determines that "the ends of justice and the best interests of the public, as well as the defendant, will be served thereby," the court may grant the defendant probation. The offender serves a sentence in the community under the supervision of a probation officer, subject to conditions imposed by the court. The length of probation is at the discretion of the court and it may exceed the maximum period of incarceration authorized for the offense of which the defendant is convicted, but it cannot exceed five years for any misdemeanor or petty offense. The conditions of probation should ensure that the defendant will lead a law-abiding life and assist the defendant in doing so. These conditions always include requirements that the defendant: will not commit another offense; will make full restitution; will comply with any court orders regarding substance abuse testing and treatment and/or the treatment of sex offenders; and will not harass, molest, intimidate, retaliate against, or tamper with the victim.

Managed by the Chief Probation Officer in each judicial district, 1,185 employees prepare assessments and provide pre-sentence investigation services to the courts, supervise offenders sentenced to community programs, and provide notification and support services to victims. The Chief Probation Officer is supervised by the Chief Judge in each district. Investigation and supervision services are provided based on priorities established by the Chief Justice and each offender's risk of re-offending. Adult and juvenile offenders are supervised in accordance with conditions imposed by the courts. A breach of any imposed condition may result in revocation or modification of probation, or incarceration of the offender.

The following table summarizes the staff recommendations for the Probation and Related Services.

PROBATION AND RELATED SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$164,482,576	\$100,802,195	\$28,889,731	\$31,990,650	\$2,800,000	1,299.7
HB 22-1176 (Supplemental)	157,352	0	0	157,352	0	0.0
TOTAL	\$164,639,928	\$100,802,195	\$28,889,731	\$32,148,002	\$2,800,000	1,299.7
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$164,639,928	\$100,802,195	\$28,889,731	\$32,148,002	\$2,800,000	1,299.7
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	(142,648)	(300,000)	0	157,352	0	2.2
C&P NP2 Correctional Treatment Board	2,289,654	1,250,000	0	1,039,654	0	0.0
Annualize prior year budget actions	2,994,574	3,151,926	0	(157,352)	0	0.0
Annualize prior year legislation	706,906	706,906	0	0	0	4.2
Indirect cost assessment	103,017	0	103,017	0	0	0.0
TOTAL	\$170,591,431	\$105,611,027	\$28,992,748	\$33,187,656	\$2,800,000	1,306.1

PROBATION AND RELATED SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$5,951,503	\$4,808,832	\$103,017	\$1,039,654	\$0	6.4
Percentage Change	3.6%	4.8%	0.4%	3.2%	0.0%	0.5%
FY 2022-23 EXECUTIVE REQUEST	\$170,591,431	\$105,611,027	\$28,992,748	\$33,187,656	\$2,800,000	1,306.1
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

DECISION ITEMS – PROBATION AND RELATED SERVICES

→ C&P NP2 CORRECTIONAL TREATMENT BOARD

REQUEST: The Courts submit this request on behalf of the Correctional Treatment Board (CTB). The CTB's request includes appropriation adjustments across agencies as follow:

- An increase of \$1.25 million General Fund to the Correctional Treatment Cash Fund in FY 2022-23; and an additional increase of \$1.25 million General Fund in FY 2023-24;
- An increase of \$252,806 reappropriated funds for Correctional Treatment Cash Fund Expenditures;
- An increase of \$786,848 reappropriated funds for Offender Treatment and Services in Probation;
- An increase of \$183,215 reappropriated funds for the Parolee Supervision and Support Services in the Department of Corrections;
- A decrease of \$277,627 reappropriated funds for the Jail Based Behavioral Health Services in the Department of Human Services;
- A decrease of \$1,000,000 reappropriated funds for the Circle Program in the Department of Human Services;
- An increase of \$96,500 reappropriated funds for the Community Corrections CTCF Residential Placements in the Department of Public Safety; and
- A decrease of \$64,736 reappropriated funds for the Community Corrections Services for Substance Abuse and Co-occurring Disorders in the Department of Public Safety.

RECOMMENDATION: Staff recommends that the Committee approve this request.

ANALYSIS

Section 18-19-103 (5)(a), C.R.S., requires that "The judicial department shall include the annual treatment funding plan in its annual presentation to the joint budget committee."

This request from the Correctional Treatment Board (CTB) includes a net increase of \$2.3 million total funds. This includes a \$1.3 million General Fund appropriation to the Correctional Treatment Cash Fund (CTCF) and \$1.0 million reappropriated funds spending authority from the CTCF.

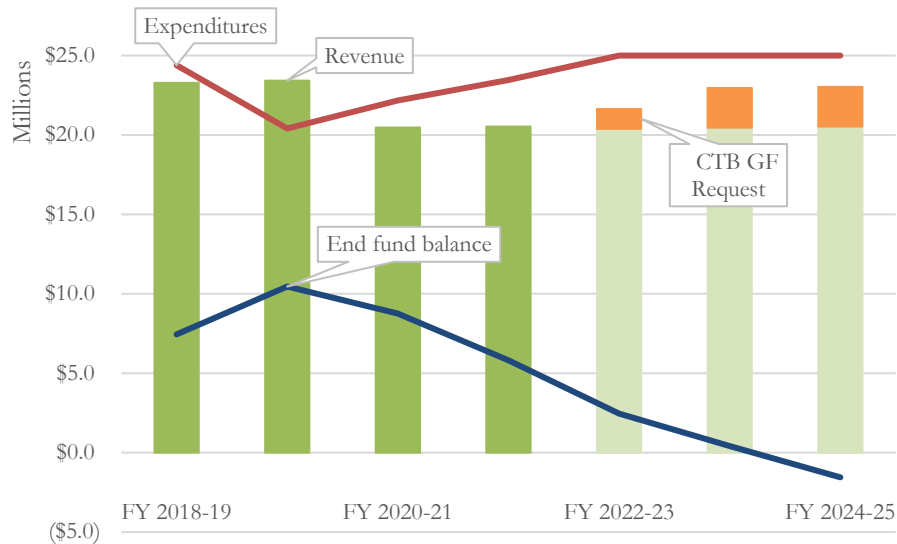
CTB GF REINSTATEMENT REQUEST AND CTCF BALANCE

The CTB requests a reinstatement of the General Fund transfer to the Correctional Treatment Cash Fund that was reduced by \$2.5 million in FY 2020-21 from a budget balancing action. The request is to increase the transfer by \$1.25 million in FY 2022-23 and by an additional \$1.25 million in FY 2023-24.

The CTB states that it relied on reserve fund balance to maintain funding for local initiatives over this two-year period. The following chart outlines recent and projected activity for the CTCF. The CTB identifies a CTCF fund balance of \$10.5 million at the end of FY 2019-20. CTCF operating deficits of \$1.7 million in FY 2020-21 and \$2.9 million in FY 2021-22, reduced the reserve to \$5.8 million.

The CTB proposes spending of \$25.0 million in FY 2022-23 and future years. At proposed spending of \$25.0 million in FY 2022-23 and future years, without the requested additional General Fund, the cash fund will experience a deficit of \$3.3 million at the end of FY 2023-24. With the reinstatement of General Fund, the cash fund will nevertheless experience a deficit of \$1.5 million at the end of FY 2024-25. The following chart outlines the projected balance of the Correctional Treatment Cash Fund.

CORRECTIONAL TREATMENT CASH FUND



Regardless of the restoration of General Fund, projected expenditures of \$25.0 million per year appear to be unsustainable. Unsustainable operating deficits would appear to be a violation of Section 18-19-103 (5)(a), C.R.S., which states that the CTB "shall prepare an annual treatment funding plan that includes a fair and reasonable allocation of resources for program throughout the state." Statute requires an "allocation of resources" which suggests that the allocation should not exceed the resources available in the CTCF. However through FY 2022-23, the CTB allocation plan is sustainable for the budget year.

Staff recommends that the Committee approve the restoration of General Fund over the two-year period as requested. Additionally, staff recommends that the Committee approve the related line adjustments affected by the CTB allocation plan.

LINE ITEM DETAIL – PROBATION AND RELATED SERVICES

PROBATION PROGRAMS

This line item provides funding for both personal services and operating expenses for probation programs in all judicial districts. Cash funds sources include: the Offender Services Fund, the Alcohol and Drug Driving Safety Program Fund, the Correctional Treatment Cash Fund (drug offender surcharge fee revenues), various fees and cost recoveries, and the Offender Identification Fund. The following table details the types of employees that are supported by this line item.

STATUTORY AUTHORITY: Sections 16-11-214 [Offender Services Fund]; 18-1.3-201 et seq., C.R.S. [Probation as a sentencing option]; Section 24-33.5-415.6 (1), C.R.S. [Offender ID Fund]; 42-4-1301.3, C.R.S. [Alcohol and Drug Driving Safety (ADDS) Program]

REQUEST: The Department requests \$99,575,491 total funds, including \$90,692,534 General Fund and \$8,882,957 cash funds, and 1,252.1 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

PROBATION AND RELATED SERVICES, PROBATION PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$96,016,659	\$87,133,702	\$8,882,957	\$0	\$0	1,245.7
TOTAL	\$96,016,659	\$87,133,702	\$8,882,957	\$0	\$0	1,245.7
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$96,016,659	\$87,133,702	\$8,882,957	\$0	\$0	1,245.7
Annualize prior year budget actions	3,151,926	3,151,926	0	0	0	0.0
Annualize prior year legislation	706,906	706,906	0	0	0	4.2
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	(300,000)	(300,000)	0	0	0	2.2
TOTAL	\$99,575,491	\$90,692,534	\$8,882,957	\$0	\$0	1,252.1
INCREASE/(DECREASE)	\$3,558,832	\$3,558,832	\$0	\$0	\$0	6.4
Percentage Change	3.7%	4.1%	0.0%	0.0%	0.0%	0.5%
FY 2022-23 EXECUTIVE REQUEST	\$99,575,491	\$90,692,534	\$8,882,957	\$0	\$0	1,252.1
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

OFFENDER TREATMENT AND SERVICES

This line item provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance abuse and co-occurring disorders for adult and juvenile offenders who are: on diversion;

on parole; sentenced or transitioned to a community corrections program; or serving a sentence in a county jail.

The portion of funding that is spent by the Judicial Department for offenders on probation is generally allocated among judicial districts based on each district's relative share of FTE and probationers under supervision. Each probation department then develops a local budget to provide treatment and services, including the following: substance abuse treatment and testing; sex offender assessment, treatment, and polygraphs; domestic violence treatment; mental health services; electronic home monitoring; emergency housing; transportation assistance; day reporting; educational/vocational assistance; global positioning satellite (GPS) tracking; incentives; general medical assistance; restorative justice; and interpreter services.

The local allocation of funds depends on the availability of treatment and services and the particular needs of the local offender population. The Department annually reports on allocations and expenditures, by treatment and type of services. The Department is also using some existing funding for state-level initiatives, including researching evidence-based practices and building capacity in rural/under-served parts of the state.

STATUTORY AUTHORITY: Sections 16-11-214 [Offender Services Fund]; Section 18-1.3-201 et seq., C.R.S. [Probation as a sentencing option]; Section 18-19-103, C.R.S. [Drug offender surcharge]; Section 18-21-103, C.R.S. [Sex offender surcharge]

REQUEST: The Department requests \$20,702,342 total funds, including \$276,201 General Fund, \$15,335,322 cash funds, and \$5,090,819 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

PROBATION AND RELATED SERVICES, OFFENDER TREATMENT AND SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$19,758,142	\$276,201	\$15,335,322	\$4,146,619	\$0	0.0
HB 22-1176 (Supplemental)	\$157,352	\$0	\$0	\$157,352	\$0	0.0
TOTAL	\$19,915,494	\$276,201	\$15,335,322	\$4,303,971	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$19,915,494	\$276,201	\$15,335,322	\$4,303,971	\$0	0.0
C&P NP2 Correctional Treatment Board	786,848	0	0	786,848	0	0.0
C&P R8/R12/BA6/BA7/NP4/NP5 Technical adjust	157,352	0	0	157,352	0	0.0
Annualize prior year budget actions	(157,352)	0	0	(157,352)	0	0.0
TOTAL	\$20,702,342	\$276,201	\$15,335,322	\$5,090,819	\$0	0.0
INCREASE/(DECREASE)	\$786,848	\$0	\$0	\$786,848	\$0	0.0
Percentage Change	4.0%	0.0%	0.0%	18.3%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

APPROPRIATION TO THE CORRECTIONAL TREATMENT CASH FUND

This line item provides an annual appropriation from the General Fund and the Marijuana Tax Cash Fund to be credited to the Correctional Treatment Cash Fund (CTCF). Money in the CTCF is used to fund the treatment of substance abuse or co-occurring disorders of adult and juvenile offenders. The Offender Treatment and Services line item in this budget provides the Judicial Department with a corresponding appropriation (from reappropriated funds) to spend a portion of this money for the provision of services to offenders on probation, and to transfer the remainder of these moneys to the Department of Corrections, Department of Human Services, and the Department of Public Safety to provide services to offenders in other settings.

STATUTORY AUTHORITY: Sections 19-19-103 (3.5) (b) and (c) and (4) (a), C.R.S.

REQUEST: The Department requests \$16,269,259 total funds, including \$14,642,292 General Fund and \$1,626,967 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

PROBATION AND RELATED SERVICES, APPROPRIATION TO THE CORRECTIONAL TREATMENT CASH FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$15,019,259	\$13,392,292	\$1,626,967	\$0	\$0	0.0
TOTAL	\$15,019,259	\$13,392,292	\$1,626,967	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$15,019,259	\$13,392,292	\$1,626,967	\$0	\$0	0.0
C&P NP2 Correctional Treatment Board	1,250,000	1,250,000	0	0	0	0.0
TOTAL	\$16,269,259	\$14,642,292	\$1,626,967	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,250,000	\$1,250,000	\$0	\$0	\$0	0.0
Percentage Change	8.3%	9.3%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

S.B. 91-094 JUVENILE SERVICES

The General Assembly annually appropriates General Fund moneys to the Department of Human Services’ Division of Youth Services (DYS) for the provision of service alternatives to placing juveniles in the physical custody of the DHS. Generally, the types of services provided include individual and family therapy, substance abuse treatment, mental health treatment, education, vocational and life skills training, mentoring, electronic monitoring, community service programs, gang intervention, mediation services, and anger management classes.

The DHS annually contracts with the Judicial Department to provide some of these services, and this line item authorizes the Judicial Department to receive and spend these moneys. The total amount of S.B. 91-094 funding that the Judicial Department receives depends on a number of factors including: the number of available treatment providers, the structural organization of the districts’ programs, and the level and types of treatment services required per district each year. When the amount of funding need is determined, each district submits its request directly to DHS.

Once all district requests have been received, the Judicial Department and DYS execute the annual contract.

The FTE that are shown with this line item are actually contract staff (in some cases these may be long-term contracts), and are not reflected as FTE within the Department's payroll system. For purposes of providing actual FTE data, the Department uses its payroll system to determine the number of hours worked by these contract staff and calculate an equivalent number of FTE.

STATUTORY AUTHORITY: Section 19-2-310, C.R.S.

REQUEST: The Department requests continuation funding of \$1,596,837 reappropriated funds and 15.0 FTE.

RECOMMENDATION: Staff recommends the requested appropriation.

CORRECTIONAL TREATMENT CASH FUND EXPENDITURES

STATUTORY AUTHORITY: Section 18-19-103, C.R.S.

REQUEST: The Department requests \$25,000,000 reappropriated funds and 1.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

PROBATION AND RELATED SERVICES, CORRECTIONAL TREATMENT CASH FUND EXPENDITURES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$24,747,194	\$0	\$0	\$24,747,194	\$0	1.0
TOTAL	\$24,747,194	\$0	\$0	\$24,747,194	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$24,747,194	\$0	\$0	\$24,747,194	\$0	1.0
C&P NP2 Correctional Treatment Board	252,806	0	0	252,806	0	0.0
TOTAL	\$25,000,000	\$0	\$0	\$25,000,000	\$0	1.0
INCREASE/(DECREASE)	\$252,806	\$0	\$0	\$252,806	\$0	0.0
Percentage Change	1.0%	0.0%	0.0%	1.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

REIMBURSEMENTS TO LAW ENFORCEMENT AGENCIES FOR THE COSTS OF RETURNING A PROBATIONER

This line item provides funding for the Judicial Department to reimburse law enforcement agencies for the costs of returning a probationer to Colorado. The source of funding is the Interstate Compact Probation Transfer Cash Fund, a new fund that consists of revenue from a new \$100 filing fee paid by an estimated 2,500 offenders who apply for out-of-state probation supervision (it is

assumed that approximately 25 percent of these offenders will be indigent and have their fee waived).

STATUTORY AUTHORITY: Section 18-1.3-204 (4) (b), C.R.S.

REQUEST: The Department requests a continuation appropriation of \$187,500 cash funds.

RECOMMENDATION: Staff recommends the requested appropriation.

VICTIMS GRANTS

These grants are used to provide program development, training, grant management, and technical assistance to probation departments in each judicial district as they continue to improve their victim services programs and provide direct services and notification to victims of crime. The source of funding is victim assistance surcharges collected from offenders and administered by the State Victim Assistance and Law Enforcement (VALE) Board, grants from local VALE boards, and a federal Victims of Crime Act (VOCA) grant that are received by the Division of Criminal Justice and transferred to the Judicial Department.

STATUTORY AUTHORITY: Section 24-4.2-105 (2.5), C.R.S.

REQUEST: The Department requests a continuation appropriation of \$650,000 reappropriated funds and 6.0 FTE.

RECOMMENDATION: Staff recommends the requested appropriation.

FEDERAL FUNDS AND OTHER GRANTS

This line item reflects miscellaneous grants and federal funds associated with probation programs and services. The FTE shown in the Long Bill are not permanent employees of the Department, but represent the Department's estimates of the full-time equivalent employees who are working under the various grants (often in judicial districts).

STATUTORY AUTHORITY: Section 18-1.3-202, C.R.S.

REQUEST: The Department requests a continuation appropriation of \$5,600,000 total funds, including \$1,950,000 cash funds, \$850,000 reappropriated funds (funds transferred from other state agencies), and \$2,800,000 federal funds, and 32.0 FTE.

RECOMMENDATION: Staff recommends the requested appropriation.

INDIRECT COST ASSESSMENT

Indirect cost assessments are charged to cash and federally-funded programs for departmental and statewide overhead costs, and then the assessments are used in the Courts Administration section to offset General Fund appropriations.

STATUTORY AUTHORITY: Colorado Fiscal Rules #8-3; Section 24-75-1401, C.R.S. [Indirect Costs Excess Recovery Fund]

REQUEST: Department requests \$1,010,002 cash funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

PROBATION AND RELATED SERVICES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$906,985	\$0	\$906,985	\$0	\$0	0.0
TOTAL	\$906,985	\$0	\$906,985	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$906,985	\$0	\$906,985	\$0	\$0	0.0
Indirect cost assessment	103,017	0	103,017	0	0	0.0
TOTAL	\$1,010,002	\$0	\$1,010,002	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	11.4%	0.0%	11.4%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(5) OFFICE OF THE STATE PUBLIC DEFENDER

The federal and state constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions. This constitutional right has been interpreted to mean that counsel will be provided at state expense for indigent persons in all cases in which incarceration is a likely penalty. The Office of the State Public Defender (OSPD) is established by Section 21-1-101, et seq., C.R.S., as an independent agency within the Judicial Branch for the purpose of providing legal representation for indigent defendants who are facing incarceration. This provision requires the OSPD to provide legal representation to indigent defendants "commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function." The OSPD provides representation through employees located around the state.

The OSPD is governed by the five-member Public Defender Commission, whose members are appointed by the Supreme Court. The Commission appoints an individual to serve as the State Public Defender. The State Public Defender's compensation is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment. The State Public Defender employs and fixes the compensation for deputy public defenders, investigators, and other necessary support staff. However, all salaries are to be reviewed and approved by the Colorado Supreme Court.

The OSPD is the largest independent agency within the Judicial Branch. The OSPD's central administrative office is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides a limited amount of administrative support, including: fiscal year-end transfers; workers' compensation and risk management; and a server room. With the exception of a small amount of cash funds from training registration fees and grants, the OSPD is supported by General Fund appropriations.

OFFICE OF THE STATE PUBLIC DEFENDER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$118,679,551	\$118,524,551	\$155,000	\$0	\$0	964.6
HB 22-1176 (Supplemental)	0	0	0	0	0	0.0
Other legislation	224,896	224,896	0	0	0	1.8
TOTAL	\$118,904,447	\$118,749,447	\$155,000	\$0	\$0	966.4
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$118,904,447	\$118,749,447	\$155,000	\$0	\$0	966.4
OSPD R1/BA1 Public defense in digital age	6,018,900	6,018,900	0	0	0	4.6
Centrally appropriated line items	3,437,862	3,437,862	0	0	0	0.0
OSPD R2 Paralegal staff	4,738,378	4,738,378	0	0	0	60.5
Annualize prior year budget actions	115,879	115,879	0	0	0	4.8
OSPD R3 Discovery clerks staff	633,215	633,215	0	0	0	13.8
Annualize prior year legislation	93,685	93,685	0	0	0	0.2
OSPD R4 HB21-1280 adjustment	188,657	188,657	0	0	0	0.0
TOTAL	\$134,131,023	\$133,976,023	\$155,000	\$0	\$0	1,050.3

OFFICE OF THE STATE PUBLIC DEFENDER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$15,226,576	\$15,226,576	\$0	\$0	\$0	83.9
Percentage Change	12.8%	12.8%	0.0%	0.0%	0.0%	8.7%
FY 2022-23 EXECUTIVE REQUEST	\$135,212,030	\$135,057,030	\$155,000	\$0	\$0	1,053.0
Request Above/(Below) Recommendation	\$1,081,007	\$1,081,007	\$0	\$0	\$0	2.7

DECISION ITEMS – OFFICE OF THE STATE PUBLIC DEFENDER

➔ OSPD R1/BA1 PUBLIC DEFENSE IN DIGITAL AGE – IT INFRASTRUCTURE AND OPERATING

REQUEST: The Office requests \$6,023,930 General Fund and 4.6 FTE for its R1/BA1 Public Defense in the Digital Age request. The request includes the following components:

- \$4.1 million for an IT infrastructure component that will provide an accessible and scalable digital storage system; and
- \$1.9 million and 4.6 FTE for IT support staff and operating expenses for the digital storage system.

The request annualizes to \$2,255,596 General Fund and 7.0 FTE in FY 2023-24 and future years. This includes \$1.2 million General Fund for annual IT system operating expenses and \$1.0 million General Fund for support staff and related operating expenses.

The following table outlines the request for FY 2022-23.

R1/BA1 PUBLIC DEFENSE IN THE DIGITAL AGE		
LINE ITEM	GENERAL FUND	FTE
Personal Services	\$330,186	4.6
Contract Services in PS	\$1,046,240	0.0
Operating Expenses	\$500,750	0.0
Capital Outlay	36,000	0.0
Automation Plan	4,110,754	0.0
Total	\$6,023,930	4.6

JTC RECOMMENDATION: The Joint Technology Committee recommends approval of the request.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the following table.

R1/BA1 PUBLIC DEFENSE IN THE DIGITAL AGE - JBC STAFF RECOMMENDATIONS							
LINE ITEM	FY 2022-23		FY 2023-24		OUT-YEAR ANNUALIZATIONS		
	GENERAL FUND	FTE	GENERAL FUND	FTE	GENERAL FUND	FTE	
Personal Services	\$330,156	4.6	\$515,390	6.8	\$529,501	7.0	
Contract Services in PS	\$1,046,240	0.0	0	0.0	0	0.0	
Operating Expenses	500,750	0.0	502,650	0.0	502,650	0.0	
Capital Outlay	31,000	0.0	12,400	0.0	0	0.0	
Automation Plan	4,110,754	0.0	1,242,855	0.0	1,242,855	0.0	
Total	\$6,018,900	4.6	\$2,273,295	6.8	\$2,275,006	7.0	

*ANALYSIS***BACKGROUND**

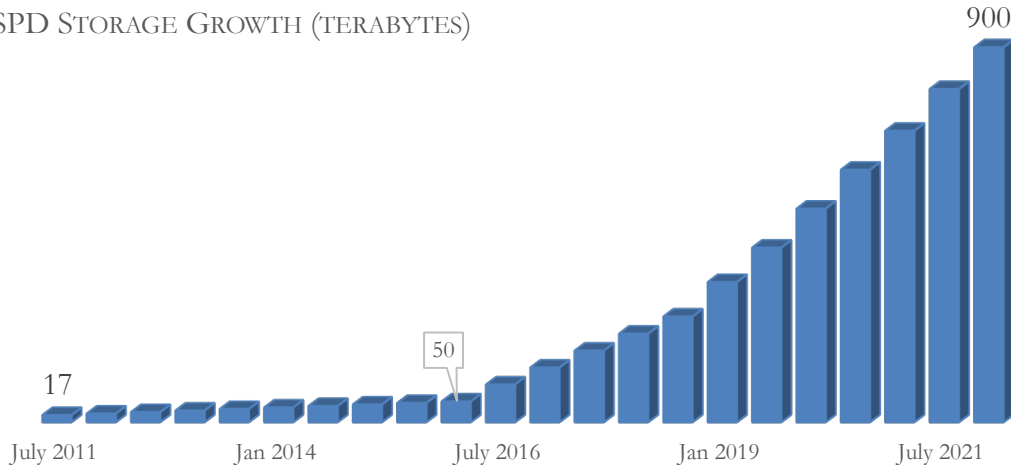
Advancements in technology have contributed to an exponential growth in the size and amount of electronic files related to criminal cases. Local, state, and federal law enforcement agencies use technology-based investigation tools like geolocation and geofencing, high resolution cameras, 3-D crime scene scans, systems like LEOVision Nighthawk, a tool that can analyze millions of digital files to develop complex evidentiary files, and various video surveillance tools such as stoplight cameras, dash cameras, and police body cameras (recently mandated across all Colorado law enforcement agencies pursuant to S.B. 20-217 *Enhance Law Enforcement Integrity*).

Witnesses, accused persons, and other parties often create potential evidence through the use of social media, smart phones, and computers, as well as through recorded calls from jail and personal phones. Collection of this evidence typically requires a download of each device's complete hard drive and the capture, transfer, and local storage of the entire volume of this data. Additional video footage of interest for legal cases from business or personal surveillance cameras may also be disclosed as discovery or otherwise discovered in the course of a criminal defense investigation.

The Office of the State Public Defender (OSPD) must store the entirety of these data files from this and an expanding range of technologies, not only while a case is active, but also once a case is closed, in order to comply with retention policies required by legal and ethical obligations. Colorado Rules of Professional Conduct 1.16(c) requires that a lawyer in a criminal case retain the client's file, which includes all discovery received in the case: (1) for the life of the client for convictions of death, life without parole, or indeterminate sentences; (2) for eight years from sentencing for a conviction for any other felony that was appealed; and (3) for five years from sentencing for a conviction for any other felony that was not appealed.

Storage usage for the OSPD has grown from 17 terabytes in 2011 to an estimated 900 terabytes by the end of 2021. A terabyte is equal to 1,000 gigabytes, and for context, equal to about 120 DVDs. The average size of an active case is currently 5 gigabytes. Video files range in size based on quality from 0.1 gigabytes per hour for older technology to 20 gigabytes per hour for the newest high-resolution cameras utilizing 8k format. Additionally, standard business practice is to store a backup copy of data both locally and at an offsite facility to ensure recovery in the event of a major systems failure.

OSPD STORAGE GROWTH (TERABYTES)



In 2015, the Colorado District Attorneys' Council (CDAC) was allocated \$3 million per year to create and maintain a statewide eDiscovery portal that transfers most electronic discovery from law enforcement and prosecution to defense attorneys. In September 2021, the 2nd Judicial District in Denver, was the final Judicial District to transition discovery to the eDiscovery portal.

As illustrated in the chart, July 2016 began the first noticeable acceleration as terabytes increased by about 80 terabytes per year for two-and-a-half years. From about July 2018 to about January 2021, terabytes increased at about 180 terabytes per year; the increase is now about 200 terabytes per year in 2021. The Office estimates storage growth at about 43 percent per year over the last two years and that storage may grow to about 7,500 terabytes in the next five years.

As an example of the change in case file scale, five years ago discovery in a driving under the influence case typically consisted of a single, three-page police report. Today, the same type of case typically includes the same report plus several hours of video footage from police car dash cameras and police body cameras.

In addition to technical data storage growth, OSPD legal staff must review all electronic files. This includes: review of as many hours of video or audio recorded by each single recording device related to the case; determine and organize the portions of files relevant to the legal defense; and distill or isolate and share and present those portions appropriately with clients, experts, judges, and juries.

R1/BA1 COMPONENTS

The R1/BA1 request includes the following components:

- A comprehensive storage solution (IT project) - \$3,568,699 in FY 2022-23 and \$750,000 operating costs ongoing;
- Project-related contract IT management staff for the storage solution – \$1,046,240 in FY 2022-23 and \$149,921 ongoing;
- 5.0 FTE for IT help desk support – \$372,936 and 4.6 FTE in FY 2022-23 and \$384,020 and 5.0 FTE ongoing;
- Digital litigation tools including development of programming and processes for automated downloads from eDiscovery systems and portals, audio/video transcription, and case management software – \$429,000 in FY 2022-23 and \$379,000 ongoing;

- Mobile connectivity to provide cell phones for all attorneys – \$265,000 in FY 2022-23 and ongoing;
- Hardware improvements that incrementally increases the budget for the laptop replacement cycle to provide for hardware with improved data usage and processing – \$179,055 in FY 2022-23 and ongoing; and
- Bandwidth increases across all offices – \$163,000 in FY 2022-23 and ongoing.

R1/BA1 total – \$6,023,930 in FY 2022-23 and \$2,269,996 ongoing.

JOINT TECHNOLOGY COMMITTEE

The Joint Technology Committee (JTC) recommends approval of the OSPD IT project along with the additional requested elements of the R1/BA1 request. The JTC has prioritized this project in its IT Capital prioritization list as priority #9 of 21 prioritized projects. While the JTC has included this project as a potential IT Capital project, due to current law which only clearly provides for executive branch projects to be funded as an IT Capital project, staff recommends that the Committee fund this project in the OSPD operating budget. Additionally, this project is anticipated to be completed in a single year and at this time does not appear to require multi-year spending authority.

STAFF RECOMMENDATION BY COMPONENT

IT Project and Contract Staff

Staff recommends approval of the IT project and the project-related contract IT management staff.

- For the IT project, staff recommends the requested amounts of \$3,568,699 General Fund for FY 2022-23 and \$750,000 General Fund in years thereafter.
- For the project-related contract IT management staff, staff recommends the requested amount of \$1,046,240 General Fund for FY 2022-23 only. Staff addresses ongoing project-related staff within the staff request component.

Tools and Hardware

Staff recommends approval of the digital litigation tools, mobile connectivity, hardware improvements, and bandwidth increase at the requested amounts: \$1,036,055 General Fund for FY 2022-23 and \$986,055 in years thereafter.

IT Staff

Staff recommends approval of the staff portions of the request as outlined in the following table.

R1/BA1 OSPD IT STAFF										
	FY 2022-23 REQUEST		FY 2023-24 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZ.		FY 2024-25 REC. ANNUALIZ.	
	FTE	COST	FTE	COST	FTE	COST	FTE	COST	FTE	COST
Personal Services - Jr Systems Admin	2.8	\$168,920	3.0	\$184,276	2.8	\$165,904	3.0	\$180,987	3.0	\$180,987
Personal Services - Sr Systems Admin	1.8	161,266	2.0	\$175,927	1.8	164,252	2.0	179,184	2.0	179,184
Personal Services - IT Network Admin			1.0	89,953			0.9	93,134	1.0	101,601
Personal Services - IT Bus Sys Analyst			1.0	59,968			0.9	62,085	1.0	67,729
Operating Expense		4,750		6,650		4,750		6,650		6,650
Capital Outlay		36,000		14,400		31,000		12,400		0
Automation Plan		2,000		2,800		2,000		2,800		2,800
R2 Total	4.6	\$372,936	7.0	\$533,974	4.6	\$367,906	6.8	\$537,240	7.0	\$538,951

→ OSPD R2 PARALEGAL STAFF

REQUEST: The Office of the State Public Defender requests a total of 104 paralegal staff to be added over two years, including 66 in year one and 38 in year two. The request identifies a total cost of \$5,795,856 General Fund and 63.2 FTE for FY 2022-23 and an additional \$3,764,904 General Fund and 42.1 FTE for FY 2023-24.

R2 OSPD PARALEGAL STAFF				
LINE ITEM	FY 2022-23		FY 2023-24	
	GENERAL FUND	FTE	GENERAL FUND	FTE
Personal Services	\$3,577,324	63.2	\$5,962,207	105.3
POTS	\$1,025,384	0.0	1,713,725	0.0
Operating Expenses	65,550	0.0	103,550	0.0
Capital Outlay	496,800	0.0	288,000	0.0
Leased Space and Utilities	603,198	0.0	952,878	0.0
Automation Plan	27,600	0.0	43,600	0.0
Total	\$5,795,856	60.5	\$9,063,960	102.6

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the following table.

R2 OSPD PARALEGAL STAFF - JBC STAFF RECOMMENDATIONS						
LINE ITEM	FY 2022-23		FY 2023-24		OUT-YEAR ANNUALIZATIONS	
	GENERAL FUND	FTE	GENERAL FUND	FTE	GENERAL FUND	FTE
Personal Services	\$3,300,568	60.5	\$5,500,947	100.8	\$5,673,704	104.0
POTS	939,509	0.0	1,580,122	0.0	1,637,442	0.0
Operating Expenses	62,700	0.0	98,800	0.0	98,800	0.0
Capital Outlay	409,200	0.0	235,600	0.0	0	0.0
Leased Space and Utilities	0	0.0	0	0.0	0	0.0
Automation Plan	26,400	0.0	41,600	0.0	41,600	0.0
Total	\$4,738,377	60.5	\$7,457,069	100.8	\$7,451,546	104.0

ANALYSIS

As described in the OSPD R1/BA1 request regarding the need for increased storage capabilities, there is an exponentially increasing amount of digital materials in all criminal cases. Managing the growth in the amount and type of discovery materials in OSPD cases requires specialty-skilled staff who can process, organize, and review the information to help the attorney on the case work effectively and efficiently.

OSPD seeks to add 66 paralegal positions in FY 2022-23 as part of Phase I and 38 paralegal positions in FY2023-24 as Phase II. In establishing the number of paralegals included in the request, OSPD is utilizing a 1:6 ratio to allocate paralegal FTE for large trial offices based upon the attorney resources allocated in each location. In addition, OSPD is seeking 10 paralegals to staff the ten small trial offices. Phase I will be rolled out for high level felony cases in FY 2022-23. Phase II will include all other cases that are not considered high level felony cases to begin in FY 2023-24.

While the increase in technology-related discovery is driving this request, paralegals can assist the defense team in a wide variety of tasks that, in the absence of paralegals, often falls to the lawyers already facing significant caseloads or other staff who may not have the necessary training and

experience. The OSPD states that it currently employs a small number of paralegals in trial offices and has seen the efficiency and success of using paralegal skills for defense teams.

In the legal profession at large, paralegals are routinely deployed as a cost-effective solution to efficiently provide a wide range of legal services, since paralegals can perform substantive legal work that would otherwise have to be handled by attorneys. The American Bar Association has recognized that "[p]aralegals can be delegated any task normally performed by a lawyer, as long as the lawyer supervises the work, except those proscribed by law" while at the same time "[p]aralegals can be paid less than an attorney, yet handle many tasks (under an attorney's supervision) that would otherwise be performed by an attorney."

Based on the overarching needs related to addressing increased discovery documents and data, staff recommends that the Committee approve the general request for a two-year addition of paralegal staff as requested. Staff believes that the requested number of paralegals are based on the current staffing model for attorneys handling higher-level felony and lesser cases and staff does not believe that making a recommendation for fewer paralegals or for an extended ramp-up period can reasonably be applied based on the plan and metrics provided by the OSPD for this request. Staff appreciates that the OSPD seeks new office processes and dedicated specialty staff positions as a way of resolving the largest impacts from changes to public legal defense practice. Staff believes the OSPD R2 request for paralegals is an efficient and effective solution to the larger issue of increased data discovery and electronic data files.

In addition to the identified paralegal positions, the request includes a number of executive office positions to function as support staff to manage the increase in FTE. These positions include accountant, human resources analyst, payroll coordinator, and criminal investigations–training positions. Although these positions are built into the appropriations request, the request narrative lacks any explanation regarding these positions and included no detail regarding the staff costs for these positions. Staff requested, and the Office provided additional detail regarding the specific positions, number of FTE, and salary range data for these positions. Nevertheless, this information did not provide enough explanation or justification for staff to consider including these positions in the staff recommendation for this request. **Staff recommends that the Committee deny the request for additional staff included in the request.**

In addition to standard personal services, POTS, and related operating expenses, the request included appropriations for leased space. Staff inquired about this portion of the request. The OSPD provided staff with an excel spreadsheet identifying \$215,589 in leased space escalators. However, the request for leased space totals \$952,878 over the two years of staff requests. **Staff is not satisfied with the explanation for the inclusion of leased space and is therefore recommending that the Committee deny the leased space portion of the request.**

The paralegal position is a classification in the OSPD compensation plan with a salary range of \$4,025 to \$5,209 (\$48,300 to \$62,508 annually). The appropriation is requested at the salary range minimum.

Staff recommends that the Committee approve the R2 request as outlined in the following table, including the following out-year annualizations.

R2 OSPD PARALEGAL STAFF										
	FY 2022-23 REQUEST		FY 2023-24 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Paralegals phase 1	63.2	3,302,030	66.0	\$3,577,324	60.5	\$3,300,568	66.0	\$3,600,620	66.0	\$3,600,620
Personal Services - Paralegals phase 2			34.8	2,384,883			34.8	1,900,327	38.0	2,073,084
Personal Services - Accountant	0.9	92,156	1.0	100,534	0.0	0	0.0	0	0.0	0
Personal Services - HR Analyst	0.3	29,806	0.3	32,516	0.0	0	0.0	0	0.0	0
Personal Services - Payroll coordinator	0.6	49,035	0.7	53,493	0.0	0	0.0	0	0.0	0
Personal Services - Crim Inv - training	0.9	107,553	1.0	117,331	0.0	0	0.0	0	0.0	0
Personal Services - State Office (unknown)			1.8	184,586	0.0	0	0.0	0	0.0	0
POTS		1,023,890		1,712,231		939,509		\$1,580,122		\$1,637,442
Operating Expense		65,550		103,550		62,700		98,800		98,800
Capital Outlay		496,800		288,000		409,200		235,600		0
Leased Space and Utilities		603,198		952,878		0		0		0
Automation Plan		27,600		43,600		26,400		41,600		41,600
Unidentified operating		0		11,595		0		0		0
R2 Total	65.9	\$5,797,618	105.5	\$9,562,520	60.5	\$4,738,377	100.8	\$7,457,069	104.0	\$7,451,546

➔ OSPD R3 DISCOVERY CLERKS STAFF

REQUEST: The Office of the State Public Defender (OSPD) requests an increase of \$650,106 General Fund and 13.8 FTE to create a centralized, 15-staff team of Discovery Clerks.

RECOMMENDATION: Staff recommends that the Committee approve the request as recommended and outlined in the following table.

R3 OSPD DISCOVERY CLERKS STAFF						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - Discovery Clerk	13.8	\$521,856	13.8	\$519,965	15.0	\$567,235
Operating Expense		14,250		14,250		14,250
Capital Outlay		108,000		93,000		0
Automation Plan		6,000		6,000		6,000
R3 Total	13.8	\$650,106	13.8	\$633,215	15.0	\$587,485

ANALYSIS

Discovery is the process during litigation of a criminal case when information and documentation in the case is formally exchanged between the parties. In a criminal case, most of the discovery will consist of the disclosure of material by the prosecution or law enforcement agencies to the defense pursuant to Rule of Criminal Procedure 16 and other legal authority.

A discovery clerk is an entry-level administrative position that will be responsible for ensuring discovery has been assembled from all sources, including entities like the CDAC eDiscovery portal and evidence.com, and placed into the OSPD’s case management system for other members of the defense team to organize and review in their representation of clients. This work also ensures OSPD attorneys are in compliance with Colorado Rule of Professional Conduct 1.16(c), which requires that a lawyer in a criminal case retain the client’s file, including all discovery received in the case, for specified periods of time.

Historically, OSPD administrative assistants have handled the initial intake of all discovery. Prior to the development of now commonly used technologies like cell phones and body-worn cameras, the assigned administrative assistant would typically spend approximately an hour a day collecting discovery from the prosecution and distributing it to attorneys. Larger trial offices may have spent closer to two hours performing this task on a busy day.

Discovery used to exist almost entirely in paper form but now comes in a variety of electronic formats, including CDs, portable hard drives and downloads from a variety of eDiscovery portals. While body-worn cameras and cell phone data make up a majority of the information provided, video from CCTV and police car dash cameras also contribute to the large amount of video evidence being provided in discovery. As more entities utilize technology like body-worn and police car dash cameras, they create an exponentially growing amount of material that must be provided to the defense in discovery pursuant to guidelines for criminal cases. Consequently, the OSPD expects the processing needs related to discovery to continue to grow even as we implement technological solutions to manage the material more efficiently.

As the amount of electronic information OSPD has on its cases has grown from 17 terabytes (TB) in 2011 to almost 900 now, some administrative staff are now spending the majority of their time downloading the huge amount of discovery coming in daily. This necessary but exponentially growing process keeps existing administrative staff from having time to perform their other basic job functions, including answering phones, processing applications, and otherwise assisting clients and other staff.

Over the past several months, the OSPD piloted the use of temporary discovery clerks to assist some offices in processing the huge amounts of discovery they have been receiving. OSPD found the addition of discovery clerk help allowed for the timely processing of discovery and for other administrative assistants to focus on completing other core tasks. To help OSPD process this incredible amount of data moving forward, we propose utilizing 15 discovery clerks to cover trial offices across the state. Their primary function will be to access and download electronic discovery and court filings and then to save this material to the appropriate OSPD electronic client files for organization and review by the other members of the defense team.

The Discovery Clerks will assist in efficiently and effectively processing the large and expanding amount of incoming discovery for OSPD clients; will make sure the information is timely available for organization and review by the defense; will ensure the discovery is in the proper files to comply with ethical rules governing maintenance of client files; and will allow other administrative staff to focus on other core duties.

The discovery clerk position is aligned to the Administrative Assistant classification in the OSPD with a salary range of \$2,790 to \$3,906 (\$33,480 to \$46,872 annually). The appropriation is requested at the salary range minimum.

Staff appreciates that the OSPD seeks new office processes and dedicated specialty staff positions as a way of resolving the largest impacts from changes to public legal defense practice. Staff believes the OSPD R3 request is a particularly efficient and effective solution to the larger issue of increased data discovery and electronic data files.

Staff recommends that the Committee approve the R3 request as outlined in the following table, including the following out-year annualizations.

R3 OSPD DISCOVERY CLERKS STAFF						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - Discovery Clerk	13.8	\$521,856	13.8	\$519,965	15.0	\$567,235
Operating Expense		14,250		14,250		14,250
Capital Outlay		108,000		93,000		0
Automation Plan		6,000		6,000		6,000
R3 Total	13.8	\$650,106	13.8	\$633,215	15.0	\$587,485

➔ **OSPD R4 HB21-1280 ADJUSTMENT**

REQUEST: The Office requests an increase of \$188,657 General Fund as a result of updated fiscal impacts related to the implementation of H.B. 21-1280, *Pre-trial Detention Reform*.

RECOMMENDATION: Staff recommends that the Committee approve the request for FY 2022-23 and years thereafter.

ANALYSIS

The request includes an increase due to updated fiscal impacts related to the implementation of H.B. 21-1280, *Pre-trial Detention Reform*.

The bill requires courts to hold an initial bond hearing within 48 hours, beginning April 1, 2022. The bill also created positions for bond hearing officers with the authority to conduct bond hearings for any state jurisdiction on weekends and holidays using an interactive audiovisual device. The bill also affirms that arrested individuals have the right to be represented by an attorney at their initial bond hearing.

The OSPD states that it requested staffing and funding based on fiscal note assumptions, which included that hearings would be held on one weekend day and five holiday Mondays. The OSPD also states that it highlighted in its list of assumptions that its costs would increase if, among other factors, the Judicial Department decides to have centralized hearings on both days of the weekend. The State Court Administrator's Office has determined the need for hearings on both weekend days with the use of two magistrates on each day. The OSPD states that it also appears that more jurisdictions are seeking to opt into the decentralized bond officer process than were anticipated in the original fiscal note.

This request reflects the additional fiscal impact to provide 1,744 hours of contract attorneys at \$75 an hour totaling \$130,800. The request also includes an increase of \$57,857 for support staff.

Staff recommends that the Committee approve the request. The recommendation does not include an additional or changed annualization amount.

LINE ITEM DETAIL – OFFICE OF THE STATE PUBLIC DEFENDER

PERSONAL SERVICES

This line item provides funding to support staff in the central administrative and appellate offices in Denver, as well as the 21 regional trial offices. The following table details the staffing composition of these offices.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests \$91,064,864 General Fund and 1051.9 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$82,372,702	\$82,372,702	\$0	\$0	\$0	963.5
Other legislation	\$170,306	\$170,306	\$0	\$0	\$0	1.8
TOTAL	\$82,543,008	\$82,543,008	\$0	\$0	\$0	965.3
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$82,543,008	\$82,543,008	\$0	\$0	\$0	965.3
OSPD R2 Paralegal staff	3,300,568	3,300,568	0	0	0	60.5
Annualize prior year budget actions	2,717,408	2,717,408	0	0	0	4.8
OSPD R1/BA1 Public defense in digital age	1,376,396	1,376,396	0	0	0	4.6
OSPD R3 Discovery clerks staff	519,965	519,965	0	0	0	13.8
OSPD R4 HB21-1280 adjustment	188,657	188,657	0	0	0	0.0
Annualize prior year legislation	140,185	140,185	0	0	0	0.2
TOTAL	\$90,786,187	\$90,786,187	\$0	\$0	\$0	1,049.2
INCREASE/(DECREASE)	\$8,243,179	\$8,243,179	\$0	\$0	\$0	83.9
Percentage Change	10.0%	10.0%	0.0%	0.0%	0.0%	8.7%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$278,677	\$278,677	\$0	\$0	\$0	2.7

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OSPD employees.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OSPD requests \$11,210,847 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$10,047,591	\$10,047,591	\$0	\$0	\$0	0.0
TOTAL	\$10,047,591	\$10,047,591	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$10,047,591	\$10,047,591	\$0	\$0	\$0	0.0
OSPD R2 Paralegal staff	642,510	642,510	0	0	0	0.0
Centrally appropriated line items	467,100	467,100	0	0	0	0.0
TOTAL	\$11,157,201	\$11,157,201	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,109,610	\$1,109,610	\$0	\$0	\$0	0.0
Percentage Change	11.0%	11.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$11,210,847	\$11,210,847	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$53,646	\$53,646	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of OSPD employees' short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The OSPD requests \$132,665 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$117,636	\$117,636	\$0	\$0	\$0	0.0
TOTAL	\$117,636	\$117,636	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$117,636	\$117,636	\$0	\$0	\$0	0.0
Centrally appropriated line items	9,645	9,645	0	0	0	0.0
OSPD R2 Paralegal staff	4,675	4,675	0	0	0	0.0
TOTAL	\$131,956	\$131,956	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$14,320	\$14,320	\$0	\$0	\$0	0.0
Percentage Change	12.2%	12.2%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$132,665	\$132,665	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$709	\$709	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OSPD staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OSPD requests \$3,901,908 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$3,671,416	\$3,671,416	\$0	\$0	\$0	0.0
TOTAL	\$3,671,416	\$3,671,416	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$3,671,416	\$3,671,416	\$0	\$0	\$0	0.0
OSPD R2 Paralegal staff	146,108	146,108	0	0	0	0.0
Centrally appropriated line items	72,133	72,133	0	0	0	0.0
TOTAL	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$218,241	\$218,241	\$0	\$0	\$0	0.0
Percentage Change	5.9%	5.9%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$3,901,908	\$3,901,908	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$12,251	\$12,251	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)

Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA for OSPD staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OSPD requests \$3,901,908 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$3,671,416	\$3,671,416	\$0	\$0	\$0	0.0
TOTAL	\$3,671,416	\$3,671,416	\$0	\$0	\$0	0.0

OFFICE OF THE STATE PUBLIC DEFENDER, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$3,671,416	\$3,671,416	\$0	\$0	\$0	0.0
OSPD R2 Paralegal staff	146,108	146,108	0	0	0	0.0
Centrally appropriated line items	72,133	72,133	0	0	0	0.0
TOTAL	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
	\$218,241	\$218,241	\$0	\$0	\$0	0.0
Percentage Change	5.9%	5.9%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$12,251	\$12,251	\$0	\$0	\$0	0.0

SALARY SURVEY

The OSPD uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OSPD requests \$2,463,110 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,353,529	\$2,353,529	\$0	\$0	\$0	0.0
TOTAL	\$2,353,529	\$2,353,529	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,353,529	\$2,353,529	\$0	\$0	\$0	0.0
Centrally appropriated line items	2,463,110	2,463,110	0	0	0	0.0
Annualize prior year budget actions	(2,353,529)	(2,353,529)	0	0	0	0.0
TOTAL	\$2,463,110	\$2,463,110	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
	\$109,581	\$109,581	\$0	\$0	\$0	0.0
Percentage Change	4.7%	4.7%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave

for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The Department requests \$175,143 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$168,017	\$168,017	\$0	\$0	\$0	0.0
OSPD R2 Paralegal staff	109	109	0	0	0	0.0
TOTAL	\$168,126	\$168,126	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$168,126	\$168,126	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$7,017	\$7,017	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for basic office operational expenses, including: travel and motor pool expenses; equipment lifecycle replacement, rental, and maintenance; office and printing supplies, postage, cleaning supplies, and other general operating expenses; telephone; and employee training expenses.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests a total of \$2,514,728 total funds, including \$2,484,728 General Fund and \$30,000 cash funds from training fees.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,926,088	\$1,896,088	\$30,000	\$0	\$0	0.0
Other legislation	\$16,590	\$16,590	\$0	\$0	\$0	0.0
TOTAL	\$1,942,678	\$1,912,678	\$30,000	\$0	\$0	0.0

OFFICE OF THE STATE PUBLIC DEFENDER, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,942,678	\$1,912,678	\$30,000	\$0	\$0	0.0
OSPD R1/BA1 Public defense in digital age	500,750	500,750	0	0	0	0.0
OSPD R2 Paralegal staff	62,700	62,700	0	0	0	0.0
OSPD R3 Discovery clerks staff	14,250	14,250	0	0	0	0.0
Annualize prior year legislation	(8,500)	(8,500)	0	0	0	0.0
TOTAL	\$2,511,878	\$2,481,878	\$30,000	\$0	\$0	0.0
INCREASE/(DECREASE)	\$569,200	\$569,200	\$0	\$0	\$0	0.0
Percentage Change	29.3%	29.8%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$2,850	\$2,850	\$0	\$0	\$0	0.0

VEHICLE LEASE PAYMENTS

This line item provides funding for annual payments to the Department of Personnel and Administration for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles. The FY 2019-20 appropriation covers costs associated with 30 vehicles. There are no new vehicles for FY 2018-20. The OSPD reimburses employees for mileage when using their own vehicles to conduct official business. The vehicles are used: by regional office staff for daily business (e.g., driving to a courthouse, visiting clients in jail, interviewing witnesses, etc.); by an investigator who does not have a physical office and whose responsibilities require him to drive statewide throughout the year; and by staff in the central administrative office for statewide support functions (e.g., information technology, audit, facility review, inventory).

STATUTORY AUTHORITY: Pursuant to Section 24-30-1104 (2), C.R.S.

REQUEST: The OSPD requests \$111,197 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE STATE PUBLIC DEFENDER, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$139,454	\$139,454	\$0	\$0	\$0	0.0
HB 22-1176 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$139,454	\$139,454	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$139,454	\$139,454	\$0	\$0	\$0	0.0
Centrally appropriated line items	(29,865)	(29,865)	0	0	0	0.0
TOTAL	\$109,589	\$109,589	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$29,865)	(\$29,865)	\$0	\$0	\$0	0.0
Percentage Change	(21.4%)	(21.4%)	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,608	\$1,608	\$0	\$0	\$0	0.0

CAPITAL OUTLAY

This line item provides funding for the one-time costs associated with new employees (office furniture, a computer and software, etc.).

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests \$640,800 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$248,000	\$248,000	\$0	\$0	\$0	0.0
Other legislation	\$38,000	\$38,000	\$0	\$0	\$0	0.0
TOTAL	\$286,000	\$286,000	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$286,000	\$286,000	\$0	\$0	\$0	0.0
OSPD R2 Paralegal staff	409,200	409,200	0	0	0	0.0
OSPD R3 Discovery clerks staff	93,000	93,000	0	0	0	0.0
OSPD R1/BA1 Public defense in digital age	31,000	31,000	0	0	0	0.0
Annualize prior year budget actions	(248,000)	(248,000)	0	0	0	0.0
Annualize prior year legislation	(38,000)	(38,000)	0	0	0	0.0
TOTAL	\$533,200	\$533,200	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$247,200	\$247,200	\$0	\$0	\$0	0.0
Percentage Change	86.4%	86.4%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$640,800	\$640,800	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$107,600	\$107,600	\$0	\$0	\$0	0.0

LEASED SPACE/ UTILITIES

This line item funds lease payments at 22 OSPD locations statewide. This line item covers all OSPD leases except those associated with the OSPD's central administrative and appellate offices, which are located at the Ralph L. Carr Colorado Judicial Center. All Carr Center leased space costs for judicial agencies are included in the line item appropriation in the Courts Administration section of the budget.

Typically, the OSPD negotiates leases for ten years. The OSPD estimates future space needs for each office. For offices that are anticipated to grow, the intent is generally to fill the space in approximately seven years, and then expand into common spaces in the final three years of the lease agreement. The OSPD utilizes the State's lease consultant (a vendor selected by the Department of Personnel and Administration) to conduct market surveys and analysis concerning available space and to negotiate lease contracts.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests continuation funding of \$8,646,170 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, LEASED SPACE/UTILITIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$7,827,383	\$7,827,383	\$0	\$0	\$0	0.0
TOTAL	\$7,827,383	\$7,827,383	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$7,827,383	\$7,827,383	\$0	\$0	\$0	0.0
Centrally appropriated line items	215,589	215,589	0	0	0	0.0
OSPD R2 Paralegal staff	0	0	0	0	0	0.0
TOTAL	\$8,042,972	\$8,042,972	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$215,589	\$215,589	\$0	\$0	\$0	0.0
Percentage Change	2.8%	2.8%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$8,646,170	\$8,646,170	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$603,198	\$603,198	\$0	\$0	\$0	0.0

AUTOMATION PLAN

This line item funds the maintenance and lifecycle replacement of the following types of equipment for all 23 OSPD offices: phone systems; data circuits for electronic data transmission; multifunction scanner/copier/fax/printers; desktop computers, laptop/tablet computers, docking stations, and screens; software licenses (includes Adobe Professional and specialized courtroom and case analysis software); servers and network equipment (routers, switches, racks, etc.); presentation, analysis, and recording equipment (cameras, projectors, digital voice recorders, etc.); and IT security protection services. In addition, this line item funds technology-related supplies and contractual expenses for online legal research resources.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests \$6,304,518 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, AUTOMATION PLAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,160,164	\$2,160,164	\$0	\$0	\$0	0.0
TOTAL	\$2,160,164	\$2,160,164	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,160,164	\$2,160,164	\$0	\$0	\$0	0.0
OSPD R1/BA1 Public defense in digital age	4,110,754	4,110,754	0	0	0	0.0

OFFICE OF THE STATE PUBLIC DEFENDER, AUTOMATION PLAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD R2 Paralegal staff	26,400	26,400	0	0	0	0.0
OSPD R3 Discovery clerks staff	6,000	6,000	0	0	0	0.0
TOTAL	\$6,303,318	\$6,303,318	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$4,143,154	\$4,143,154	\$0	\$0	\$0	0.0
Percentage Change	191.8%	191.8%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$6,304,518	\$6,304,518	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$1,200	\$1,200	\$0	\$0	\$0	0.0

ATTORNEY REGISTRATION

This line item covers the cost of annual attorney registration fees for OSPD attorneys.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests continuation funding of \$156,634 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

CONTRACT SERVICES

This line item allows the OSPD to hire attorneys to represent the Public Defender’s attorneys in grievance claims filed by former clients.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests a continuation appropriation of \$49,395 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

MANDATED COSTS

This is one of several line item appropriations for mandated costs. These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. Approximately 40 percent of the OSPD’s mandated costs formerly came from reimbursing district attorney (DA) offices for duplicating discoverable materials. Discovery costs declined sharply when E-discovery was introduced and DA’s were no longer permitted to charge for discoverable materials. The OSPD still has discovery costs for such things as obtaining records from sheriff offices, the Department of Corrections, and the Colorado Mental Health Institute at Pueblo, but these costs have declined more than 90 percent since their FY 2015-16 peak. The OSPD also incurs costs for transcripts, expert witnesses, interpreter services (for activities outside the courtroom), and travel (both for witnesses and for public defender staff to conduct out-of-state investigations).

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: OSPD requests a continuation appropriation of \$3,813,143 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

GRANTS

This line item authorizes the OSPD to receive and expend various grants.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests a continuation appropriation of \$125,000 cash funds.

RECOMMENDATION: Staff recommends the requested appropriation.

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

→ OADC R4/OCR R1/ORPC R1 CONTRACTOR RATE INCREASE

REQUEST: The Office of the Alternate Defense Counsel (OADC), the Office of the Child's Representative (OCR), and the Office of the Respondent Parents' Counsel (ORPC) jointly request funding for a 6.0 percent increase in legal contractor rates. The three requests total \$5.6 million, including \$5.3 million General Fund and \$390,000 reappropriated funds. Reappropriated funds are from transfers from the Department of Human Services' Division of Child Welfare that originate as federal Title IV-E funds. The following table outlines each office's request.

CONTRACTOR RATE INCREASE			
AGENCY REQUEST	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS
OADC R4 COLA-based increase for contractors	\$2,535,769	\$0	\$2,535,769
OCR R1 Contractor rate increase	1,426,732	86,514	1,513,246
ORPC R1 Increase in hourly rates of contractors	1,293,347	303,583	1,596,930
Total	\$5,255,848	\$390,097	\$5,645,945

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

These offices previously requested a 5.0 percent increase in rates in FY 2020-21, totaling \$4.5 million, which staff recommended and the Committee initially approved. The request was subsequently withdrawn and eliminated from funding due to the pandemic-related revenue forecast that budget cycle.

To make the case for these rates, the three agencies point to other, higher hourly billing rates for attorneys.

1. The Department of Law's hourly blended rate for legal services provided to state agencies for FY 2020-21 was \$106.34.
2. Federal Courts pay a maximum of \$158 per hour to represent defendants in non-capital cases.¹
3. The average hourly rate charged by Colorado attorneys according to a Colorado Bar association [member survey](#) is \$243.
4. Colorado State employees, including attorneys at various agencies, received a 3 percent increases to base salaries for FY 2019-20 and FY 2021-22 and may receive another 3 percent in FY 2022-23.

Requests additionally emphasize that rates paid to contractors must cover contractor salary, benefits, including insurance and retirement plans, as well as law office administrative overhead.

The following table outlines a recent history of legal contractor rate increases and the request.

¹https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16

HISTORY OF LEGAL CONTRACTOR RATE INCREASES AND REQUEST				
	FY14-15	FY18-19	FY22-23	9YR CAAGR*
OADC	\$75	\$80	\$85	1.4%
OCR	75	80	85	1.4%
ORPC		80	85	
Percentage Increase				
OADC		6.7%	6.3%	
OCR		6.7%	6.3%	
ORPC			6.3%	

* compound average annual growth rate

Based on the Committee's initial action to approve a 5.0 percent increase in FY 2020-21 and the comparison data points provided, staff recommends that the Committee approve the requested 6.0 percent increase.

(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL

The Office of the Alternate Defense Counsel (OADC) is an independent agency within the Judicial Branch that provides legal representation for indigent defendants in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) is precluded from doing so because of an ethical conflict of interest. Common types of conflicts include cases in which the OSPD represents co-defendants or represents both a witness and a defendant in the same case. Section 21-2-103, C.R.S., specifically states that case overload, lack of resources, and other similar circumstances shall not constitute a conflict of interest.

The OADC provides legal representation by contracting with licensed attorneys and investigators. Such contracts must provide for reasonable compensation (based on either a fixed fee or hourly rates) and reimbursement for expenses necessarily incurred (e.g., expert witnesses, investigators, legal assistants, and interpreters). The OADC is to establish a list of qualified attorneys for use by the court in making appointments in conflict cases.

The OADC is governed by the nine-member Alternate Defense Counsel Commission, whose members are appointed by the Supreme Court. Commission members serve on a voluntary basis and receive no compensation for their time. The Commission appoints an individual to serve as the Alternate Defense Counsel, who manages the Office. The compensation for this individual is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment. The Alternate Defense Counsel employs and fixes the compensation for any employees necessary to carry out his or her duties, which include: selecting and assigning attorneys, executing contracts, examining attorney case assignments to evaluate nature of conflict of interest, reviewing attorney invoices for appropriateness, and approving payments.

Senate Bill 18-203 gave the OADC new duties related to municipal courts. (See Sections 13-10-114.5, 21-2-103 and 21-2-108, C.R.S.). The bill requires municipalities to provide free, independent, and competent legal counsel by January 1, 2020 for each indigent defendant charged with a municipal code violation that has a possible sentence of incarceration. Municipal defenders must be periodically evaluated for competency and independence by a nonpartisan entity that is independent

of the municipality and its municipal court. The OADC, an independent commission, or any accredited Colorado law school legal aid clinic can serve as such an entity. The OADC began the evaluation process in January 2020 for fifty-six different municipalities pursuant to their request. The bill does not require municipalities to pay for evaluation services. If resources allow, the OADC will begin providing lists of approved attorneys who have been determined to be independent and competent to municipalities that request this assistance starting in January 2022. Municipalities will select and pay these attorneys directly for their services. Senate Bill 18-203 established the Conflict-free Municipal Defense Fund, which receives money collected from municipalities and is continuously appropriated to the OADC, but does not specify the services for which the OADC will receive payments from municipalities. The OADC has hired a coordinator and an assistant to run the program.

The OADC employs 16.0 FTE. Its office is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the OADC, including: fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. With the exception of a small amount of cash funds from training registration fees and DVD sales, the OADC is supported by General Fund appropriations.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$47,690,846	\$47,610,846	\$80,000	\$0	\$0	16.0
HB 22-1176 (Supplemental)	(5,513,424)	(5,513,424)	0	0	0	0.0
TOTAL	\$42,177,422	\$42,097,422	\$80,000	\$0	\$0	16.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$42,177,422	\$42,097,422	\$80,000	\$0	\$0	16.0
Centrally appropriated line items	71,556	71,556	0	0	0	0.0
Annualize prior year budget actions	5,513,424	5,513,424	0	0	0	0.0
Annualize prior year legislation	18,994	18,994	0	0	0	0.0
Technical adjustments	3,144	3,144	0	0	0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	2,535,769	2,535,769	0	0	0	0.0
OADC R1/R2/R3/R5 OADC staff requests	250,264	250,264	0	0	0	4.5
OADC Staff-initiated line consolidation	37,057	37,057	0	0	0	0.0
TOTAL	\$50,607,630	\$50,527,630	\$80,000	\$0	\$0	20.5
INCREASE/(DECREASE)	\$8,430,208	\$8,430,208	\$0	\$0	\$0	4.5
Percentage Change	20.0%	20.0%	0.0%	0.0%	0.0%	28.1%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$37,093)	(\$37,093)	\$0	\$0	\$0	0.0

DECISION ITEMS – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

→ OADC R1/R2/R3/R5 STAFF REQUESTS

REQUEST: The Office of the Alternate Defense Counsel requests \$250,227 General Fund and 4.5 FTE for staffing requests outlined in the following table.

OADC STAFF REQUESTS		
AGENCY REQUEST	GENERAL FUND	FTE
OADC R1 Coordinator of Adjunct Services	\$0	0.9
OADC R2 Staff Accountant	109,613	0.9
OADC R3 Information Systems Director	140,614	0.9
OADC R5 The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship	0	1.8
Total	\$250,227	4.5

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

OADC STAFF REQUESTS - JBC STAFF RECOMMENDATIONS				
AGENCY REQUEST	FY 2022-23 RECOMMENDATION		OUT-YEAR ANNUALIZATIONS	
	GENERAL FUND	FTE	GENERAL FUND	FTE
OADC R1 Coordinator of Adjunct Services	\$0	0.9	\$0	1.0
OADC R2 Staff Accountant	109,628	0.9	112,869	1.0
OADC R3 Information Systems Director	140,635	0.9	146,659	1.0
OADC R5 The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship	0	1.8	0	2.0
Total	\$250,263	4.5	\$259,528	5.0

ANALYSIS

R1 COORDINATOR OF ADJUNCT SERVICES includes a net neutral adjustment (from the legal contracts line item) totaling \$176,164, and adding 0.9 FTE, for a Coordinator of Adjunct Services to manage OADC support operations for non-attorney service contractors.

This request was submitted in FY 2020-21 with a General Fund increase, as opposed to an offset. The request was recommended by staff and initially approved by the Committee. The request was subsequently withdrawn and eliminated from funding due to the pandemic-related revenue forecast that budget cycle.

The Office states that a vital part of its success has been accomplished by developing a network of contractors – investigators, paralegals, social workers, legal researchers, case assistants, and interns – who can support OADC contract attorneys. This support network is necessary because the vast majority of OADC contract attorneys are sole practitioners or members of two or three-person law firms that do not have in-house resources.

Contractors who provide support services create efficiencies. Without support services, the attorney must do every task necessary to properly represent the client. The OADC pays attorneys \$75-\$85 per hour. In comparison, the OADC generally pays the following rates to support service providers:

- Investigators \$44/hr.;

- Social Workers \$44-\$58/hr.;
- Paralegals \$33/hr.;
- Legal Researchers \$33/hr.;
- Case Assistants \$20/hr.;
- Undergraduate and law school interns and externs are often unpaid.

The Office states that over the last four years, the OADC has reduced the percentage of attorney hours per case and reduced the average cost per case. The following table outlines hours by service over four years.

OADC HOURS BY SERVICE								
	FY 2017-18		FY 2018-19		FY 2019-20		FY 2020-21	
	HOURS	% OF TOTAL	HOURS	% OF TOTAL	HOURS	% OF TOTAL	HOURS	% OF TOTAL
Attorney	324,420	70.1%	344,026	69.1%	329,281	66.5%	312,756	65.9%
Investigator	76,158	16.5%	76,458	15.4%	73,922	14.9%	71,187	15.0%
Social Worker	19,526	4.2%	28,110	5.6%	33,737	6.8%	23,667	5.0%
Paralegal	32,929	7.1%	38,875	7.8%	44,891	9.1%	51,768	10.9%
Legal Researcher	3,359	0.7%	2,350	0.5%	6,141	1.2%	9,593	2.0%
Runner	252	0.1%	37	0.0%	0	0.0%	0	0.0%
Scanner	1,908	0.4%	1,631	0.3%	1,257	0.3%	1,152	0.2%
Case Assistant	4,052	0.9%	6,223	1.3%	5,919	1.2%	4,234	0.9%
Total	462,604		497,710		495,148		474,357	

As the types and number of adjunct service providers have grown, so too has the time and effort necessary to manage these contractors. Additionally, the OADC seeks to expand providers in rural areas where services are scarce; but identifying and recruiting additional adjunct service providers requires time and effort. Management is currently provided, and divided, as follow:

- Appeals and Post-Conviction Coordinator – paralegals;
- Director and Deputy Director – investigators and experts;
- Social Worker Coordinators – forensic social workers and forensic clinical advocates;
- Coordinator of Legal Resources and Technology – all other adjunct service providers.

The Office requests personal services, operating expenses, including travel expenses of \$1,000, and capital outlay in the first year. The position is aligned to a First Assistant Legal Counsel classification in the Judicial Branch system with a range of \$9,298 to \$12,878. The appropriation is requested at the midpoint of the range. The Office states it has requested at midpoint "due to wide range of case and legal knowledge needed to coordinate this position. This individual would not only need a solid understanding of the complexities of different case classifications as well as a solid grasp of different case categories (Appeals, Post-conviction, Trials, etc..). The OADC felt that in order to draw the level of Attorney required to do this position, in the current hiring market, the mid-point of the range would be required."

Staff recommends that the Committee approve the R1 request as outlined in the following table, including the following out-year annualizations.

R1 COORDINATOR OF ADJUNCT SERVICES						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services – CAS	0.9	\$141,896	0.9	\$141,896	1.0	\$154,795
POTS		25,718		25,744		28,365
Operating Expense		1,350		1,350		1,350
Travel Expense		1,000		1,000		1,000
Capital Outlay		6,200		6,200		0
CAS Subtotal	0.9	\$176,164	0.9	\$176,190	1.0	\$185,510
Conflict-of-interest Contracts offset		(176,164)		(176,190)		(185,510)
R1 Total	0.9	\$0	0.9	\$0	1.0	\$0

As outlined, staff recommends funding at the midpoint as requested and approval of the requested travel expenses for this position. Staff recommends funding at midpoint due to the justification provided by the OADC and due to the relatively small scale of staffing for the Office.

Additionally, Committee policy is to deny appropriations for POTS for requests of fewer than 20 FTE. However, the Office's staffing totals 16.0 FTE; generally personal services and POTS appropriations are fully expended and the Office does not generate enough vacancy savings to fund these items within existing appropriations.

Due to the size of the Office, staff recommends funding at midpoint and funding for POTS for this and the staff requests that follow.

Finally, the request includes the use of appropriations from the Conflict of Interest Contracts line item to offset the cost of this item; staff recommends approval of that funding offset.

R2 STAFF ACCOUNTANT includes an increase of \$109,613 General Fund and 0.9 FTE to add a staff accountant position.

This request was submitted in FY 2020-21 and was recommended by staff and initially approved by the Committee. The request was subsequently withdrawn and eliminated from funding due to the pandemic-related revenue forecast that budget cycle.

The OADC financial services team currently consists of a chief financial officer (CFO), a billing coordinator, and a financial analyst. The accountant position will assist the CFO with monthly and year-end journal entries, CORE budget entries, payroll reconciliations, billing reports, and Office of the State Auditor statewide financial audit requests. Additionally, the accountant position will also address procurement card tracking, staff and contractor travel coordination, review, process and audit internal reimbursements, cash receipt processing, and office motor pool administration.

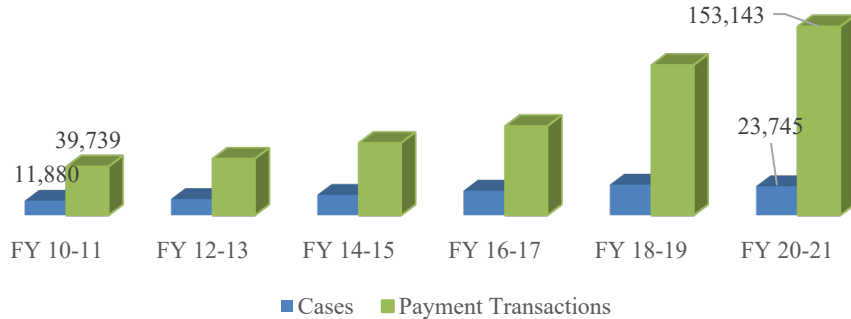
The OADC provided the following statistics related to office staffing, cases, payment transactions, and expenditures.

OADC ORGANIZATIONAL GROWTH SPECS							
	FY 10-11	FY 12-13	FY 14-15	FY 16-17	FY 18-19	FY 20-21	10-YR CAAGR*
Admin FTE	5.5	5.5	5.5	7.0	7.0	7.0	
Program FTE	2.0	2.0	4.0	4.0	9.0	9.0	
Total FTE	7.5	7.5	9.5	11.0	16.0	16.0	7.1%

OADC ORGANIZATIONAL GROWTH SPECS							
	FY 10-11	FY 12-13	FY 14-15	FY 16-17	FY 18-19	FY 20-21	10-YR CAAGR*
Cases	11,880	13,290	16,680	20,103	25,022	23,745	6.5%
Payment Transactions	39,739	46,144	59,057	72,753	121,981	153,143	13.0%

* compound average annual growth rate

TRANSACTIONS GROWTH SIGNIFICANTLY EXCEEDS CASELOAD GROWTH



This position is aligned to an Accountant II classification in the Judicial Branch with a range of \$5,365 to \$7,429. The appropriation is requested at the midpoint of the range. The Office states it has requested at midpoint "due to the degree of accounting experience this position will require. This position will not only be assisting with daily contractor bills and office operational processes, but will also facilitate regular financial audits that align with OSA auditing and processing standards. The OADC felt that in order to draw the level of experienced accountant required to do this position, in the current hiring market, the mid-point of the range would be required."

Staff recommends that the Committee approve the R2 request, including funding at the classification midpoint as requested, as outlined in the following table, including the following out-year annualizations.

R2 STAFF ACCOUNTANT						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - Staff Accountant	0.9	\$81,864	0.9	\$81,864	1.0	\$89,306
POTS		20,199		20,214		22,213
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,200		6,200		0
R2 Total	0.9	\$109,613	0.9	\$109,628	1.0	\$112,869

R3 INFORMATION SYSTEMS DIRECTOR includes an increase of \$140,614 General Fund and 0.9 FTE to add an Information Systems Director position.

As the OADC grows and evolves, so does its need for accountable technology, especially as working environments have had to adapt to respond to the COVID-19 pandemic. The OADC currently

contracts with outside vendors for a portion of its information technology (IT) needs. One of those contractors assists with interoffice IT development and IT troubleshooting needs.

Internal IT issues are first sent to the Office's Chief Financial Officer (CFO) for tier one support. The CFO troubleshoots and reviews similar requests from prior tickets to determine if the issue can be addressed internally. The OADC estimates that the CFO spends approximately two hours per day on IT-related activities. This can involve troubleshooting software, computers, laptops, printers, scanners, phones, other electronic devices, equipment tracking, inventorying, purchasing, decommissioning, and IT contractor correspondence and follow-up on pending issues. In FY 2020-21 the CFO received, attempted to resolve, and eventually forwarded 174 helpdesk tickets to the Agency's IT contractor. The use of CFO time and attention to adapt to these changes and address ongoing IT issues is not an efficient or effective use of current resources.

If the IT issue cannot be resolved by the CFO, it is then emailed to the Agency's IT contractor for assistance at a rate of \$130 per hour. Due to the contract relationship with an IT contractor with multiple clients, most issues are not resolved quickly or timely and this affects staff productivity. The OADC seeks an Information Systems Director to provide 2,000 working hours per year on IT-related issues at the cost of \$140,000 per year. At the contractor rate of \$130 per hour, this would equate to \$260,000 per year.

Although actual spending on the IT contractor is estimated at just over \$30,000 for FY 2021-22. While there are not significant and measurable operating savings to be gained, larger issues related to the increasing need for IT specialization in the current post-pandemic environment for any organization as well as the specific commitment of time by the CFO suggest that this request will deliver significant organizational efficiencies.

The Office requests personal services, operating expenses, including travel expenses of \$1,000, and capital outlay in the first year. This position is aligned to a Data Management V classification in the State Of Colorado executive branch classified system with a range of \$6,792 to \$10,296. The OADC reviewed IT positions in the Judicial Department system, but found that those positions were too narrowly defined to cover OADC IT needs.

The appropriation is requested at the midpoint of the range. The Office states it has requested at midpoint "due to the large range of duties this position will be assigned. Unlike larger agencies that have moderate to large IT staff, the OADC has no in-house staff qualified to tackle its current and growing IT needs. The OADC felt that in order to draw the level of experience for an Information Systems Director to manage and strengthen its IT infrastructure, in the current hiring market, the mid-point of the range was selected."

Staff recommends that the Committee approve the R3 request, including funding at the classification midpoint and travel expenses, as outlined in the following table, and the following out-year annualizations.

R3 INFORMATION SYSTEMS DIRECTOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - IS Director	0.9	\$109,340	0.9	\$109,340	1.0	\$119,280

R3 INFORMATION SYSTEMS DIRECTOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
POTS		22,725		22,745		25,029
Operating Expense		1,350		1,350		1,350
Travel Expense		1,000		1,000		1,000
Capital Outlay		6,200		6,200		0
R3 Total	0.9	\$140,615	0.9	\$140,635	1.0	\$146,659

R5 THE GREATER COLORADO PRACTITIONER FELLOWSHIP AND THE INCLUSIVITY FELLOWSHIP request includes a net neutral adjustment (from the legal contracts line item) totaling \$192,106, and adding 1.8 FTE, to establish two, ongoing, two-year fellowships. These include The Greater Colorado Practitioner Fellowship for rural communities and The Inclusivity Fellowship for Black, Indigenous, and people of color (BIPOC), for the purpose of targeted recruitment and to provide a stable, two-year training and career growth program that will increase the likelihood of long-term sustainability for BIPOC and rural practitioners.

The Office states that it seeks to create a fellowship model to recruit and retain legal services practitioners. The Office also states that this model is based on a hybrid of the model created in Section 23-19.3-102, C.R.S., to recruit rural district attorneys through one-year fellowships provided to law school graduates, and the Attorney General’s Fellowship, which is funded to reduce their caseload backlog.

THE GREATER COLORADO PRACTITIONER FELLOWSHIP

The OADC states that in 2019, it spent almost \$2.5 million on attorney travel costs, much of which goes to provide legal services for clients in rural areas. The OADC states that rural communities lacking in legal services (often called "legal deserts") would benefit from the development of a private business law office serving the community’s legal needs.

The OADC has identified the following locations as possible placement areas for a rural fellow:

- Otero and Bent counties (16th Judicial District);
- Morgan and Logan counties (13th Judicial District);
- Fremont and Custer counties (11th Judicial District); and
- Eagle and Garfield counties (5th and 9th Judicial Districts).

The OADC would locate on practitioner in one area of need in FY 2022-23. In each subsequent second year, the OADC would attempt to locate one practitioner in a different area of need.

The Office states that it intends to select applicants who intend to remain in the rural location after the fellowship ends and establish a private practice. The expectation is to establish legal practitioners who will continue to contract with the OADC and serve other legal needs of the community. The OADC will prioritize selecting an attorney who has previously lived in a rural community or has a passion for helping rural communities, shows interest in developing their own law firm, and is comfortable working independently.

Each attorney selected for a rural fellowship will be allowed a single two-year term. The OADC would provide two-years of financial stability to enable the Greater Colorado Fellow to develop a

private practice. After those two years, it will be expected that the Greater Colorado Fellow will provide legal services to the community and to the OADC on an hourly basis.

THE INCLUSIVITY FELLOWSHIP

The OADC seeks to add a two-year fellowship to address the lack of BIPOC attorneys in the Office's contractor pool.

The OADC states:

Further, the people who practice law suffer from a lack of diversity, and Colorado's legal community is no different. The pool of attorneys willing to contract with the OADC is a microcosm of the larger systemic problem. While the lack of diversity is generally problematic for the legal community, it is especially problematic in the criminal legal system. There is an undeniable benefit when BIPOC identifying people participate in the system as attorneys. The OADC intends to recruit attorneys who identify as BIPOC to supplement the ranks of current contractors while increasing the diversity of the Colorado legal community.

The OADC also provided the following study data on criminal justice statistics for BIPOC individuals and communities:

In 2021, The Sentencing Project came out with their report titled The Color of Justice, Racial and Ethnic Disparity in State Prisons. There, they found that in Colorado, in 2019 (the most recent statistics available)

- *18% of the prison population was black, while only 4% of the state's population was black.*
- *32% of the prison population was Latinx, while only 22% of the state's population was Latinx*
- *Adding together these statistics, approximately 50% of the prison population is Black or Latinx, while Black and Latinx comprise roughly 26% of the state's population.*

Further statistics are as follows:

- *1603 out of every 100,000 Black individuals are incarcerated in Colorado*
- *518 out of every 100,000 Latinx are incarcerated in Colorado – the 5th highest rate in US*
- *236 out of every 100,000 White are incarcerated in Colorado.*

In Colorado, Black and Brown individuals are arrested and incarcerated at higher rates as children; these numbers decrease for the population as they get older. Additionally, this trend is the opposite for White individuals. Considering the Colorado population of White versus non-White individuals as compared to the rest of the United States, these statistics are alarming. (Crime and Justice in Colorado, 2009-2019)

The Office of Attorney Regulation Counsel (OARC) 2020 Annual Report — Percentage of active lawyers in each type of area who identify as diverse (Colorado):

	<i>CO Larger City</i>	<i>CO Smaller City</i>	<i>Co Non-City</i>
<i>Racially/ ethnically diverse</i>	<i>15.5%</i>	<i>14.7%</i>	<i>9.8%</i>
<i>Veteran</i>	<i>6.0%</i>	<i>8.8%</i>	<i>8.8%</i>
<i>Non-binary or transgender</i>	<i>0.7%</i>	<i>0.2%</i>	<i>0.6%</i>
<i>Gay, lesbian, bisexual</i>	<i>8.5%</i>	<i>7.6%</i>	<i>6.6%</i>

The OADC states that a BIPOC individual familiar with the issues these communities face may not have to overcome trust issues or spend as much time fostering a willingness to participate. In other

words, it would be necessary to the success of the work to have someone with similar background or lived experiences to ensure the effectiveness of their duties.

An Inclusivity Fellow would likely be a new attorney with two or fewer years of experience who is interested in public service representing indigent individuals. As with the rural fellowship program, the Inclusivity Fellow would work up to two years in this capacity and gain relevant experience in order to better compete for other positions in addition to establishing their own practice in Colorado.

Staff appreciates the OADC's creative approach to addressing the need to seek and nurture particular legal services contractors who are from or located in currently underrepresented communities. Additionally, the request includes a funding offset from Conflict-of-interest Contracts rather than an increase of General Fund. In staff's opinion, this is a recognition by the OADC that it may be more effective to establish a fellowship model, and these fellowships particularly, with funds otherwise provided for directly contracting legal services, but within and from communities where such contractors are difficult to find.

The Office requests personal services, operating expenses, including travel expenses, and capital outlay in the first year. This position is aligned to the starting salary of a State Public Defender at \$5,355.

Staff recommends that the Committee approve the R5 request as outlined in the following table, including travel expenses, and the following out-year annualizations.

R5 THE GREATER COLORADO PRACTITIONER FELLOWSHIP AND THE INCLUSIVITY FELLOWSHIP						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - Legal Fellows	1.8	\$137,058	1.8	\$137,058	2.0	\$155,170
POTS		37,947		37,970		42,224
Operating Expense		2,700		2,700		2,700
Travel Expense		2,000		2,000		2,000
Capital Outlay		12,400		12,400		0
Legal Fellows Subtotal	1.8	\$192,105	1.8	\$192,128	2.0	\$202,094
Conflict-of-interest Contracts offset		(192,105)		(192,128)		(202,094)
R5 Total	1.8	\$0	1.8	\$0	2.0	\$0

→ OADC STAFF-INITIATED LINE CONSOLIDATION

RECOMMENDATION: Staff recommends that the Committee approve a budget-neutral consolidation of the Municipal Courts Program line item into the OADC personal services and operating expenses line items.

ANALYSIS

Although this was not requested by the Office of the Alternate Defense Counsel, the Office supports this staff-initiated recommendation.

The Office reports that the current year appropriation of \$202,306 General Fund, consists of \$194,397 in personal services and \$7,909 in operating expenses. The Personal Services amount includes POTS appropriations for FY 2022-23.

Staff recommends the following transfers:

- \$205,094 General Fund to Personal Services
- \$7,909 General Fund to Operating Expenses
- \$17,770 General Fund to Health, Life, and Dental
- \$297 General Fund to Short Term Disability
- \$9,286 General Fund to AED
- \$9,286 General Fund to SAED
- \$418 General Fund to Paid Family & Medical Leave Insurance

Due to the scale of this program as well as the scale of the Office, staff does not believe that this program line item enhances budget transparency in this agency budget. Staff is not concerned that this appropriation for the Municipal Courts Program will in some way be redirected by the Office for other purposes. This is a small enough agency that such a program is readily apparent in the staffing outlined in the organizational chart and the Office continues to carry out its responsibilities pursuant to S.B. 18-203, *Conflict-free Representation in Municipal Courts*.

Additionally, with the separation of the Municipal Courts Program into its own program line item with 2.0 FTE, POTS appropriations are addressed as incremental adjustments in the program line item for these FTE. The concept of providing flexibility for state agencies in POTS appropriations is that across an entire department, there may be a lesser or greater need to balance appropriations with expenditures across divisions or programs in any given year.

To provide increased flexibility to the Office and to provide a more streamlined budget structure, staff recommends this consolidation.

LINE ITEM DETAIL – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$2,198,529 General Fund and 18.5 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,661,709	\$1,661,709	\$0	\$0	\$0	14.0
TOTAL	\$1,661,709	\$1,661,709	\$0	\$0	\$0	14.0

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,661,709	\$1,661,709	\$0	\$0	\$0	14.0
OADC R1/R2/R3/R5 OADC staff requests	470,158	470,158	0	0	0	4.5
OADC Staff-initiated line consolidation	242,151	242,151	0	0	0	2.0
Annualize prior year budget actions	50,045	50,045	0	0	0	0.0
Annualize prior year legislation	16,617	16,617	0	0	0	0.0
TOTAL	\$2,440,680	\$2,440,680	\$0	\$0	\$0	20.5
INCREASE/(DECREASE)	\$778,971	\$778,971	\$0	\$0	\$0	6.5
Percentage Change	46.9%	46.9%	0.0%	0.0%	0.0%	46.4%
FY 2022-23 EXECUTIVE REQUEST	\$2,198,529	\$2,198,529	\$0	\$0	\$0	18.5
Request Above/(Below) Recommendation	(\$242,151)	(\$242,151)	\$0	\$0	\$0	(2.0)

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OADC staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OADC requests \$272,621 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$220,887	\$220,887	\$0	\$0	\$0	0.0
TOTAL	\$220,887	\$220,887	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$220,887	\$220,887	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	63,360	63,360	0	0	0	0.0
OADC Staff-initiated line consolidation	17,770	17,770	0	0	0	0.0
Centrally appropriated line items	6,144	6,144	0	0	0	0.0
Technical adjustments	(17,770)	(17,770)	0	0	0	0.0
TOTAL	\$290,391	\$290,391	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$69,504	\$69,504	\$0	\$0	\$0	0.0
Percentage Change	31.5%	31.5%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$272,621	\$272,621	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$17,770)	(\$17,770)	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of OADC employees' short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S

REQUEST: The OADC requests \$3,140 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,700	\$2,700	\$0	\$0	\$0	0.0
TOTAL	\$2,700	\$2,700	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,700	\$2,700	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	666	666	0	0	0	0.0
OADC Staff-initiated line consolidation	297	297	0	0	0	0.0
Centrally appropriated line items	71	71	0	0	0	0.0
Technical adjustments	(297)	(297)	0	0	0	0.0
TOTAL	\$3,437	\$3,437	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$737	\$737	\$0	\$0	\$0	0.0
Percentage Change	27.3%	27.3%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$3,140	\$3,140	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$297)	(\$297)	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OADC staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OADC requests \$98,132 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$84,375	\$84,375	\$0	\$0	\$0	0.0
TOTAL	\$84,375	\$84,375	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$84,375	\$84,375	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	20,813	20,813	0	0	0	0.0
OADC Staff-initiated line consolidation	9,286	9,286	0	0	0	0.0
Centrally appropriated line items	2,230	2,230	0	0	0	0.0
Technical adjustments	(9,286)	(9,286)	0	0	0	0.0
TOTAL	\$107,418	\$107,418	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$23,043	\$23,043	\$0	\$0	\$0	0.0
Percentage Change	27.3%	27.3%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$98,132	\$98,132	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$9,286)	(\$9,286)	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA for OADC staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OADC requests \$98,132 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$84,375	\$84,375	\$0	\$0	\$0	0.0
TOTAL	\$84,375	\$84,375	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$84,375	\$84,375	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	20,813	20,813	0	0	0	0.0
OADC Staff-initiated line consolidation	9,286	9,286	0	0	0	0.0
Centrally appropriated line items	2,230	2,230	0	0	0	0.0
Technical adjustments	(9,286)	(9,286)	0	0	0	0.0
TOTAL	\$107,418	\$107,418	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$23,043	\$23,043	\$0	\$0	\$0	0.0
Percentage Change	27.3%	27.3%	0.0%	0.0%	0.0%	0.0%

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 EXECUTIVE REQUEST	\$98,132	\$98,132	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$9,286)	(\$9,286)	\$0	\$0	\$0	0.0

SALARY SURVEY

The OADC uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OADC requests \$56,984 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$55,221	\$55,221	\$0	\$0	\$0	0.0
TOTAL	\$55,221	\$55,221	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$55,221	\$55,221	\$0	\$0	\$0	0.0
Centrally appropriated line items	56,984	56,984	0	0	0	0.0
Annualize prior year budget actions	(55,221)	(55,221)	0	0	0	0.0
TOTAL	\$56,984	\$56,984	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	3.2%	3.2%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The Department requests \$4,417 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$3,897	\$3,897	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	1,022	1,022	0	0	0	0.0
OADC Staff-initiated line consolidation	418	418	0	0	0	0.0
Technical adjustments	(418)	(418)	0	0	0	0.0
TOTAL	\$4,919	\$4,919	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$4,919	\$4,919	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$502)	(\$502)	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for the operating expenses and information technology asset maintenance for the OADC, and for reimbursement of actual and necessary expenses incurred by Alternate Defense Counsel Commission members.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests continuation funding of \$131,637 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$120,887	\$120,887	\$0	\$0	\$0	0.0
TOTAL	\$120,887	\$120,887	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$120,887	\$120,887	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	10,750	10,750	0	0	0	0.0
OADC Staff-initiated line consolidation	7,909	7,909	0	0	0	0.0
TOTAL	\$139,546	\$139,546	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$18,659	\$18,659	\$0	\$0	\$0	0.0
Percentage Change	15.4%	15.4%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$7,909)	(\$7,909)	\$0	\$0	\$0	0.0

CAPITAL OUTLAY

This line item provides funding for the one-time costs associated with new employees (office furniture, a computer and software, etc.).

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$31,000 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
OADC R1/R2/R3/R5 OADC staff requests	\$31,000	\$31,000	\$0	\$0	\$0	0.0
TOTAL	\$31,000	\$31,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$31,000	\$31,000	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TRAINING AND CONFERENCES

This line item is used to provide training opportunities for contract lawyers, investigators, and legal assistants. Training sessions are also open to attorneys from the Office of the Public Defender, as well as the private bar. The OADC conducts live training sessions, which are recorded and made available statewide via webcast and DVD reproductions for those who are unable to attend in person.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests a continuation appropriation of \$100,000, including \$20,000 General Fund and \$80,000 cash funds. The source of cash funds is registration fees and DVD sales.

RECOMMENDATION: Staff recommends the requested appropriation.

CONFLICT OF INTEREST CONTRACTS

This line item provides funding for contract attorneys and investigators who are appointed to represent indigent defendants. Payments cover hourly rates and any associated PERA contributions

for PERA retirees, as well as reimbursement for costs such as mileage, copying, postage, and travel expenses.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$44,430,312 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, CONFLICT-OF-INTEREST CONTRACTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$42,262,813	\$42,262,813	\$0	\$0	\$0	0.0
HB 22-1176 (Supplemental)	(5,159,901)	(5,159,901)	0	0	0	0.0
TOTAL	\$37,102,912	\$37,102,912	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$37,102,912	\$37,102,912	\$0	\$0	\$0	0.0
Annualize prior year budget actions	5,159,901	5,159,901	0	0	0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	2,535,769	2,535,769	0	0	0	0.0
OADC R1/R2/R3/R5 OADC staff requests	(368,318)	(368,318)	0	0	0	0.0
TOTAL	\$44,430,264	\$44,430,264	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$7,327,352	\$7,327,352	\$0	\$0	\$0	0.0
Percentage Change	19.7%	19.7%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$48	\$48	\$0	\$0	\$0	0.0

MANDATED COSTS

This is one of several line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OADC, these costs include the following:

- expert witnesses;
- reimbursement of district attorney offices for discovery costs/ electronic replication grand jury proceedings;
- transcripts;
- interpreters - out of court;
- PERA contributions for contractors with PERA benefits; and
- Expert witness travel reimbursement.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$2,895,573 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,895,573	\$2,895,573	\$0	\$0	\$0	0.0
HB 22-1176 (Supplemental)	(353,523)	(353,523)	0	0	0	0.0
TOTAL	\$2,542,050	\$2,542,050	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,542,050	\$2,542,050	\$0	\$0	\$0	0.0
Annualize prior year budget actions	353,523	353,523	0	0	0	0.0
TOTAL	\$2,895,573	\$2,895,573	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	13.9%	13.9%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

MUNICIPAL COURT PROGRAM

Senate Bill 18-203 requires municipalities to provide legal representation for indigent defendants charged with a municipal code violation that has a possible sentence of incarceration. The bill requires municipal defenders to be periodically evaluated and establishes the OADC as a potential evaluator. The bill does not require municipalities to pay for evaluation services. If resources allow, the OADC will also begin providing lists of approved attorneys who have been determined to be independent and competent to municipalities that request this assistance starting in January 2022. Municipalities will select and pay these attorneys directly for their services.

STATUTORY AUTHORITY: Sections 13-10-114.5, 21-2-103, and 21-2-108, C.R.S.

REQUEST: The OADC requests continuation funding of \$250,060 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table and the elimination and consolidation of this line item.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, MUNICIPAL COURT PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$202,306	\$202,306	\$0	\$0	\$0	2.0
TOTAL	\$202,306	\$202,306	\$0	\$0	\$0	2.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$202,306	\$202,306	\$0	\$0	\$0	2.0
Technical adjustments	40,201	40,201	0	0	0	0.0
Annualize prior year budget actions	5,176	5,176	0	0	0	0.0
Annualize prior year legislation	2,377	2,377	0	0	0	0.0
OADC Staff-initiated line consolidation	(250,060)	(250,060)	0	0	0	(2.0)
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
	(\$202,306)	(\$202,306)	\$0	\$0	\$0	(2.0)

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, MUNICIPAL COURT PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	(100.0%)	(100.0%)	0.0%	0.0%	0.0%	(100.0%)
FY 2022-23 EXECUTIVE REQUEST	\$250,060	\$250,060	\$0	\$0	\$0	2.0
Request Above/(Below) Recommendation	\$250,060	\$250,060	\$0	\$0	\$0	2.0

(7) OFFICE OF THE CHILD’S REPRESENTATIVE

The Office of the Child's Representative (OCR) is responsible for ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings in Colorado. The OCR's responsibility to children includes:

- Enhancing the provision of services by attorneys who are appointed by the court to act in the best interests of a child involved in certain proceedings (the attorneys are known as *guardians ad-litem* or GALs);
- Enhancing the provision of services by attorneys appointed to serve as a *child's legal representative* in matters involving parental responsibility when the parties are found to be indigent; and
- Enhancing the *court-appointed special advocate* (CASA) program in Colorado.

The *Office of the Child's Representative* (OCR) must provide legal representation for children involved in the court system due to dependency and neglect proceedings that involve child abuse, abandonment, or neglect. In addition, courts have the discretion to appoint an attorney to represent children in cases involving juvenile delinquency, truancy, paternity, probate, mental health issues, alcohol or drug abuse, and high-conflict divorce.

In most judicial districts, OCR provides legal representation through contract attorneys. The OCR is required to maintain and provide to the courts, on an ongoing basis, a list of qualified attorneys to whom appointments may be given. In El Paso County, which is in the 4th Judicial District, the OCR employs attorneys and other staff to provide services through a centralized office rather than through contracted services. This office was established in response to S.B. 99-215, which directed the Judicial Department to pilot alternative methods of providing GAL services.

The OCR is governed by the Child's Representative Board, which is comprised of nine members appointed by the Colorado Supreme Court. Board members serve on a voluntary basis and receive no compensation for their time. The Board appoints the OCR Director, provides fiscal oversight, participates in funding decisions related to the provision of OCR services, and assists with OCR training for GALs and court-appointed special advocates (CASAs). The Board currently meets every other month. The Director's compensation is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment. The OCR is supported almost entirely by General Fund appropriations.

The OCR was established as an independent agency within the Judicial Department by the General Assembly, effective July 1, 2000. Previously, these services were provided by the Judicial Department. The Office employs 31 FTE. The OCR's central administrative office is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the OCR, including: fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. With the exception of a small amount of federal grant funding that is transferred from the Department of Human Services, the OCR is supported entirely by General Fund appropriations.

OFFICE OF THE CHILD'S REPRESENTATIVE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$31,561,645	\$29,788,712	\$0	\$1,772,933	\$0	34.4
Other legislation	52,392	52,392	0	0	0	0.5
TOTAL	\$31,614,037	\$29,841,104	\$0	\$1,772,933	\$0	34.9
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$31,614,037	\$29,841,104	\$0	\$1,772,933	\$0	34.9
Centrally appropriated line items	203,865	186,812	0	17,053	0	0.0
Annualize prior year budget actions	0	0	0	0	0	0.0
Annualize prior year legislation	4,583	3,710	0	873	0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	1,513,246	1,426,732	0	86,514	0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	404,292	186,617	0	217,675	0	1.0
TOTAL	\$33,740,023	\$31,644,975	\$0	\$2,095,048	\$0	35.9
INCREASE/(DECREASE)	\$2,125,986	\$1,803,871	\$0	\$322,115	\$0	1.0
Percentage Change	6.7%	6.0%	0.0%	18.2%	0.0%	2.9%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$7,700	(\$101)	\$0	\$7,801	\$0	0.0

DECISION ITEMS – OFFICE OF THE CHILD'S REPRESENTATIVE

➔ OCR R2/R3/R4 STAFF AND IT OPERATING REQUESTS

REQUEST: The Office of the Child's Representative requests \$411,992 total funds, including \$186,516 General Fund and \$225,476 reappropriated funds from federal Title IV-E funds transferred from the Department of Human Services, and 1.0 FTE for staff and IT operating requests outlined in the following table.

OCR STAFF AND IT OPERATING REQUESTS				
AGENCY REQUEST	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE
OCR R2 Staff Attorney for Juvenile Delinquency	\$0	\$181,916	\$181,916	1.0
OCR R3 Compensation Plan Adjustments	108,716	3,560	112,276	0.0
OCR R4 IT Operating	77,800	40,000	117,800	0.0
Total	\$186,516	\$225,476	\$411,992	1.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

OCR STAFF REQUESTS - JBC STAFF RECOMMENDATIONS								
AGENCY REQUEST	FY 2022-23 RECOMMENDATION				OUT-YEAR ANNUALIZATIONS			
	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE
OCR R2 Staff Attorney for Juv Delinquency	\$0	\$174,112	\$174,112	1.0	\$0	\$183,334	\$183,334	1.0
OCR R3 Compensation Plan Adjustments	108,816	3,564	112,380	0.0	108,816	3,564	112,380	0.0
OCR R4 IT Operating	77,800	40,000	117,800	0.0	37,800	40,000	77,800	0.0
Total	\$186,616	\$217,676	\$404,292	1.0	\$146,616	\$226,898	\$373,514	1.0

ANALYSIS

R2 STAFF ATTORNEY FOR JUVENILE DELINQUENCY includes \$181,916 reappropriated funds, and 1.0 FTE, for a staff attorney to support the work of guardians ad litem (GALs) in juvenile delinquency cases and function as Office lead for juvenile delinquency issues.

The Office states that juvenile delinquency appointments constitute the OCR's second largest case type, after dependency and neglect (D&N), comprising 15 percent of OCR's court appointed counsel expenditures in FY 2020-21 and 31.4 percent of OCR's appointments.

The Office states that it has identified many practice supports for delinquency and adult criminal GALs that it has not had the time to develop. These include but are not limited to:

- GAL-specific investigation and advocacy sheets for each hearing throughout the life of a delinquency and direct file case (a condensed version of Colorado's Guided Reference in Dependency);
- sample pleadings for GALs to file in delinquency and direct file cases;
- a litigation support list of GALs specialized in direct file and transfer to adult court cases; and
- accessible information about state and jurisdiction-specific service and placement continuums, the various assessment tools used in juvenile justice proceedings, and facilities and programs.

The Offices states that developing such materials would promote efficiencies and consistency in GAL practice. Additionally, the Office states that it is acutely aware of disproportionality and equity issues prevalent in juvenile justice cases and would like to develop more concrete strategies for GALs to use to address these issues in their representation.

The Office states that its Deputy Director actively participates in seven state-level juvenile justice committees as well as a number of ad-hoc committees and groups addressing juvenile justice issues. This committee work competes with numerous state and national child-welfare and child representation committees, district oversight and program-specific responsibilities, and OCR management responsibilities, and all OCR attorney staff are at capacity.

The Office states that an attorney specifically dedicated to juvenile justice issues would advance the OCR's juvenile justice policy and committee work, develop advocacy and investigation supports for GALs, improve the OCR's existing delinquency GAL oversight strategies, and support GALs in advocating for equity, justice, and positive outcomes for youth in delinquency proceedings.

The Office states that in FY 2020-21, 92 percent of its budget went directly to compensation of and training for attorneys and case consultants.

The Office states that it has determined that an FTE dedicated to supporting the work of GALs in juvenile delinquency cases is an appropriate use of its federal IV-E dollars and is a necessary investment in the safety, welfare, best interests, and future of justice-system involved youth. The position requested will directly support its performance goals as follows:

- ensure children's voice and interests are paramount throughout the proceedings and in the development of policy, law, and practice;
- provide and promote effective use of case consultant support to attorneys;

- cultivate a learning and practice environment that supports excellence in legal representation;
- deliver high-quality accessible training to advance best practices, address emerging topics in relevant fields, and implement OCR Core Competencies;
- assess attorney and CC education and support needs;
- maintain and disseminate current and relevant resources for attorney and CC use regarding law, social science, and diversity, equity, and inclusion strategies.

The Office requests personal services, operating expenses, and capital outlay in the first year. The position is aligned to a First Assistant Legal Counsel classification in the Judicial Branch system with a range of \$9,298 to \$12,878 (\$111,576 to \$154,536 annually). The appropriation is requested at the midpoint of the range, \$11,088 (\$133,056 annually). The Office states it has requested salary at midpoint "to allow OCR to recruit and hire an attorney with extensive GAL and juvenile law experience, exceptional leadership and organizational skills, and an ability to take the initiative and efficiently implement programming necessary to fully support effective GAL delinquency practice. Notably, this position will require an immediate ability to oversee delinquency GALs throughout Colorado, develop unchartered practice supports and resources, participate on numerous statewide committees, and recommend policies, standards and best practices. The OCR believes that a mid-point salary is necessary to attract the level of attorney required to do this position in the current hiring market and to provide appropriate compensation reflective of the many demands of this position."

Staff recommends that the Committee approve the R2 request as outlined in the following table, including the following out-year annualizations.

R2 STAFF ATTORNEY FOR JUVENILE DELINQUENCY						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Staff Attorney	1.0	\$137,630	1.0	\$141,896	1.0	\$154,795
POTS		36,736		24,666		27,189
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,200		6,200		0
R2 Total	1.0	\$181,916	1.0	\$174,112	1.0	\$183,334

As outlined, staff recommends funding at the midpoint as requested. Staff recommends funding at midpoint due to the justification provided by the OCR and due to the relatively small scale of staffing for the Office. The executive office currently includes 14.5 FTE; the additional 20.4 FTE are located in the El Paso County office which delivers legal services with staff attorneys rather than contractors. Generally personal services and POTS appropriations are fully expended and the Office does not generate enough vacancy savings to fund these items within existing appropriations. Due to the size of the Office, staff recommends funding at midpoint and funding for POTS for this request.

R3 COMPENSATION PLAN ADJUSTMENTS includes \$112,276 total funds, including \$108,716 General Fund and \$3,560 reappropriated funds, to align attorney staff in the El Paso County office consistent with comparable attorney positions in the Office of the State Public Defender. Additionally, the request aligns four positions in the Denver executive office.

COMPENSATION PLAN BACKGROUND

The OCR states that in response to a request made by JBC staff during the FY 2017-18 Judicial Budget Briefing, the OCR, with ORPC and OADC, developed and proposed a common compensation plan in its FY 2019-20 budget request. The OCR states that the plan also sought to address a significant turnover in entry- and mid-level positions at the OCR's El Paso County GAL Office that resulted in at least a 20 percent turnover rate in its non-management attorney staff each fiscal year since FY 2015-16. To address the turnover issue and fairly compensate attorneys who practice in this specialized field, the OCR sought to align positions with similar positions at the OSPD in its FY 2019-20 budget request. Rather than approve alignment of the El Paso County GAL office positions with the OSPD, the JBC awarded a 10 percent increase in salaries for all attorney positions at the office. While this increase was appreciated, the ranges for some positions remained misaligned with comparable salary ranges at the OSPD, and some attorney salaries remained below the comparable range minimum. In its FY 2020-21 budget request, the OCR requested funding to align misaligned positions with the ranges applicable to comparable positions at the OSPD. That request was not approved that year.

Nevertheless, the OCR has adopted a compensation plan that establishes alignment with standard Judicial Department, executive branch, or Office of State Public Defender (OSPD) occupational classifications. This group of requests reflects the requested salary amounts to align current staff within the established salary ranges in the compensation plan. Staff will present all position requests in comprehensive analysis tables for comparison; but will address the El Paso County office, Mid-level and Entry-level Attorney requests together and then address the Denver executive office requests separately.

COMPENSATION PLAN ANALYSIS

The following table outlines the requested salary adjustments.

OCR COMPENSATION PLAN ANALYSIS - TABLE 1					
CLASS TITLE	FTE	CURRENT SALARY	SALARY INCREASE	PERCENTAGE INCREASE	REQUESTED SALARY
Case Consultant Coordinator	1.0	\$89,072	\$3,676	4.1%	\$92,748
Chief Operating Officer	1.0	115,632	9,251	8.0%	124,883
Director of Information Systems	1.0	107,869	14,455	13.4%	122,324
Training Director	1.0	89,964	4,498	5.0%	94,462
Mid-level Attorney	2.0	143,078	21,009	14.7%	164,087
Entry-level Attorney	5.0	286,743	38,303	13.4%	325,046
Total	11.0	\$832,358	\$91,192	11.0%	\$923,550

As outlined in the table, requested increases for the first four, executive office positions, range from 4.1 to 13.4 percent. El Paso County office attorney positions include requested increases of 13.4 to 14.7 percent.

The following table outlines the classification alignment for these positions, as well as the current and requested salary position within the salary range: minimum is represented as 0.0 percent and maximum as 100.0 percent.

OCR COMPENSATION PLAN ANALYSIS - TABLE 2

CLASS TITLE	ALIGNED CLASS	SALARY RANGE			POSITION IN RANGE	
		MIN	MID	MAX	CURRENT	REQUESTED
Case Consultant Coordinator	Court Programs Analyst IV (JUD)	\$92,748	\$110,496	\$128,244	-10.4%	0.0%
Chief Operating Officer	Budget Manager (JUD)	90,684	119,358	148,032	43.5%	59.6%
Director of Information Systems	Data Management VI (Exec)	93,540	122,568	151,596	24.7%	49.6%
Training Director	Training Specialist V (Exec)	81,504	102,528	123,552	20.1%	30.8%
Mid-level Attorney	Sr. Deputy State Pub Def (OSPD)	77,784	96,066	114,348	-17.1%	11.6%
Entry-level Attorney	Deputy State Pub Def (OSPD)	64,260	79,362	94,464	-22.9%	2.5%

EL PASO COUNTY OFFICE ENTRY-LEVEL AND MID-LEVEL ATTORNEY RECOMMENDATIONS

As outlined in the table, the average of Mid-level and Entry-level Attorney positions are currently below the range minimum by 17.1 and 22.9 percent, respectively. The requested increases moves these positions to an average of 11.6 and 2.5 percent of the range, respectively. These average requested salary increases are placed in the first quartile; the first at about midway between first and second quartile and the second at just over minimum. The position or class average is slightly above minimum for both classes in order to accommodate compression-related adjustments by position.

The OCR states that it continues to struggle with turnover and position vacancies at the El Paso County GAL Office. Since April 2020, the office has experienced 40 percent turnover in its non-management attorney staff. Three separate attorney position postings resulted in a total of only 18 applicants; many of the applicants did not meet the minimum qualifications, resided out of state, or were not licensed to practice law in Colorado. The OCR had to repost one position three times before filling it, and at the time of the request, two positions remained open. The OCR states that its inability to recruit and maintain qualified attorneys for these positions impairs its ability to fulfill its mandates and prevents the office from reaching its full potential.

In order to provide fair and proper alignment of the OCR field office attorney positions with the identified classes in the compensation plan, staff recommends that the Committee approve the requests for the Mid-level and Entry-level Attorneys.

DENVER EXECUTIVE OFFICE POSITION RECOMMENDATIONS

As outlined in table 2, the Case Consultant Coordinator is currently 10.4 percent below salary range minimum. The 4.1 percent increase for this position brings this position to the range minimum.

Staff recommends that the Committee approve the increase for the Case Consultant Coordinator.

The Chief Operating Officer is currently at 43.5 percent in the salary range; at \$115,632, just under midpoint of \$119,358. The requested 8.0 percent increase for this position brings it to 59.6 percent or just above midpoint, at \$124,883.

The OCR states that this position is misaligned with chief financial officer salaries at OADC and ORPC, though the positions have comparable fiscal-related duties and responsibilities. The current annual salaries of the equivalent positions are each over \$125,000. Even at the requested increase, the COO position salary would remain below sister agency equivalent positions. This presents a primary challenge for OCR as it relates to parity. However, more critically, the complexity related to the number of OCR case types (12 overall case types grouped into seven major categories), that require varied and additional analysis when developing budget requests, legislative changes, and

when monitoring expenditures and IV-E funding throughout the year, in addition to the duties and responsibilities associated with the oversight and payment of contract attorneys and case coordinators. Additionally, the COO is a member of the management team for OCR and manages the budget, human resources, and operations in Denver and for the El Paso County Office, which consists of 20 FTE (administrative staff, case consultants, and attorneys providing direct representation).

Staff recommends that the Committee approve the increase for the Chief Operating Officer.

The Director of Information Systems is currently at 24.7 percent in the salary range; just under the second quartile. The requested 13.4 percent increase for this position brings it to 49.6 percent or just under midpoint.

The OCR states that it reanalyzed this position when the original aligned position (ITS Analyst 3 in the Judicial Branch) was eliminated. The duties and responsibilities of this position have also increased significantly since then. Effective April 2021, this position is now a member of the OCR management team and directly supervises three employees in the OCR's Information Systems Team, overseeing all aspects of its activities and staff. In addition to these significant new managerial responsibilities, the director of information systems (DIS) has software coding and data modeling expertise which enables OCR to conduct business analysis in-house and direct the scope, front-end and back-end design, project management, code review, and quality assurance for the "CARES" system at a minimal cost and holding IT contractors accountable to best practices.

The DIS advises the management team regarding agency strategy for technology policies, maintenance, enhancements, and novel or unique situations which create uncertainties that must be addressed (e.g., standing up resources to accommodate remote work and responding to new legislation without sacrificing systems user-friendliness). OCR relies on the DIS to evaluate the selection of auxiliary software and infrastructure and determine implementation plans (e.g., web forms, databases, scheduling tools, project management software, collaboration tools). This position is also responsible for troubleshooting with users of all skill levels throughout the state, writing and updating all technical and user documentation including an online CARES Help Center, test scripts, statements of work, and enhancement specifications. The DIS single-handedly codes and develops all CARES reports in MySQL, JavaScript, and TIBCO JasperSoft; many data visualizations are published to 600+ active users and the DIS coordinates her team's reporting of other OCR data to internal and external stakeholders.

This position must ensure data accuracy, integrity, and security, and monitor standards, procedures, and systems performance to recommend efficiency improvements, cost-savings, and innovations. OCR's DIS also directs the technology powering OCR's robust attorney contractor evaluation process; she built and administers an in-house database and content management system (in SQL and VBA) that produces and presents thousands of contractor oversight reports in a fully custom graphical user interface. The DIS co-designed and maintains the agency's website and monitors referrals for IT issues to promote efficiencies in staff IT requests, teaching staff to resolve issues in-house when possible.

A midpoint salary is necessary to provide appropriate compensation reflective of the many and varied demands of this position and would still remain below market rates to retain or recruit skilled

staff with the technical expertise and managerial proficiency of OCR's DIS in the highly competitive tech field.

Staff recommends that the Committee approve the increase for the Director of Information Systems.

The Training Director is currently at 20.1 percent in the salary range; just under the second quartile. The requested 5.0 percent increase for this position brings it to 30.8 percent or just over second quartile.

The OCR states that the reclassification of OCR's Training Coordinator to Training Director is necessary to reflect the responsibilities of this position and the breadth and depth of the OCR's training program.

With the addition of new case types, significant child welfare and juvenile justice reforms, and OCR's expansion of multidisciplinary representation and other best practices in child representation, OCR's training needs have increased significantly. OCR's training director has developed a robust and comprehensive training program focused on providing accessible training to all OCR attorneys and case consultants that applies to OCR's 12 case types and that is grounded in a thoughtful approach that addresses the need to develop, enhance, and build on the competencies of new, experienced, and advanced attorneys and case consultants. In addition to a two-part Core Competencies Training for new attorneys, the OCR training director develops the content and hosts an annual statewide conference, an annual trial skills training, and numerous webinars to address the increasingly complex training needs of OCR's contractors and case-carrying staff.

In FY 2020-21 alone, the OCR offered 90 continuing legal education credits. Additionally, the OCR training director coordinates with other state and national agencies to maximize the training opportunities available to OCR attorneys and case consultants (CCs); these efforts include but are not limited to offering a coordinated juvenile justice training with OADC, OSPD, and the Colorado Juvenile Defender Center on an annual basis, coordinating with the National Association of Counsel for Children on a Denver conference in August 2021, and identifying scholarship opportunities for attorneys to attend other national and specialized trainings.

The COVID-19 pandemic presented an immediate need to significantly expand OCR's online training strategies, and the OCR training director has responded to that need by not only offering online trainings in response to the pandemic but also initiating a robust online training platform that will effectively address varying learning styles and specialized content needs for years to come. Additionally, the OCR training director takes a consistent and intentional approach to evaluating and implementing the need for practice tools to support effective implementation of the skills and knowledge gained through OCR's training. The OCR training director continuously assesses and addresses the need for enhancements to OCR's training program, for example instituting diversity, equity, and inclusion training and expanding OCR's case consultant training in recent fiscal years.

The OCR states that this position is significantly misaligned with comparable positions at ADC and ORPC where the current annual salary of the equivalent positions are over \$120,000. While the OCR does not seek to align this position with the attorney status of the comparable positions at OADC and ORPC because current staff is not a licensed attorney, the responsibilities of these positions are comparable and the OCR training director has both MSW and JD degrees.

Staff recommends that the Committee approve the increase for the Training Director.

The following table outlines all staff recommended adjustments for each request.

OCR R3 SALARY, PERSONAL SERVICES, AND POTS RECOMMENDED ADJUSTMENTS										
POSITION	SALARY INCREASE	PERA/FICA 12.85%	PERSONAL SERVICES	AED 5.0%	SAED 5.0%	STD 0.16%	PFMLI 0.23%	POTS SUBTOTAL	TOTAL INCREASE	
Case Consultant Coordinator	\$3,676	\$472	\$4,148	\$184	\$184	\$6	\$8	\$382	\$4,530	
Chief Operating Officer	9,251	1,189	10,440	463	463	15	21	961	11,400	
Director of Information Systems	14,455	1,857	16,312	723	723	23	33	1,501	17,814	
Training Director	4,498	578	5,076	225	225	7	10	467	5,543	
Mid-level Attorney	21,009	2,700	23,709	1,050	1,050	34	47	2,182	25,890	
Entry-level Attorney	38,303	4,922	43,225	1,915	1,915	61	86	3,978	47,203	
Total			\$102,910	\$4,560	\$4,560	\$146	\$205	\$9,470	112,380	
General Fund			99,648	4,415	4,415	141	198	9,168	108,816	
Reappropriated Funds			3,262	145	145	5	7	302	3,564	

R4 IT OPERATING includes \$117,800 total funds, including \$77,800 General Fund and \$40,000 reappropriated funds to address a Westlaw price increase (\$37,800 General Fund ongoing), a website redesign (\$40,000 General Fund, one-time), and enhancements for the Colorado Attorney Reimbursement Electronic System (CARES), the Office's case management and billing IT system (\$40,000 reappropriated funds, ongoing).

WESTLAW INCREASE, \$37,800 GENERAL FUND

Since FY 2017-18, the OCR has provided Westlaw access to its attorneys. Using commercial online legal research tools is standard for most law firms but is often deemed cost-prohibitive by OCR contractors, whose hourly rate falls far below the hourly rate billed by most attorneys in private practice. Providing Westlaw access to contractors is consistent with support provided by the Office of Alternate Defense Counsel and the Office of Respondent Parent Counsel.

WEBSITE REDESIGN, \$40,000 GENERAL FUND

The OCR website will be ten years old in the next budget year. The OCR houses many attorney resources on its website, including:

- a Litigation Toolkit with 120 legal pleadings, 91 practice tools, and 52 social science resources;
- a training page with over 404 training hours; and
- billing and case management resources.

Each year, the Office states that it adds more pages and resources. Recent additions include a Diversity, Equity, and Inclusion page, a COVID-19 page, and a Foster Youth in Transition Page. Last fiscal year, the OCR created a youth center on its website, and the OCR will increasingly rely on its online presence for outreach to youth as it expands its Engaging and Empowering Youth efforts.

The addition of these resources to the OCR's website, while extremely helpful to attorneys, case consultants, youth, and other members of the public, have made the OCR's site increasingly difficult to navigate and maintain. Upgrades are also necessary to bring the OCR's website up to date with current accessibility best practices. The Office states that a redesigned website will optimize use and efficiencies of the many resources available to OCR attorneys, CCs, youth, and other stakeholders.

CARES ENHANCEMENTS, \$40,000 REAPPROPRIATED FUNDS

The OCR has relied on an electronic case management and billing system known as CARES since April 2018 following system development that began in August 2017. The system has cost a total of \$426,629, including \$264,745 for development, \$124,591 for enhancements, and \$37,293 for hosting and maintenance.

CARES is a custom web application designed to support efficient attorney practice and invoicing for its approximately 600 active attorney and support staff users while allowing the OCR to monitor compliance with performance standards and policies. In addition to processing payments to contractors, CARES enables the OCR to observe indicators such as in-placement contact with children, time dedicated to initial investigation, and percentage of time spent on each activity type.

CARES requires enhancements and updates to optimize its use. Planned enhancements to CARES will allow effective billing, case management, and reports that accommodate the OCR’s expanding case types, appointment capacities, and expanded strategies for providing litigation supports for attorneys. Rather than requesting General Fund, the OCR requests spending authority to use its reappropriated federal IV-E dollars for these enhancements.

Staff recommends that the Committee approve the R4 request as outlined in the following table.

R4 IT OPERATING						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FUND TYPE	COST	FUND TYPE	COST	FUND TYPE	COST
Westlaw Increase	GF	\$37,800	GF	\$37,800	GF	\$37,800
Website Redesign	GF	40,000	GF	40,000	GF	0
CARES Enhancements	RF	40,000	RF	40,000	RF	40,000
R4 Total		\$117,800		\$117,800		\$77,800

LINE ITEM DETAIL – OFFICE OF THE CHILD'S REPRESENTATIVE

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver and the El Paso county office, which provides Guardian Ad Litem services

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$3,787,760 total funds, including \$3,433,354 General Fund and \$354,406 reappropriated funds, and 35.9 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$3,391,206	\$3,185,073	\$0	\$206,133	\$0	34.4
Other legislation	\$38,017	\$38,017	\$0	\$0	\$0	0.5
TOTAL	\$3,429,223	\$3,223,090	\$0	\$206,133	\$0	34.9
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$3,429,223	\$3,223,090	\$0	\$206,133	\$0	34.9
OCR R2/R3/R4 OCR staff and IT operating requests	244,806	99,648	0	145,158	0	1.0
Annualize prior year budget actions	99,620	93,115	0	6,505	0	0.0
Annualize prior year legislation	18,283	17,410	0	873	0	0.0
TOTAL	\$3,791,932	\$3,433,263	\$0	\$358,669	\$0	35.9
INCREASE/(DECREASE)	\$362,709	\$210,173	\$0	\$152,536	\$0	1.0
Percentage Change	10.6%	6.5%	0.0%	74.0%	0.0%	2.9%
FY 2022-23 EXECUTIVE REQUEST	\$3,787,760	\$3,433,354	\$0	\$354,406	\$0	35.9
Request Above/(Below) Recommendation	(\$4,172)	\$91	\$0	(\$4,263)	\$0	0.0

HEALTH LIFE AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OCR requests \$494,523 total funds, including \$446,768 General Fund and \$47,755 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE CHILD'S REPRESENTATIVE, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$391,182	\$379,834	\$0	\$11,348	\$0	0.0
TOTAL	\$391,182	\$379,834	\$0	\$11,348	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$391,182	\$379,834	\$0	\$11,348	\$0	0.0
Centrally appropriated line items	78,999	66,934	0	12,065	0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	11,594	0	0	11,594	0	0.0
TOTAL	\$481,775	\$446,768	\$0	\$35,007	\$0	0.0
INCREASE/(DECREASE)	\$90,593	\$66,934	\$0	\$23,659	\$0	0.0
Percentage Change	23.2%	17.6%	0.0%	208.5%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$494,523	\$446,768	\$0	\$47,755	\$0	0.0
Request Above/(Below) Recommendation	\$12,748	\$0	\$0	\$12,748	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of OCR employees' short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The OCR requests \$5,277 total funds, including \$4,788 General Fund and \$489 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE CHILD'S REPRESENTATIVE, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$4,723	\$4,415	\$0	\$308	\$0	0.0
TOTAL	\$4,723	\$4,415	\$0	\$308	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$4,723	\$4,415	\$0	\$308	\$0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	347	141	0	206	0	0.0
Centrally appropriated line items	212	232	0	(20)	0	0.0
TOTAL	\$5,282	\$4,788	\$0	\$494	\$0	0.0
INCREASE/(DECREASE)	\$559	\$373	\$0	\$186	\$0	0.0
Percentage Change	11.8%	8.4%	0.0%	60.4%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$5)	\$0	\$0	(\$5)	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OCR requests \$164,874 total funds, including \$149,643 General Fund and \$15,231 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE CHILD'S REPRESENTATIVE, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$147,606	\$137,967	\$0	\$9,639	\$0	0.0
TOTAL	\$147,606	\$137,967	\$0	\$9,639	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$147,606	\$137,967	\$0	\$9,639	\$0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	10,841	4,415	0	6,426	0	0.0
Centrally appropriated line items	6,606	7,258	0	(652)	0	0.0
TOTAL	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	11.8%	8.5%	0.0%	59.9%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$179)	\$3	\$0	(\$182)	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OCR requests \$164,874 total funds, including \$149,643 General Fund and \$15,231 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE CHILD'S REPRESENTATIVE, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$147,606	\$137,967	\$0	\$9,639	\$0	0.0
TOTAL	\$147,606	\$137,967	\$0	\$9,639	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$147,606	\$137,967	\$0	\$9,639	\$0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	10,841	4,415	0	6,426	0	0.0
Centrally appropriated line items	6,606	7,258	0	(652)	0	0.0
TOTAL	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	11.8%	8.5%	0.0%	59.9%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$179)	\$3	\$0	(\$182)	\$0	0.0

SALARY SURVEY

The OCR uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OCR requests \$100,389 total funds, including \$94,481 General Fund and \$5,908 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE CHILD'S REPRESENTATIVE, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$99,620	\$93,115	\$0	\$6,505	\$0	0.0
TOTAL	\$99,620	\$93,115	\$0	\$6,505	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$99,620	\$93,115	\$0	\$6,505	\$0	0.0
Centrally appropriated line items	100,389	94,481	0	5,908	0	0.0
Annualize prior year budget actions	(99,620)	(93,115)	0	(6,505)	0	0.0
TOTAL	\$100,389	\$94,481	\$0	\$5,908	\$0	0.0
INCREASE/(DECREASE)	\$769	\$1,366	\$0	(\$597)	\$0	0.0
Percentage Change	0.8%	1.5%	0.0%	(9.2%)	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The Department requests \$6,872 total funds, including \$6,468 General Fund and \$404 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE CHILD'S REPRESENTATIVE, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$6,872	\$6,468	\$0	\$404	\$0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	513	198	0	315	0	0.0
TOTAL	\$7,385	\$6,666	\$0	\$719	\$0	0.0
INCREASE/(DECREASE)	\$7,385	\$6,666	\$0	\$719	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$513)	(\$198)	\$0	(\$315)	\$0	0.0

OPERATING EXPENSES

This line item provides funding for operating expenses and information technology asset maintenance in both the Denver and El Paso offices, and for reimbursement of actual and necessary expenses incurred by Child's Representative Board members.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$444,900 total funds, including \$352,800 General Fund and \$88,100 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$314,875	\$274,325	\$0	\$40,550	\$0	0.0
Other legislation	\$14,375	\$14,375	\$0	\$0	\$0	0.0
TOTAL	\$329,250	\$288,700	\$0	\$40,550	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$329,250	\$288,700	\$0	\$40,550	\$0	0.0
OCR R2/R3/R4 OCR staff and IT operating requests	125,350	77,800	0	47,550	0	0.0
Annualize prior year legislation	(13,700)	(13,700)	0	0	0	0.0
TOTAL	\$440,900	\$352,800	\$0	\$88,100	\$0	0.0
INCREASE/(DECREASE)	\$111,650	\$64,100	\$0	\$47,550	\$0	0.0
Percentage Change	33.9%	22.2%	0.0%	117.3%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LEASED SPACE

This line item currently funds lease payments for OCR's the Colorado Springs office.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$133,133 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$128,952	\$128,952	\$0	\$0	\$0	0.0
TOTAL	\$128,952	\$128,952	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$128,952	\$128,952	\$0	\$0	\$0	0.0
Centrally appropriated line items	4,181	4,181	0	0	0	0.0
TOTAL	\$133,133	\$133,133	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$4,181	\$4,181	\$0	\$0	\$0	0.0
Percentage Change	3.2%	3.2%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$133,133	\$133,133	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CASA CONTRACTS

This line item provides funding for grants to Colorado CASA, the nonprofit organization of court-appointed special advocate (CASA) volunteers. This funding is used to pay both personnel and operating costs. Prior to FY 2008-09, the General Assembly appropriated \$20,000 General Fund annually for this line item; this funding was distributed to Colorado CASA. The Joint Budget Committee initiated increases of \$500,000 in FY 2008-09, FY 2013-14, and FY 2018-19. Since FY 2008-09, Colorado CASA has continued to retain a portion of the funding for general operating costs, but the remainder has been allocated to local CASA Programs.

Background Information. Court-appointed special advocates (CASA) are trained volunteers who may be appointed to enhance the quality of representation for children². Pursuant to Section 19-1-202, C.R.S., CASA programs may be established in each judicial district pursuant to a memorandum of understanding between the district's chief judge and a community-based CASA program. A CASA volunteer may: conduct an independent investigation regarding the best interests of the child; and determine if an appropriate treatment plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner. A CASA volunteer may also make recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services. The Judicial

² Pursuant to Section 19-1-206 (1), C.R.S., a judge or magistrate may appoint a CASA volunteer in any domestic, probate, or truancy matter when a child affected by the matter may require services that a CASA volunteer can provide.

Department may contract with a nonprofit entity for the coordination and support of CASA activities in Colorado.

STATUTORY AUTHORITY: Section 13-91-105, C.R.S.

REQUEST: The OCR requests a continuation appropriation of \$1,550,000 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

TRAINING

The OCR is charged with "ensuring the provision and availability of high-quality, accessible training" for GALs, judges and magistrates who regularly hear matters involving children and families, CASA volunteers, and attorneys who are appointed to serve as a child's legal representative or a child and family investigator. The OCR is also charged with making recommendations to the Chief Justice concerning minimum practice standards for GALs and overseeing the practice of GALs to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures. In addition to the individuals noted above, the OCR invites respondent parent counsel, county attorneys and social workers, foster parents, and law enforcement to their training programs.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests a continuation appropriation of \$78,000 total funds, including \$58,000 General Fund and \$20,000 reappropriated funds.

RECOMMENDATION: Staff recommends the requested appropriation.

COURT-APPOINTED COUNSEL

This line item pays for contract attorneys appointed by the court to serve as Guardians ad Litem (GALs) and child legal representatives in dependency and neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. The OCR is charged with enhancing the provision of GAL services by "establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload limitations place on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem".

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$26,734,012 total funds, including \$25,205,596 General Fund and \$1,528,416 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$25,220,766	\$23,778,864	\$0	\$1,441,902	\$0	0.0
TOTAL	\$25,220,766	\$23,778,864	\$0	\$1,441,902	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$25,220,766	\$23,778,864	\$0	\$1,441,902	\$0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	1,513,246	1,426,732	0	86,514	0	0.0
TOTAL	\$26,734,012	\$25,205,596	\$0	\$1,528,416	\$0	0.0
INCREASE/(DECREASE)	\$1,513,246	\$1,426,732	\$0	\$86,514	\$0	0.0
Percentage Change	6.0%	6.0%	0.0%	6.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$26,734,012	\$25,205,596	\$0	\$1,528,416	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

MANDATED COSTS

This is one of several line item appropriations for mandated costs. These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OCR, these costs include the following:

- reimbursement to other entities such as hospitals and county departments of human services for discovery;
- expert witnesses;
- interpreters - out of court;
- transcripts; and
- process servers and other miscellaneous expenses.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests continuation funding of \$60,200 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

GRANTS

This line item reflects anticipated expenditures from a federal Title IV-E training grant and money transferred from the judicial depart. This line item is included in the Long Bill for informational purposes only and is not intended to limit the OCR's expenditures of these federal funds. While these moneys originate as federal funds, the Title IV-E funds are transferred to the OCR from the Department of Human Services and are thus reflected as reappropriated funds.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR request a continuation appropriation of \$26,909 reappropriated funds.

RECOMMENDATION: Staff recommends the requested appropriation.

(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

Senate Bill 14-203 and H.B. 15-1149 established the Office of the Respondent Parents' Counsel (ORPC) as an independent agency within the Judicial Branch, as of January 1, 2016. The ORPC is charged with ensuring the provision and availability of high-quality legal representation for respondent parents involved in dependency and neglect proceedings. All existing and new state paid respondent parent counsel appointments were transferred from the State Court Administrator's Office (SCAO) to the ORPC by July 1, 2016.

The ORPC is governed by the nine-member Respondent Parents' Counsel Governing Commission, whose members are appointed by the Supreme Court. Commission members serve on a voluntary basis and receive no compensation for their time. The Commission appoints an Executive Director for the Office. The Executive Director's salary is fixed by the General Assembly through a Long Bill footnote and may not be reduced during his or her five-year term of appointment.

The ORPC is an independent agency within the Judicial Branch that employs 14.0 FTE. The ORPC is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the ORPC, including: procurement; fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. With the exception of a small amount of cash funds from training-related fees and federal grant funding that is transferred from the Department of Human Services, the ORPC is supported by General Fund appropriations.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$29,183,550	\$23,826,319	\$48,000	\$5,309,231	\$0	14.0
HB 22-1176 (Supplemental)	0	0	0	0	0	0.0
TOTAL	\$29,183,550	\$23,826,319	\$48,000	\$5,309,231	\$0	14.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$29,183,550	\$23,826,319	\$48,000	\$5,309,231	\$0	14.0
Centrally appropriated line items	107,862	107,679	0	183	0	0.0
Annualize prior year budget actions	0	0	0	0	0	0.0
Annualize prior year legislation	9,577	8,836	0	741	0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	1,596,930	1,293,347	0	303,583	0	0.0
ORPC R2/R3/R4 Staff and technical requests	293,136	293,136	0	0	0	2.0
TOTAL	\$31,191,055	\$25,529,317	\$48,000	\$5,613,738	\$0	16.0
INCREASE/(DECREASE)	\$2,007,505	\$1,702,998	\$0	\$304,507	\$0	2.0
Percentage Change	6.9%	7.1%	0.0%	5.7%	0.0%	14.3%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$7,401)	(\$7,401)	\$0	\$0	\$0	0.0

DECISION ITEMS – OFFICE OF THE RESPONDENT PARENTS’ COUNSEL

→ ORPC R2/R3/R4 STAFF AND TECHNICAL REQUESTS

REQUEST: The Office of the Respondent Parents' Counsel requests \$285,735 General Fund and 2.0 FTE for staff and technical requests outlined in the following table.

ORPC STAFF AND TECHNICAL REQUESTS				
AGENCY REQUEST	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE
ORPC R2 Equity, Diversity, and Inclusion Coordinator	\$172,656	\$0	\$172,656	1.0
ORPC R3 Social Work Outreach Coordinator	113,079	0	113,079	1.0
OPRC R4 Realign Appropriations	0	0	0	0.0
Total	\$285,735	\$0	\$285,735	2.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

ORPC STAFF AND TECHNICAL REQUESTS - JBC STAFF RECOMMENDATIONS									
AGENCY REQUEST	FY 2022-23 RECOMMENDATION				OUT-YEAR ANNUALIZATIONS				
	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE	GENERAL FUND	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE	
ORPC R2 EDI Coordinator	\$177,247	\$0	\$177,247	0.9	\$186,754	\$0	\$186,754	1.0	
ORPC R3 SWO Coordinator	115,892	0	115,892	0.9	119,710	0	119,710	1.0	
OPRC R4 Realign Appropriations	0	0	0	0.0	0	0	0	0.0	
Total	\$293,139	\$0	\$293,139	1.8	\$306,464	\$0	\$306,464	2.0	

ANALYSIS

R2 EQUITY, DIVERSITY, AND INCLUSION COORDINATOR includes \$172,656 General Fund and 1.0 FTE for a staff position to promote and increase equity, diversity, and inclusion within the agency and among contractors and to help collect and disseminate information on disparate impact of dependency and neglect proceedings and outcomes for low-income and minority populations and people with disabilities.

The Office states that this position would aid in the collection and dissemination of information on the disparate impact of dependency and neglect proceedings and outcomes on poor people, people of color, indigenous people, people who identify as LGBTQ+, and people with disabilities. The position would also allow the ORPC to create a strategic plan to increase resources and advocacy to address these systemic biases.

Recent data from FY 2020-21 demonstrates that children of color are represented in Colorado’s child welfare system at higher rates than their population as a whole. Though children of color make up 45 percent of Colorado’s child population, 56 percent of the children involved in a child welfare case are children of color, as are 58 percent of children who age out of the system. The Office also states that because parents are not being represented by people who look like them or who come from similar backgrounds, they are deprived of the chance to work with counsel who better understand the racism or ableism they face and who recognize the biases that work against their clients.

The Office states that creating an Equity, Diversity, and Inclusion (EDI) Coordinator will allow the ORPC to achieve three important high-level objectives:

- amplify the voices of families of color, families with disabilities, and LGBTQ+ families in the child welfare system;
- allow the ORPC to focus on increasing the number of independent contractors of color and from diverse backgrounds; and
- provide internal resources and expertise that will reduce current expenditures on outside national experts and certified racial bias trainers.

The Office identifies the following goals:

- Research and reporting that includes: permanency outcomes for children of color and children with disabilities in the child welfare system; contributing factors to, and underlying causes of, disproportionality; novel approaches that may alleviate disproportionate removal of children from their homes and the termination of parental rights; identifying jurisdictions where disproportionality is particularly egregious and where parents would most benefit from more diverse representation, including social workers and parent advocates; collecting and accessing data for use by contractors; and producing a publicly available report.
- Individual case consultations.
- Developing strategies to recruit and retain attorney contractors and non-attorney professionals from diverse backgrounds.
- Create and maintain a resource portal on the ORPC website which will house equity, diversity, and inclusion resources.
- Create and lead trainings for all child welfare stakeholders and help develop internal trainings for ORPC contractors addressing ways to use evidence-based approaches in casework to better advocate for families of color.

The Office requests personal services, operating expenses, and capital outlay in the first year. The position is aligned to a First Assistant Legal Counsel classification in the Judicial Branch system with a range of \$9,298 to \$12,878. The appropriation is requested at the midpoint of the range. The Office states:

The ORPC assumes that the position will be staffed by a licensed attorney capable of dealing with the complex issues inherent in dependency and neglect cases. The salary range of the position will be the same as that of staff having comparable responsibilities as reflected in the Common Compensation Plan. The ORPC assumes that it will be necessary to offer a salary of at least the midpoint of the relevant range to hire an individual with the needed education, experience, and expertise.

Staff recommends that the Committee approve the R2 request as outlined in the following table, including the following out-year annualizations.

R2 EQUITY, DIVERSITY, AND INCLUSION COORDINATOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - EDI Coordinator	1.0	\$137,763	0.9	\$141,896	1.0	\$154,795
POTS		27,343		27,801		30,609
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,200		6,200		0

R2 EQUITY, DIVERSITY, AND INCLUSION COORDINATOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
R2 Total	1.0	\$172,656	0.9	\$177,247	1.0	\$186,754

As outlined, staff recommends funding at the midpoint as requested. The particularly mission-based work of this tightly-staffed Office – as with the other independent agencies – sometimes requires uniquely and highly skilled and experienced coordinators. Staff recommends funding at midpoint due to the justification provided by the ORPC and due to the relatively small scale of staffing for the Office. The Office currently includes 13.0 FTE. Generally personal services and POTS appropriations are fully expended and the Office does not generate enough vacancy savings to fund these items within existing appropriations. Due to the size of the Office, staff recommends funding at midpoint and funding for POTS for this request.

R3 SOCIAL WORK OUTREACH COORDINATOR includes \$113,079 General Fund and 1.0 FTE for a staff position to support the Office's interdisciplinary programming and expansion of its interdisciplinary, preventive legal services pilot program in Jefferson County.

The ORPC contracts with more than 40 social workers, family advocates, and parent advocates. Parent advocates are parents who navigated the Colorado child welfare system successfully. The Office makes social work-related resource available to contract attorneys. The Office states that in its 2021 contractor survey, over 82 percent of attorneys reported working with a social worker or family advocate on a legal defense team since the program's inception.

The Office states that research shows that in order for a parent to successfully complete a treatment plan, the parent must spend between 22 to 26 hours per week completing treatment plan tasks – not including travel. A substantial portion of the services offered to parents in treatment plans are "cookie cutter" resulting in 35 percent of parents getting services for problems they do not have. Having a social worker serving as part of the parent defense team to assist parents and their attorneys in tailoring treatment plans specific to the parent and family provides a solution for addressing unduly burdensome and unnecessary services. Research also demonstrates that parents who visit their children as recommended by the child welfare agency are approximately 10 times more likely to be reunified. Social workers and lawyers together can more effectively advocate and support a parent in increasing visits and achieving visitation goals, which decreases trauma for the children and increases the likelihood of reunification.

The ORPC's current Social Worker – Director of Programs was added in 2016 to recruit, supervise, train, and coordinate contract social workers, assist in training new attorneys, identify expert resources, and integrate access to social science literature and research for attorneys. However, the Office states that its needs require additional full-time support to ensure adequate oversight of an expanded list of social work-related contractors and to recruit appropriately to ensure equitable distribution of this valuable resource across the metro and rural counties. Additionally, the Office requires an additional social work staff member to support the expansion of its interdisciplinary programming in a new Title IV-E funded pilot program that will provide preventive civil legal service to families in Jefferson County beginning in 2022. The Social Work Outreach Coordinator will be supervised by the current Social Worker – Director of Programs.

The Office requests personal services, operating expenses, and capital outlay in the first year. The position is aligned to a Court Programs Analyst III classification in the Judicial Branch system with a range of \$6,698 to \$9,267. The appropriation is requested at the minimum of the range.

Staff recommends that the Committee approve the R3 request, including funding for POTS, as outlined in the following table, and including the following out-year annualizations.

R3 SOCIAL WORK OUTREACH COORDINATOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - SWO Coordinator	1.0	\$83,219	0.9	\$85,716	1.0	\$93,508
POTS		22,310		22,626		24,852
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,200		6,200		0
R3 Total	1.0	\$113,079	0.9	\$115,892	1.0	\$119,710

R4 ALIGN APPROPRIATIONS WITH OTHER INDEPENDENT AGENCIES is a net neutral technical budget adjustment that moves a net \$1,133,913 total funds, including \$796,579 General Fund and \$337,334 reappropriated funds, from the Mandated Costs line item to the Court-appointed Counsel line item, to be consistent with the budget practices in the Office of the Alternate Defense Counsel and the Office of the Child's Representative and improve comparability.

Historically, the Office has provided for its social worker-related contractor costs from its Mandated Costs line item. However, the other independent agencies who contract for legal services pay for all legal-related support services from their Court-appointed Counsel line items. The OADC would like to move these appropriations into its Court-appointed Counsel line item for consistency across independent agencies.

The Office identifies \$796,579 General Fund and \$318,240 reappropriated funds, based on the current appropriation and an additional \$19,094 reappropriated funds based on the approval of the R1 6.0 percent contractor rate increase request.

Staff recommends that the Committee approve the request.

LINE ITEM DETAIL – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests \$2,193,112 total funds, including \$2,035,852 General Fund and \$157,260 reappropriated funds, and 16.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,912,724	\$1,760,249	\$0	\$152,475	\$0	14.0
HB 22-1176 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$1,912,724	\$1,760,249	\$0	\$152,475	\$0	14.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,912,724	\$1,760,249	\$0	\$152,475	\$0	14.0
ORPC R2/R3/R4 Staff and technical requests	227,612	227,612	0	0	0	2.0
Annualize prior year budget actions	49,829	45,785	0	4,044	0	0.0
Annualize prior year legislation	9,577	8,836	0	741	0	0.0
TOTAL	\$2,199,742	\$2,042,482	\$0	\$157,260	\$0	16.0
INCREASE/(DECREASE)	\$287,018	\$282,233	\$0	\$4,785	\$0	2.0
Percentage Change	15.0%	16.0%	0.0%	3.1%	0.0%	14.3%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$6,630)	(\$6,630)	\$0	\$0	\$0	0.0

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for ORPC staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The request includes \$254,272 total funds, including \$238,546 General Fund and \$15,726 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$187,275	\$166,890	\$0	\$20,385	\$0	0.0
TOTAL	\$187,275	\$166,890	\$0	\$20,385	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$187,275	\$166,890	\$0	\$20,385	\$0	0.0
Centrally appropriated line items	37,737	42,396	0	(4,659)	0	0.0
ORPC R2/R3/R4 Staff and technical requests	29,458	29,458	0	0	0	0.0
TOTAL	\$254,470	\$238,744	\$0	\$15,726	\$0	0.0
INCREASE/(DECREASE)	\$67,195	\$71,854	\$0	(\$4,659)	\$0	0.0
Percentage Change	35.9%	43.1%	0.0%	(22.9%)	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$198)	(\$198)	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of ORPC employees' short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The ORPC requests \$2,963 total funds, including \$2,759 General Fund and \$204 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$2,437	\$2,239	\$0	\$198	\$0	0.0
TOTAL	\$2,437	\$2,239	\$0	\$198	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,437	\$2,239	\$0	\$198	\$0	0.0
ORPC R2/R3/R4 Staff and technical requests	322	322	0	0	0	0.0
Centrally appropriated line items	194	188	0	6	0	0.0
TOTAL	\$2,953	\$2,749	\$0	\$204	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	21.2%	22.8%	0.0%	3.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$10	\$10	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for ORPC staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The ORPC requests \$91,990 total funds, including \$85,627 General Fund and \$6,363 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$76,137	\$69,955	\$0	\$6,182	\$0	0.0
TOTAL	\$76,137	\$69,955	\$0	\$6,182	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$76,137	\$69,955	\$0	\$6,182	\$0	0.0
ORPC R2/R3/R4 Staff and technical requests	10,075	10,075	0	0	0	0.0
Centrally appropriated line items	6,071	5,890	0	181	0	0.0
TOTAL	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	21.2%	22.8%	0.0%	2.9%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$293)	(\$293)	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA for ORPC staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The ORPC requests \$91,990 total funds, including \$85,627 General Fund and \$6,363 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$76,137	\$69,955	\$0	\$6,182	\$0	0.0
TOTAL	\$76,137	\$69,955	\$0	\$6,182	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$76,137	\$69,955	\$0	\$6,182	\$0	0.0
ORPC R2/R3/R4 Staff and technical requests	10,075	10,075	0	0	0	0.0
Centrally appropriated line items	6,071	5,890	0	181	0	0.0
TOTAL	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	21.2%	22.8%	0.0%	2.9%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$293)	(\$293)	\$0	\$0	\$0	0.0

SALARY SURVEY

The ORPC uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The ORPC requests \$54,090 total funds, including \$49,902 General Fund and \$4,188 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$49,829	\$45,785	\$0	\$4,044	\$0	0.0
TOTAL	\$49,829	\$45,785	\$0	\$4,044	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$49,829	\$45,785	\$0	\$4,044	\$0	0.0
Centrally appropriated line items	54,090	49,902	0	4,188	0	0.0
Annualize prior year budget actions	(49,829)	(45,785)	0	(4,044)	0	0.0
TOTAL	\$54,090	\$49,902	\$0	\$4,188	\$0	0.0
INCREASE/(DECREASE)	\$4,261	\$4,117	\$0	\$144	\$0	0.0
Percentage Change	8.6%	9.0%	0.0%	3.6%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The Department requests \$4,196 total funds, including \$3,910 General Fund and \$286 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	3,699	3,413	0	286	0	0.0
ORPC R2/R3/R4 Staff and technical requests	494	494	0	0	0	0.0
TOTAL	\$4,193	\$3,907	\$0	\$286	\$0	0.0
INCREASE/(DECREASE)	\$4,193	\$3,907	\$0	\$286	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$4,196	\$3,910	\$0	\$286	\$0	0.0
Request Above/(Below) Recommendation	\$3	\$3	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for operating expenses for the ORPC.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The ORPC requests \$141,500 total funds, including \$140,550 General Fund and \$950 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$126,400	\$125,450	\$0	\$950	\$0	0.0
TOTAL	\$126,400	\$125,450	\$0	\$950	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$126,400	\$125,450	\$0	\$950	\$0	0.0
ORPC R2/R3/R4 Staff and technical requests	15,100	15,100	0	0	0	0.0
TOTAL	\$141,500	\$140,550	\$0	\$950	\$0	0.0
INCREASE/(DECREASE)	\$15,100	\$15,100	\$0	\$0	\$0	0.0
Percentage Change	11.9%	12.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$141,500	\$140,550	\$0	\$950	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TITLE IV-E LEGAL REPRESENTATION

This line item provides spending authority for reappropriated funds received from the Title IV-E cash fund in the Department of Human Services.

STATUTORY AUTHORITY: Section 26-2-102.5, C.R.S.

REQUEST: The Department requests \$5,025,969 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, TITLE IV-E LEGAL REPRESENTATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$4,741,480	\$0	\$0	\$4,741,480	\$0	0.0
TOTAL	\$4,741,480	\$0	\$0	\$4,741,480	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$4,741,480	\$0	\$0	\$4,741,480	\$0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	284,489	0	0	284,489	0	0.0
TOTAL	\$5,025,969	\$0	\$0	\$5,025,969	\$0	0.0
INCREASE/(DECREASE)	\$284,489	\$0	\$0	\$284,489	\$0	0.0
Percentage Change	6.0%	0.0%	0.0%	6.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$5,025,969	\$0	\$0	\$5,025,969	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TRAINING

This line item provides funding for the ORPC to offer training opportunities for contract attorneys and other individuals as appropriate to ensure the provision and availability of high-quality legal representation for parents involved in dependency and neglect proceedings.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The Department requests a continuation appropriation of \$106,000 total funds, including \$30,000 General Fund, \$48,000 cash funds from training fees, and \$28,000 reappropriated funds.

RECOMMENDATION: Staff recommends the requested appropriation.

COURT-APPOINTED COUNSEL

This line item provides funding for contract attorneys who are appointed to represent respondent parents. Payments cover flat payments or hourly rates, as well as reimbursement for costs such as mileage, copying, postage, and travel expenses.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The Office requests \$22,247,566 total funds, including \$21,910,232 General Fund and \$337,334 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$19,918,541	\$19,918,541	\$0	\$0	\$0	0.0
TOTAL	\$19,918,541	\$19,918,541	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$19,918,541	\$19,918,541	\$0	\$0	\$0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	1,195,112	1,195,112	0	0	0	0.0
ORPC R2/R3/R4 Staff and technical requests	1,133,913	796,579	0	337,334	0	0.0
TOTAL	\$22,247,566	\$21,910,232	\$0	\$337,334	\$0	0.0
INCREASE/(DECREASE)	\$2,329,025	\$1,991,691	\$0	\$337,334	\$0	0.0
Percentage Change	11.7%	10.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$22,247,566	\$21,910,232	\$0	\$337,334	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

MANDATED COSTS

This is one of several line item appropriations for mandated costs. These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the ORPC, these costs are anticipated to include the following:

- expert witnesses and expert witness travel reimbursement;
- transcripts; and
- interpreters - out of court.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests \$938,911 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,955,495	\$1,637,255	\$0	\$318,240	\$0	0.0
TOTAL	\$1,955,495	\$1,637,255	\$0	\$318,240	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,955,495	\$1,637,255	\$0	\$318,240	\$0	0.0
OADC R4-OCR R1-ORPC R1 Contractor rate increase	117,329	98,235	0	19,094	0	0.0
ORPC R2/R3/R4 Staff and technical requests	(1,133,913)	(796,579)	0	(337,334)	0	0.0

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$938,911	\$938,911	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$1,016,584)	(\$698,344)	\$0	(\$318,240)	\$0	0.0
Percentage Change	(52.0%)	(42.7%)	0.0%	(100.0%)	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$938,911	\$938,911	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

GRANTS

This is a new line item that reflects federal grant funds that the ORPC receives from the Department of Human Services. Similar to the Title IV-E funds that are reflected in the Office of the Child’s Representative budget, this amount includes an “I” notation indicating that it is not an appropriation and is reflected for informational purposes only.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests a continuation appropriation of \$31,095 reappropriated funds.

RECOMMENDATION: Staff recommends the requested appropriation.

(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

The Office of the Child Protection Ombudsman was created in 2010 to serve as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system. The Office operated as a non-profit organization under contract with the Department of Human Services. Senate Bill 15-204 established the Office of the Child Protection Ombudsman (OCPO) in the Judicial Department as an independent agency, and it established the Child Protection Ombudsman Board to oversee personnel decisions, operating policies and procedures, and budget.

The OCPO employs 8.0 FTE, and is located in the Ralph L. Carr Colorado Judicial Center. The associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the OCPO, including: accounting; accounts payable; preparation of budget schedules and decision items; expenditure monitoring; fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. The OCPO is supported entirely by General Fund appropriations.

OFFICE OF THE CHILD PROTECTION OMBUDSMAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$1,071,053	\$1,071,053	\$0	\$0	\$0	9.0
Other legislation	90,600	90,600	0	0	0	0.9
TOTAL	\$1,161,653	\$1,161,653	\$0	\$0	\$0	9.9
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,161,653	\$1,161,653	\$0	\$0	\$0	9.9
Centrally appropriated line items	19,279	19,279	0	0	0	0.0
Annualize prior year budget actions	4,528	4,528	0	0	0	0.0
Annualize prior year legislation	504	504	0	0	0	0.1
OCPO R1-R7 Compensation range and salary adjustments	84,147	84,147	0	0	0	0.0
OCPO R8/R9/BA1 Staff and operating requests	85,834	85,834	0	0	0	0.5
TOTAL	\$1,355,945	\$1,355,945	\$0	\$0	\$0	10.5
INCREASE/(DECREASE)	\$194,292	\$194,292	\$0	\$0	\$0	0.6
Percentage Change	16.7%	16.7%	0.0%	0.0%	0.0%	6.1%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,855	\$1,855	\$0	\$0	\$0	0.0

DECISION ITEMS – OFFICE OF THE CHILD PROTECTION OMBUDSMAN**→ OCPO R1-R7 COMPENSATION RANGE AND SALARY ADJUSTMENTS**

REQUEST: The Office of the Child Protection Ombudsman requests \$78,115 General Fund for compensation plan salary range and salary adjustments outlined in the following table.

OCPO R1-R7 COMPENSATION PLAN RANGE AND SALARY ADJUSTMENTS		
AGENCY REQUEST	GENERAL FUND	FTE
OCPO R1 Director of Client Services	\$15,114	0.0
OCPO R2 Senior Analyst	8,002	0.0
OCPO R3 Client Services Analyst	14,208	0.0
OCPO R4 Director of Administrative Services	14,194	0.0
OCPO R5 Director of Legislative Services	5,922	0.0
OCPO R6 Deputy Ombudsman	9,006	0.0
OCPO R7 Child Protection Ombudsman	11,669	0.0
Total	\$78,115	0.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

OCPO R1-R7 COMPENSATION PLAN RANGE AND SALARY ADJUSTMENTS - JBC STAFF RECOMMENDATIONS				
AGENCY REQUEST	FY 2022-23 RECOMMENDATION		OUT-YEAR ANNUALIZATIONS	
	GENERAL FUND	FTE	GENERAL FUND	FTE
OCPO R1 Director of Client Services	\$15,142	0.0	\$15,142	0.0
OCPO R2 Senior Analyst	8,016	0.0	8,016	0.0
OCPO R3 Client Services Analyst	14,234	0.0	14,234	0.0
OCPO R4 Director of Administrative Services	14,220	0.0	14,220	0.0
OCPO R5 Director of Legislative Services	11,823	0.0	11,823	0.0
OCPO R6 Deputy Ombudsman	9,022	0.0	9,022	0.0
OCPO R7 Child Protection Ombudsman	11,690	0.0	11,690	0.0
Total	\$84,147	0.0	\$84,147	0.0

ANALYSIS

COMPENSATION PLAN BACKGROUND

As of July 2021, the OCPO has adopted a compensation plan that establishes alignment with standard Judicial Department occupational classifications. This group of requests reflects the requested salary amounts to align current staff within the established salary ranges in the compensation plan; each position is submitted as its own request item. Staff will present all position requests in comprehensive analysis tables for comparison; but will address the R1-R5 requests as a group and then address the R6 and R7 requests separately.

COMPENSATION PLAN ANALYSIS

The following table outlines the requested salary adjustments.

OCPO COMPENSATION PLAN ANALYSIS - TABLE 1					
CLASS TITLE	FTE	CURRENT SALARY	SALARY INCREASE	PERCENTAGE INCREASE	REQUESTED SALARY
OCPO R1 Director of Client Services	1.0	\$77,713	\$12,287	15.8%	\$90,000
OCPO R2 Senior Analyst	1.0	68,495	6,505	9.5%	75,000
OCPO R3 Client Services Analyst	3.0	198,450	11,550	5.8%	210,000
OCPO R4 Director of Administrative Services	1.0	68,461	11,539	16.9%	80,000
OCPO R5 Director of Legislative Services	1.0	75,186	9,594	12.8%	84,780
OCPO R6 Deputy Ombudsman	1.0	104,583	7,321	7.0%	111,904
OCPO R7 Child Protection Ombudsman	1.0	135,521	9,486	7.0%	145,007
Total	9.0	\$728,410	\$68,282	9.4%	\$796,692

As outlined in the table, requested increases range from 5.8 to 16.9 percent.

Additionally, there is one technical adjustment to the request as originally submitted. The R5 position was submitted as a total request of \$5,922. However, JBC staff calculated that the increase requested for that position would provide an increase that would leave the position at 15 percent below the minimum of the range. This request was not consistent with establishing this position within the adopted compensation plan for the Office. The OCPO updated their request to request an increase to the minimum of the range. The numbers that follow reflect that adjustment.

The following table outlines the classification alignment for these positions, as well as the current and requested salary position within the salary range: minimum is represented as 0.0 percent and maximum as 100.0 percent.

CLASS TITLE	ALIGNED CLASS	SALARY RANGE			POSITION IN RANGE	
		MIN	MID	MAX	CURRENT	REQUESTED
OCPO R1 Director of Client Services	Probation Services Analyst III	\$80,376	\$95,790	\$111,204	-8.6%	31.2%
OCPO R2 Senior Analyst	Probation Services Analyst II	68,316	81,414	94,512	0.7%	25.5%
OCPO R3 Client Services Analyst	Probation Services Analyst II	68,316	81,414	94,512	-8.3%	6.4%
OCPO R4 Director of Administrative Services	Executive Assistant to SCA	68,316	81,414	94,512	0.6%	44.6%
OCPO R5 Director of Legislative Services	Legislative Liaison	84,780	101,040	117,300	-29.5%	0.0%
OCPO R6 Deputy Ombudsman	Probation Services Analyst IV	92,748	110,496	128,244	33.3%	54.0%
OCPO R7 Child Protection Ombudsman	n/a (range rec'd by SCAO)	120,966	140,143	159,320	37.9%	62.7%

R1-R5 RECOMMENDATIONS

As outlined in the table, of the first five positions, three are currently below the range and two are at about minimum. The requested increases move two of the positions to at are just above minimum (R3 and R5); two positions to about the first quartile (R1 and R2); and one position to just under midpoint (R4).

In order to provide proper alignment of the OCPO positions with the identified classes in the compensation plan, staff recommends that the Committee approve the R1-R5 requests.

Although three of these requests include salary adjustments that place the positions at the first quartile up to midpoint, these particular adjustments are representative of internal, compression pay adjustments across the organization. While the greatest increase is assigned to the R4 Director of Administrative Services position, that provides an increase from just above range minimum to just under midpoint, staff cannot provide the Committee with analysis to show that another adjustment is more appropriate. In many budget requests this year, staffing is requested at salary range midpoint. This adjustment, being the greatest of the first five adjustments, remains below midpoint.

R6 & R7 RECOMMENDATIONS

As outlined in table 2, the R6 Deputy Ombudsman and R7 Ombudsman positions currently reside in the second quartile at 33.3 and 37.9 percent above minimum, respectively. Each of these positions is requested at a 7.0 percent increase. The requested increases move these positions to the third quartile at 54.0 and 62.7 percent above minimum, respectively. The R6 requested salary of \$111,904 is \$1,408 over midpoint.

The OCPO states that the Deputy Ombudsman position was created shortly after the OCPO began operations as an independent agency in 2016. Since that time, the agency has grown substantially, both in the number of employees and the level of programing administered by the agency. This

growing workload and demand for the agency's services requires the Child Protection Ombudsman to appropriately focus more of her time on external-facing responsibilities, including working with partner agencies and others to establish new programs and promote the role of the agency across the state.

Staff agrees with the OCPO assessment that the Deputy Ombudsman position is responsible for managing much more complexity and a larger organization since it was added in 2016. Additionally, the request places this position's salary at just over midpoint.

In order to provide proper compression-related organizational alignment, staff recommends that the Committee approve the R6 request.

The R7 request is a more difficult request to assess, as this position represents the director of the office. It is difficult for JBC staff to assess whether a salary increase for a director of an independent agency is reasonable. Nevertheless, staff begins with an assumption that the agency oversight board has determined that this is reasonable and should be requested.

As with the Deputy Ombudsman the request is for a 7.0 percent increase. Although this position is not aligned with a specific classification due to its executive leadership position, the State Court Administrator's Office (SCAO) provided the OCPO with an appropriate salary range, as included in table 2, that is based on a survey of comparable positions within state government.

For comparison, staff provides the following table that outlines a list of director positions across the independent agencies, senior management positions in the Courts, and an average and median for 17 senior executive service positions in the Department of Human Services.

DIRECTOR SALARY COMPARISON		
	REQUESTED	OCPO FTE
Child Protection Ombudsman	\$145,007	9.0
INDEPENDENT AGENCIES		
	CURRENT	ORG FTE
Public Defender	186,132	964.6
OADC Director	178,452	16.0
OCR Executive Director	178,452	34.4
Executive Director - ORPC	178,452	13.0
Executive Director of IEC	128,805	1.0
Director - OPG	118,450	7.0
DHS SENIOR EXECUTIVE SERVICE		
SES average (17 positions)	154,555	
SES median (17 positions)	154,500	
COURTS & PROBATION		
Chief Probation Officer I	139,332	
Court Executive I	139,332	
Chief Probation Officer II	151,716	
Court Executive II	151,716	
Chief Probation Officer III	165,504	
Court Executive III	165,504	
Chief Probation Officer IV	178,452	
Court Executive IV	178,452	
Director Court Services	178,452	
Director Financial Services	178,452	
Director Human Resources	178,452	
Director Info Tech Services	178,452	
Director Probation Services	178,452	

DIRECTOR SALARY COMPARISON	
Exec Dir-Judicial Performance	178,452
Judicial Legal Counsel	178,452

As with the R6 request, other than statewide across-the-board increases, the salary for this position has never been increased since 2016. The OCPO states that the Ombudsman provides leadership and responsibility for the following:

- Development of the agency's short and long-term strategic plans (SMART Act);
- Fiscal oversight including development of the agency's annual budget, long-range financial plan and fiscal responsibility and accountability for all funds;
- Board development including recruiting, training, and providing opportunities for engagement;
- Legal oversight of the agency and to ensure the agency is in compliance with state government MOUs, laws, and regulations;
- Oversight of management and line team members; and
- Promotion of the agency statewide so Colorado citizens are aware of the agency and can effectively utilize its services.

Although staff cannot provide the Committee with analysis to show that the requested increase or another adjustment is more appropriate for this position, staff is comfortable recommending an increase for this position in order to provide a consistent compression-related adjustment. On that basis, **staff recommends that the Committee should consider approving R7 as requested and has incorporated the request amount into recommended line item adjustments.**

The following table outlines all staff recommended adjustments for each request.

OCPO R1-R7 SALARY, PERSONAL SERVICES, AND POTS RECOMMENDED ADJUSTMENTS									
POSITION	SALARY INCREASE	PERA/FICA 12.85%	PERSONAL SERVICES	AED 5.0%	SAED 5.0%	STD 0.16%	PFMLI 0.23%	POTS SUBTOTAL	TOTAL INCREASE
OCPO R1 Director of Client Services	\$12,287	\$1,579	\$13,866	\$614	\$614	\$20	\$28	\$1,276	\$15,142
OCPO R2 Senior Analyst	6,505	836	7,341	325	325	10	15	676	8,016
OCPO R3 Client Services Analyst	11,550	1,484	13,034	577	577	18	26	1,199	14,234
OCPO R4 Director of Administrative Services	11,539	1,483	13,022	577	577	18	26	1,198	14,220
OCPO R5 Director of Legislative Services	9,594	1,233	10,827	480	480	15	22	996	11,823
OCPO R6 Deputy Ombudsman	7,321	941	8,262	366	366	12	16	760	9,022
OCPO R7 Child Protection Ombudsman	9,486	1,219	10,705	474	474	15	21	985	11,690
Total			\$77,056	\$3,414	\$3,414	\$109	\$154	\$7,091	\$84,147

➔ OCPO R8/R9/BA1 STAFF AND OPERATING REQUESTS

REQUEST: The Office of the Child Protection Ombudsman requests \$93,721 General Fund and 0.5 FTE for staff and operating requests outlined in the following table.

OCPO R8, R9, BA1 STAFF AND OPERATING REQUESTS		
AGENCY REQUEST	GENERAL FUND	FTE
OCPO R8 Public Information Coordinator	\$60,421	0.5
OCPO R9 Office infrastructure	9,300	0.0
OCPO BA1 Critical incident review tool	24,000	0.0
Total	\$93,721	0.5

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

OCPO R8, R9, BA1 STAFF AND OPERATING REQUESTS - JBC STAFF RECOMMENDATIONS				
AGENCY REQUEST	FY 2022-23 RECOMMENDATION		OUT-YEAR ANNUALIZATIONS	
	GENERAL FUND	FTE	GENERAL FUND	FTE
OCPO R8 Public Information Coordinator	\$52,534	0.5	\$50,471	0.5
OCPO R9 Office infrastructure	9,300	0.0	0	0.0
OCPO BA1 Critical incident review tool	24,000	0.0	24,000	0.0
Total	\$85,834	0.5	\$74,471	0.5

ANALYSIS

R8 PUBLIC INFORMATION COORDINATOR includes \$60,421 General Fund and 0.5 FTE for a part-time Public Information Coordinator.

In FY 2020-21, the OCPO requested \$42,000 General Fund to contract with a communications firm to administer the Office's social media accounts, develop and distribute quarterly newsletters, develop intra-agency awareness campaigns to promote OCPO services, and increase community outreach through the development of agency materials. The Committee initially approved that request. The request was subsequently eliminated from funding due to the pandemic-related revenue forecast that budget cycle.

The OCPO states that it has experienced an increase in cases since the beginning of the pandemic, resulting in an increase in the number of reports and briefs produced by the Office. Currently the Deputy Ombudsman and Director of Legislative Affairs handle the majority of communications work for the Office.

The OCPO states that current workloads for implementing successful outreach campaigns requires a substantial amount of time and handling these demands is unsustainable. The OCPO will have to continue utilizing the Deputy Ombudsman to complete outreach and communication duties slowing the release of information and causing delays in other tasks.

Staff recommends that the Committee approve the request. It is staff's opinion that an increase in staff resources for this purpose may not be absolutely necessary, relative to how the Office is currently handling this task. However, staff does believe that the Office will gain a significant increase in operating efficiencies – in the communications area as well as in organizational management provided by the Deputy Ombudsman. Given that the OCPO role to receive and investigate complaints about and inform on systemic changes on the child protection system is very much intertwined with its need to communicate publicly, staff agrees that this request is well-positioned for significantly improving the delivery of OCPO services.

This position is aligned to a Public Information Coordinator classification in the Judicial Branch with a salary range of \$5,693 to \$7,876 (\$68,316 to \$94,512 annually). The appropriation is requested at the minimum of the range.

Staff recommends that the Committee approve the R8 request as outlined in the following table, including the following out-year annualizations.

R8 PUBLIC INFORMATION COORDINATOR						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - PI Coordinator	0.5	\$41,384	0.5	\$36,427	0.5	\$39,739
POTS		13,727		9,232		10,057
Operating Expense		950		675		675
Capital Outlay		4,360		6,200		0
R8 Total	0.5	\$60,421	0.5	\$52,534	0.5	\$50,471

R9 OFFICE INFRASTRUCTURE includes \$9,300 General Fund for four benching workstations to accommodate Office staff.

The OCPO has offices located in the Ralph Carr Judicial Center. The OCPO has nine office spaces for 10 FTE and no room to build additional offices. The OCPO has explored several options to accommodate growth and has determined that it would be most cost effective to purchase four "benching workstations" to place in the center of its suite. This would be an affordable way to maximize space in the office while providing accommodations for up to three additional employees. The OCPO has received a quote of \$9,300 for this project.

Staff recommends that the Committee approve this request.

BA1 CRITICAL INCIDENT REVIEW TOOL includes \$24,000 General Fund for an annual, ongoing contract for access to the Systems Learning Mapping Tool (SLMT) cloud-based software system from Collaborative Safety, Inc. The SLMT will allow the OCPO to review critical incidents, provide technical support for the use of the tool, and access to and storage in a database that measures trends and outcomes.

House Bill 21-1272, *Supporting the Child Protection Ombudsman*, amended statute to not only ensure the OCPO has clear authority to review critical incident cases and ensure access to crucial information – such as coroner reports, health records and law enforcement reports. Pursuant to Section 19-3.3-103(2), C.R.S., the OCPO has a duty to educate the public concerning issues impacting the child protection system, including recommendations to reduce and prevent child fatalities caused by abuse and neglect. To effectively carry out this charge, the OCPO recognized the need to implement a review process. To develop such a process, the OCPO reviewed practices of child-serving ombudsman offices across the country that are currently performing independent reviews of child fatalities caused by abuse and/or neglect. Approximately 80 percent of child-serving ombudsman offices across the country are not only charged with handing such reviews, they are also statutorily able to access child fatality information.

The OCPO found that a growing number of child-serving ombudsman offices are implementing Safety Sciences in their reviews of child maltreatment deaths. Safety Science is an evidence-based approach to understanding everyday work, performance outcomes, critical incidents and organizational culture within complex systems. Some of the outcomes of this approach include the establishment of an atmosphere where everyone feels safe to discuss challenges and vulnerabilities which enhances shared accountability among systems partners. Additionally, it creates a system

dedicated to learning and improving which leads to increased staff engagement, morale and retention as well as overall improved outcomes for children and families.

Collaborative Safety has worked with several states and agencies, including the State of New Hampshire Office of the Child Advocate (New Hampshire's equivalent to the CPO), to implement Safety Science in child maltreatment fatality reviews. There are currently 24 jurisdictions participating in Safety Science-derived quality improvement activities, including applying a standardized platform for critical incident reviews and sharing data. Collaborative Safety has developed SLMTs for these agencies, which are derived from systems mapping techniques commonly used in industries such as aviation, healthcare and nuclear power. The goal of Systems Learning Mapping is to understand decision making within the larger child welfare system and identify systemic barriers to everyday work that can be addressed through system wide change and improvement.

In late September 2021, the Casey Family Foundation contracted with Collaborative Safety to provide training to the OCPO and other stakeholder partners on Safety Science. In October and November of 2021, the OCPO participated in 40 hours of training on how to apply Safety Science to the review of child fatalities, near fatalities and egregious incidents.

Collaborative Safety provided:

- Training to OCPO staff and stakeholder partners – including county child welfare departments and the Colorado Department of Human Services – regarding the foundational principles of Safety Science.
- Training to OCPO staff to utilize the Systems Level Mapping, including how to capture system resilience, support shared learning and encourage discussions of the "good".
- A unique SLMT and database for the CPO to utilize Systems Level Mapping in its review of critical incidents.

The OCPO ended its training in November 2021 and at that time was provided the cost for ongoing access to the SLMT system and support. The OCPO requested but was denied additional funding from the Casey Family Foundation for ongoing expenses for SLMT. The OCPO states that it has completed a substantial amount of outreach and education to its stakeholder partners regarding Safety Science and SLMT and there is overwhelming support from stakeholder partners for the CPO to utilize this tool. It is anticipated that by the end of the current fiscal year, Collaborative Safety will have developed a unique program and database – collectively the SLMT – for the OCPO to utilize in its critical incident reviews. Currently, the OCPO has four child fatalities that need to be reviewed and one near fatality.

Staff recommends that the Committee approve this request.

LINE ITEM DETAIL – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

PROGRAM COSTS

This is a consolidated line item that includes funding for OCPO operations, including personal services, employee benefits, and operating expenses. It does not include legal expenses.

STATUTORY AUTHORITY: Section 19-3.3-101 et seq., C.R.S.

REQUEST: The OCPO requests \$1,357,800 General Fund and 10.5 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD PROTECTION OMBUDSMAN, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,071,053	\$1,071,053	\$0	\$0	\$0	9.0
Other legislation	\$90,600	\$90,600	\$0	\$0	\$0	0.9
TOTAL	\$1,161,653	\$1,161,653	\$0	\$0	\$0	9.9
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,161,653	\$1,161,653	\$0	\$0	\$0	9.9
OCPO R8/R9/BA1 Staff and operating requests	85,834	85,834	0	0	0	0.5
OCPO R1-R7 Compensation range and salary adjustments	84,147	84,147	0	0	0	0.0
Centrally appropriated line items	19,279	19,279	0	0	0	0.0
Annualize prior year budget actions	4,528	4,528	0	0	0	0.0
Annualize prior year legislation	504	504	0	0	0	0.1
TOTAL	\$1,355,945	\$1,355,945	\$0	\$0	\$0	10.5
INCREASE/(DECREASE)	\$194,292	\$194,292	\$0	\$0	\$0	0.6
Percentage Change	16.7%	16.7%	0.0%	0.0%	0.0%	6.1%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,855	\$1,855	\$0	\$0	\$0	0.0

(10) INDEPENDENT ETHICS COMMISSION

The Independent Ethics Commission (IEC) is a five-member body established by a constitutional amendment that voters approved in 2006. The IEC gives advice and guidance on ethics-related matters arising under the Colorado Constitution and any other standards of conduct or reporting requirements provided by law concerning public officers, members of the General Assembly, local government officials, or government employees. The IEC hears complaints, issues findings, assesses penalties and sanctions where appropriate, and issues advisory opinions. The members of the IEC are appointed by the Governor, the Chief Justice of the Supreme Court, the Senate, the House of Representatives, and the IEC itself. Commission members serve without compensation but are reimbursed for actual and necessary expenses incurred.

The IEC is an independent agency within the Judicial Branch with one employee. It is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the IEC, including: accounting; accounts payable; preparation of budget schedules and decision items; expenditure monitoring; procurement; fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; recruitment; and information technology support (e-mail, desktop support, and server room). The IEC is supported entirely by General Fund appropriations.

INDEPENDENT ETHICS COMMISSION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$193,231	\$193,231	\$0	\$0	\$0	1.0
TOTAL	\$193,231	\$193,231	\$0	\$0	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$193,231	\$193,231	\$0	\$0	\$0	1.0
Centrally appropriated line items	5,101	5,101	0	0	0	0.0
Annualize prior year budget actions	0	0	0	0	0	0.0
Annualize prior year legislation	644	644	0	0	0	0.0
IEC R1 IEC staff	61,389	61,389	0	0	0	0.5
IEC Staff-initiated IEC FY20-21 restorations	13,513	13,513	0	0	0	0.0
TOTAL	\$273,878	\$273,878	\$0	\$0	\$0	1.5
INCREASE/(DECREASE)	\$80,647	\$80,647	\$0	\$0	\$0	0.5
Percentage Change	41.7%	41.7%	0.0%	0.0%	0.0%	50.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$10,878)	(\$10,878)	\$0	\$0	\$0	0.0

DECISION ITEMS – INDEPENDENT ETHICS COMMISSION

→ IEC R1 IEC STAFF

REQUEST: The Independent Ethics Commission (IEC) requests an increase of \$64,024 General Fund and 0.5 FTE for a half-time IEC staff position to primarily provide investigatory functions, and secondarily handle outreach and training and provide administrative coverage for the IEC.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$61,389 General Fund and 0.5 FTE for FY 2022-23 and an annualization of \$60,127 General Fund and 0.5 FTE for years thereafter.

ANALYSIS

The IEC provided data that shows annual complaint volume has increased from four in 2008 to 80 in 2020. Until about 2013, complaints averaged under 10 per year. Since 2014, complaints have averaged about 40 per year through 2020.

The IEC states that it expects complaint volume to increase due to the IEC's increased public visibility after processing recent high-profile complaints and due to the increasing polarization in the national political environment. The IEC anticipates growing delays for complainants and respondents before cases can be resolved, likely leading to increases in litigant costs. The IEC also anticipates that the increasing volume of complaints will adversely affect other work, such as increased time to issue advisory opinions and letter rulings and decreased ability for outreach and training.

The IEC also provided a comprehensive multi-state survey that includes data on 52 ethics commissions. Colorado is one of five states with one or fewer ethics commission staff. Neighboring and regional states with ethics commissions include Kansas with eight staff, Montana with seven staff, Nebraska with eight staff, Nevada with six staff, New Mexico with five staff, Oklahoma with seven staff, Oregon with nine staff, Texas with 35 staff, and Wyoming with 4 staff. States with similar populations include Maryland with 15 staff across two ethics commissions, Wisconsin with eight staff, Minnesota with nine staff, and South Carolina with 17 staff. Excluding those states with staff size greater than 10, across the other states listed, the average is approximately seven staff.

The IEC states that this half-time position is anticipated to fill investigatory, outreach and training, and administrative staff coverage needs of the IEC, with the investigatory function being the primary focus. The investigatory role of this position will be expected to increase the capacity to conduct comprehensive and quality investigations. In addition to investigating complaints, this position will also serve as the investigator for advisory opinion and letter ruling requests.

That expansion of the IEC's investigative role will enhance the advisory opinion and letter ruling process and result in higher quality decisions by ensuring that the IEC has all relevant information before making a decision. Currently, the IEC relies primarily on the requestor to provide information regarding the request. The IEC expects that the new position will free up the executive director to more fully focus on the day-to-day needs of the IEC, case management, and the development and implementation of a robust outreach and training program for state and local governments.

The addition of investigatory resources will help ensure the continuing prompt completion of investigations so that complainants and respondents can obtain a timely resolution to complaint cases; and so that requestors of advisory opinions and letter rulings can receive judicious and timely responses from the IEC.

The IEC states that these additional resources have a clear connection to the IEC’s strategic plan, which has for years emphasized the timely completion of complaint cases (including investigations), advisory opinions, letter rulings, and the importance of training and outreach. The measurable goals to be advanced are the timing goals (number of days to complaint resolution) and training goals (number of individuals trained) referenced in the IEC’s strategic plan.

Staff recommends that the Committee approve the request. It is staff's opinion that an increase in staff resources for the purposes cited is necessary. Staff is concerned that perhaps the IEC might be better served with a full time staff position. However, staff is willing to accept the IEC assessment of its staff needs at this time. Staff agrees that the additional staff resources will significantly improve the IEC's operational effectiveness.

This position is aligned to a Criminal Investigator II classification in the executive branch with a salary range of \$6,253 to \$9,300 (\$75,036 to \$111,600 annually). The appropriation is requested at the minimum plus 12 percent, or \$7,000 monthly, in order to provide the IEC with some room to negotiate salary for a preferred candidate.

Due to the significantly independent and high-impact nature of this half-time position, staff recommends appropriating at the requested above-minimum salary. **Staff recommends that the Committee approve the R1 request as outlined in the following table, including the following out-year annualizations.**

R1 IEC STAFFING						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Criminal Investigator II	0.5	\$43,447	0.5	\$44,790	0.5	\$48,862
POTS		13,954		9,724		10,590
Operating Expense		950		675		675
Capital Outlay		5,673		6,200		0
R1 Total	0.5	\$64,024	0.5	\$61,389	0.5	\$60,127

→ STAFF-INITIATED IEC FY20-21 RESTORATIONS

RECOMMENDATION: Staff recommends that the Committee approve a restoration of \$13,513 General Fund for reductions implemented in FY 2020-21 as follow:

- One-time (non-base) General Fund reduction taken in Health, Life, and Dental in lieu of 5.0 percent Personal Services reduction: \$3,513 General Fund
- IEC reduction for prior reversions: \$10,000 General Fund

ANALYSIS

Although this was not requested by the Independent Ethics Commission, the IEC supports this staff-initiated recommendation.

The one-time reduction taken in Health, Life, and Dental and equivalent to a 5.0 percent personal services reduction was intended to be a one-time reduction. This item should have been restored in FY 2021-22. Staff nevertheless recommends that this restoration be addressed for FY 2022-23.

Additionally, a staff-initiated recommendation to increase General Fund savings in FY 2020-21 led to the Committee action to reduce the IEC's General Fund appropriation by \$10,000 based on prior year reversions. The recommendation appears to have been intended as a one-time budget savings. Additionally, the IEC states that this identified "historical reversion" amount was annually intended by IEC staff to fund additional contract investigations as necessary, but was only spent in years, when necessary up to the amount necessary. Staff recommends that this reduction be restored.

LINE ITEM DETAIL – INDEPENDENT ETHICS COMMISSION

PROGRAM COSTS

This is a consolidated line item that includes funding for the 1.0 FTE that supports the Commission, including personal services, employee benefits, and operating expenses. Legal expenses are appropriated separately.

STATUTORY AUTHORITY: Article XXIX of the State Constitution and Section 24-18.5-101 *et seq.*, C.R.S.

REQUEST: The IEC requests a total of \$263,000 General Fund and 1.5 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

INDEPENDENT ETHICS COMMISSION, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$193,231	\$193,231	\$0	\$0	\$0	1.0
TOTAL	\$193,231	\$193,231	\$0	\$0	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$193,231	\$193,231	\$0	\$0	\$0	1.0
IEC R1 IEC staff	61,389	61,389	0	0	0	0.5
IEC Staff-initiated IEC FY20-21 restorations	13,513	13,513	0	0	0	0.0
Centrally appropriated line items	5,101	5,101	0	0	0	0.0
Annualize prior year legislation	644	644	0	0	0	0.0
Annualize prior year budget actions	0	0	0	0	0	0.0
TOTAL	\$273,878	\$273,878	\$0	\$0	\$0	1.5
INCREASE/(DECREASE)	\$80,647	\$80,647	\$0	\$0	\$0	0.5
Percentage Change	41.7%	41.7%	0.0%	0.0%	0.0%	50.0%
FY 2022-23 EXECUTIVE REQUEST	\$263,000	\$263,000	\$0	\$0	\$0	1.5
Request Above/(Below) Recommendation	(\$10,878)	(\$10,878)	\$0	\$0	\$0	0.0

(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship (OPG), which is overseen by the Public Guardianship Commission, was created by H.B. 17-1087 and subsequently modified by H.B. 19-1045. The provisions governing the program, which are contained in Article 94 or Title 13, C.R.S., establish a pilot program in Denver to provide legal guardianship services for indigent and incapacitated adults who:

- Have no responsible family members or friends who are available and appropriate to serve as a guardian;
- Lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding; and
- Are not subject to a petition for appointment of a guardian filed by a county adult protective services unit or otherwise authorized by law.

The Office is funded by an approximately 50-50 mixture of General Fund and cash funds, with the cash funds deriving from increased probate fees that were imposed by H.B. 19-1045.

The Office is now fully staffed; its staff assistant and four public guardians have been attending training since the end of January. The OPG’s case management system and web site are anticipated to be active in March and the Office expects to begin accepting clients sometime in March.

Current statute requires the pilot program to be evaluated by the General Assembly during the 2023 session based in part on a detailed report that the Office must submit by January 1, 2023. At that time the General Assembly will decide whether the pilot should be continued, discontinued, or expanded.

If the General Assembly decides not to renew the OPG in 2023, the wind-down process may be lengthy. Based on the Office’s projected caseload, the OPG will have 80 wards at that time and those wards cannot be abandon; the OPG will need to continue operating until substitute guardians can be found, a process that could take months. The program will continue to need revenue and appropriations during the wind-down period.

OFFICE OF PUBLIC GUARDIANSHIP						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$841,253	\$0	\$751,569	\$89,684	\$0	7.0
TOTAL	\$841,253	\$0	\$751,569	\$89,684	\$0	7.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$841,253	\$0	\$751,569	\$89,684	\$0	7.0
Centrally appropriated line items	21,261	0	18,872	2,389	0	0.0
Annualize prior year budget actions	0	0	0	0	0	0.0
Annualize prior year legislation	2,372	0	2,072	300	0	0.0
Indirect cost assessment	14,382	0	14,382	0	0	0.0
OPG R1/BA1 staff requests	769,922	0	663,346	106,576	0	7.0

OFFICE OF PUBLIC GUARDIANSHIP						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$1,649,190	\$0	\$1,450,241	\$198,949	\$0	14.0
INCREASE/(DECREASE)	\$807,937	\$0	\$698,672	\$109,265	\$0	7.0
Percentage Change	96.0%	0.0%	93.0%	121.8%	0.0%	100.0%
FY 2022-23 EXECUTIVE REQUEST	\$1,589,073	\$0	\$1,407,016	\$182,057	\$0	14.0
Request Above/(Below) Recommendation	(\$60,117)	\$0	(\$43,225)	(\$16,892)	\$0	0.0

DECISION ITEMS – OFFICE OF PUBLIC GUARDIANSHIP

→ OPG R1/BA1 STAFF REQUESTS

REQUEST: The Office of Public Guardianship (OPG) requests an increase of \$709,805 total funds, including \$620,121 cash funds from the OPG Cash Fund and \$89,684 reappropriated funds from a transfer from the Office of Behavioral Health Momentum Program in the Department of Human Services, for staff requests outlined in the following table.

OPG STAFF REQUESTS				
AGENCY REQUEST	CASH FUNDS	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE
OPG R1 staff request	\$456,326	\$0	\$456,326	4.0
OPG BA1 staff request	163,795	89,684	253,479	3.0
Total	\$620,121	\$89,684	\$709,805	7.0

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the following table.

OPG STAFF REQUESTS - JBC STAFF RECOMMENDATIONS								
AGENCY REQUEST	FY 2022-23 RECOMMENDATION				OUT-YEAR ANNUALIZATIONS			
	CASH FUNDS	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE	CASH FUNDS	REAPPROPRIATED FUNDS	TOTAL FUNDS	FTE
OPG R1 staff request	\$474,841	\$0	\$474,841	4.0	\$451,084	\$0	\$451,084	4.0
OPG BA1 staff request	188,505	106,576	295,081	3.0	176,458	100,614	277,072	3.0
Total	\$663,346	\$106,576	\$769,922	7.0	\$627,542	\$100,614	\$728,156	7.0

ANALYSIS

R1 STAFF REQUEST includes \$456,326 cash funds from the OPG Cash Fund and 4.0 FTE for a deputy director and three public guardian positions.

BACKGROUND

The OPG was authorized by H.B. 17-1087, *Office of Public Guardianship Pilot Program*, as a pilot program to serve clients in the 2nd, 7th, and 16th Judicial Districts – Denver, Southwest Colorado, and Southeast Colorado – and gather data about the State’s unmet need for public guardianship services for incapacitated and indigent adults. House Bill 19-1045, *Office of Public Guardianship Operation Conditions*, provided a cash funded revenue source from probate fees and required that the Office begin operations in the 2nd Judicial District (Denver) but did not repeal the original scope of judicial districts to be served.

Currently, the Denver program at capacity for current public guardian staff, serving nearly 80 clients with four guardian staff. The Office also includes one director and one staff assistant. With the request for three additional public guardians, OPG would expand the program to the 7th and 16th Judicial Districts as included in and still required by statute:

13-94-105. Office of public guardianship - duties - report. (1) *The director shall establish, develop, and administer the office to serve indigent and incapacitated adults in need of guardianship in the second, seventh, and sixteenth judicial districts and shall coordinate its efforts with county departments of human services and county departments of social services within those districts. The director shall administer the office in accordance with the memorandum of understanding described in section 13-94-104 (4). Notwithstanding any other provision of this section, upon receiving funding sufficient to begin operations in the second judicial district, the office must begin operations in that judicial district prior to operating in any other district.*

Expanding services to these two districts may enable the Office to gather additional data from a more diverse client population and thereby augment and enrich the information collected for the program evaluation required by Section 13-94-105(4), C.R.S., which is due to the General Assembly in January 2023. To make this expansion possible, the Office is also requesting a deputy director who will assist the executive director in fulfilling all statutory requirements and supervise program expansion into the two additional districts.

The OPG states that additional FTE will also allow the OPG to create a Guardianship Academy. This collaborative program would educate volunteers in several key areas including guardianship standards, best practices, least restrictive options, advance planning, successor guardianship planning, and supported decision-making options. A central goal of the Guardianship Academy is to establish a cadre of volunteer guardians/powers of attorney/representative payees/supports to serve as additional community-based resources for indigent and incapacitated adults.

Generally, the OPG serves clients who do not have available family, friends, or existing services to help care for them and lack the funds to pay for guardianship services.

OPG CASH FUND

House Bill 19-1045, *Office of Public Guardianship Operation Conditions*, established in Section 15-12-623 (1)(c), C.R.S., that \$19 of the \$108 probate docket fee be deposited in the OPG Cash Fund.

The following table outlines the OPG Cash Fund balance analysis.

OPG CASH FUND ANALYSIS					
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
Beginning Balance	\$1,712	\$845,723	\$1,269,229	\$1,717,660	\$1,617,220
Revenue					
probate docket fees	1,065,585	1,117,987	1,200,000	1,200,000	1,200,000
UC-Health grant				106,576	100,614
Program Costs (base)	(221,574)	(694,481)	(751,569)	(786,895)	(786,895)
R1 Staff request				(456,326)	(456,326)
BA1 Staff request				(163,795)	(163,795)
Program base + requests subtotal				(1,407,016)	(1,407,016)
End Balance	\$845,723	\$1,269,229	\$1,717,660	1,617,220	1,510,818

As outlined in the table, based on projected revenue of \$1.3 million per year and total cash funded program expenses of \$1.4 million per year, the OPG cash fund can sustain the requested expenditures from both request items – staff estimates for up to about 17 years (at the estimated starting balance of \$1.7 million).

STAFF OBSERVATIONS

Based on the requirements set forth in statute to serve the three specified judicial districts, staff recommends that the Committee approve the request.

Staff is aware that there are concerns expressed generally regarding the OPG, that appear to have a foundation in mistrust of legal guardianship generally. The larger, inchoate concern expressed is that guardians take advantage of their clients. In the case of public guardianship, these are clients who lack resources and family or friends to engage in assistance or function in a supervisory capacity for these individuals. As previously stated, the OPG serves clients who do not have available family, friends, or existing services to help care for them and lack the funds to pay for guardianship services. The OPG does not earn revenue from the clients they serve and does not seek access or legal claim to the generally meager client assets that a client may possess.

There have also been concerns expressed regarding OPG responsiveness to the needs of community health centers. Staff is not in a position to sort out relationship disagreements between an agency and community partners. However, having assessed the issues that were communicated, staff is not concerned that there are critical organizational failures that would otherwise increase the risk or liability of the State in the function and operations of the OPG.

Additionally, it is staff's opinion that much of the concern expressed is related to a desire and need for more resources for community health center patients who would be well served with a public guardian. On that basis, staff recommends that the Committee approve the additional guardians requested – in the R1 request as well as in the BA1 request – in order to provide greater capacity community-wide.

Finally, if there are organizational lapses or managerial issues that surround the operation of the OPG, it is more likely a function of a lack of executive management resources within the Office. Staff believes the OPG would be well served to add an additional executive management team member to build organizational strength and trust among community partners. On that basis, staff recommends that the Committee approve the request for a deputy director.

While the OPG is still situated as a pilot program for at least one more year, there is an aspect of risk in building staff resources for a program which may not be renewed. However, it is staff's opinion that the OPG will better serve its current statutory purpose with these staff resources. It is staff's opinion that an assessment of the OPG pilot would have been better served by having more than one year for these additional resources. However, staff does not believe that that sense of disappointment or lost opportunity should be used as a reason to delay OPG access to these additional staff resources at this time.

The deputy director position is aligned to a Deputy Court Executive classification in the Judicial Branch with a salary range of \$8,089 to \$11,253 (\$97,068 to \$135,036 annually). The appropriation is requested at the salary range minimum plus 10 percent, or \$8,898 monthly, in order to provide the OPG with some room to negotiate salary for a preferred candidate.

Due to the executive level of leadership for this position, staff recommends appropriating at the requested above-minimum salary.

The Public Guardian position is an established OPG classification with a salary range of \$5,714 to \$7,714 (\$68,568 to \$92,568 annually). The appropriation is requested at the minimum of the range.

Staff recommends that the Committee approve the R1 request as outlined in the following table, including the following out-year annualizations.

R1 OPG STAFF						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services - Dep Director	1.0	\$120,496	1.0	\$124,222	1.0	\$124,222
Personal Services - Public Guardian	3.0	236,985	3.0	239,313	3.0	239,313
POTS		72,353		81,106		82,149
Operating Expense		3,800		5,400		5,400
Capital Outlay		22,692		24,800		0
R1 Total	4.0	\$456,326	4.0	\$474,841	4.0	\$451,084

BA1 STAFF REQUEST includes \$253,479 total funds, including \$163,795 cash funds from the OPG Cash Fund and \$89,684 reappropriated funds from a transfer from the Office of Behavioral Health Momentum Program in the Department of Human Services and 3.0 FTE for two public guardian positions and one case management aide position. Although BA1 was submitted on February 14, 2022, staff was made aware of this request conceptually by mid-January.

BACKGROUND

Last year the Joint Budget Committee approved 1.0 FTE and \$89,684 reappropriated funds spending authority to provide a public guardian to clients of the Office of Behavioral Health at the Colorado Mental Health Institute at Fort Logan (CMHIFL). The OPG states that the initial guardian has worked well, and it was recently determined that another dedicated public guardian is needed to keep up with the demands of CMHIFL-Momentum clientele transitioning to the community.

Individuals placed at Fort Logan and at the mental health institute in Pueblo (CMHIP) have complex mental health diagnoses. Once an individual is ready for discharge to a less restrictive environment, the institutes often cannot discharge without a guardian in place. It is the policies of less restrictive environments, such as assisted living facilities or nursing homes, to accept only guardian-represented individuals from the institutes. This limits the institutes' ability to discharge individuals, adding to their waiting list for accepting new individuals. This also limits the ability to discharge to an appropriate level of care, which is not conducive to the success of the individual.

A CMHIFL-Momentum client typically has complex medical and mental health needs. The Colorado OPG uses an internal policy to measure the level of complexity and time necessary to adequately serve a client. Due to the high intensity of the CHMI clients and to provide appropriate and ethical public guardianship services, the additional public guardian will have a similar caseload of 20 clients. Funding for this public guardian position will be provided from a transfer from the Office of Behavioral Health Momentum Program.

The OPG states that because of the successful working relationship between OPG and UC-Health, the UC-Health would like to develop a model guardianship program that could be adapted by other medical providers across the state in collaboration with the OPG. Under this model OPG would provide a dedicated public guardian for eligible UC-Health patients to handle an anticipated caseload of up to 20 clients. Grant funding from UC-Health would be deposited in the OPG Cash Fund and the position would be funded from that source.

The requested case management aide position will support public guardians in the performance of their professional work and provide administrative support. Unlike the guardian positions, which are paid for outside of primary OPG Cash Fund revenue, this position will be paid from primary OPG Cash Fund revenue.

Based on the discussion included for R1, staff recommends that the Committee also approve the BA1 request.

The Public Guardian position is an established OPG classification with a salary range of \$5,714 to \$7,714 (\$68,568 to \$92,568 annually). The appropriation is requested at the minimum of the range.

The case management aide position is aligned to a Program Assistant I classification in the executive branch with a salary range of \$4,092 to \$5,773 (\$49,104 to \$69,276 annually). The appropriation is requested at the minimum of the range.

The request was submitted without a request for Health, Life, and Dental (HLD) in the POTS amount and included a statement that OPG may request HLD as a supplemental. Staff has instead included a standard amount for HLD in the staff recommendation and recommends that all POTS be funded for this request.

Staff recommends that the Committee approve the BA1 request as outlined in the following table, including the following out-year annualizations.

BA1 OPG STAFF						
	FY 2022-23 REQUEST		FY 2022-23 RECOMMENDATION		FY 2023-24 REC. ANNUALIZATION	
	FTE	COST	FTE	COST	FTE	COST
Personal Services - Public Guardian	2.0	\$154,758	2.0	\$159,542	2.0	\$159,542
Personal Services - Case Mgt Aide	1.0	55,414	1.0	57,127	1.0	57,127
POTS		18,857		55,762		56,353
Operating Expense		2,850		4,050		4,050
Capital Outlay		21,600		18,600		0
BA1 Total	3.0	\$253,479	3.0	\$295,081	3.0	\$277,072
OPG Cash Fund	2.0	163,795	2.0	188,505	2.0	176,458
Reappropriated Funds	1.0	89,684	1.0	106,576	1.0	100,614

LINE ITEM DETAIL – OFFICE OF PUBLIC GUARDIANSHIP

PROGRAM COSTS

This is a consolidated line item that includes all funding for the Office of Public Guardianship, including personal services, employee benefits, legal, and operating expenses.

STATUTORY AUTHORITY: Section 13-94-101, C.R.S., and following sections.

REQUEST: The Office requests an appropriation of \$1,589,073 total funds, including \$1,407,016 cash funds and \$182,057 reappropriated funds and 14.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF PUBLIC GUARDIANSHIP, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$841,253	\$0	\$751,569	\$89,684	\$0	7.0
TOTAL	\$841,253	\$0	\$751,569	\$89,684	\$0	7.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$841,253	\$0	\$751,569	\$89,684	\$0	7.0
OPG R1/BA1 staff requests	769,922	0	663,346	106,576	0	7.0
Centrally appropriated line items	21,261	0	18,872	2,389	0	0.0
Indirect cost assessment	14,382	0	14,382	0	0	0.0
Annualize prior year legislation	2,372	0	2,072	300	0	0.0
Annualize prior year budget actions	0	0	0	0	0	0.0
TOTAL	\$1,649,190	\$0	\$1,450,241	\$198,949	\$0	14.0
INCREASE/(DECREASE)	\$807,937	\$0	\$698,672	\$109,265	\$0	7.0
Percentage Change	96.0%	0.0%	93.0%	121.8%	0.0%	100.0%
FY 2022-23 EXECUTIVE REQUEST	\$1,589,073	\$0	\$1,407,016	\$182,057	\$0	14.0
Request Above/(Below) Recommendation	(\$60,117)	\$0	(\$43,225)	(\$16,892)	\$0	0.0

(12) OFFICE OF JUDICIAL DISCIPLINE

The Colorado Commission on Judicial Discipline was created through Amendment 3, passed by the voters in 1966. The overriding purpose of Colorado’s merit-based system of judicial selection, retention, and oversight is to reinforce judicial independence through an ongoing and reliable verification of judicial qualifications. The CCJD’s unique function is to protect the public interest in circumstances where, due to disability or violation of ethical standards, a judge is unable to perform the duties of his or her office. The CCJD states that to effectively perform its function, it requires insulation from external pressures, including the discretion of other entities to constrain its funding and resources.

The CCJD’s general authority and function are defined by Section 23 of Article VI of the Colorado Constitution. The CCJD is composed of 10 uncompensated members, comprised of two district court judges, two county court judges, two attorneys, and four non-lawyer/non-judge citizens. The judicial members of the CCJD are selected by the Colorado Supreme Court. The attorney and lay members of the CCJD are selected by the Governor and confirmed by the Senate. All Commissioners serve on a volunteer basis without compensation, other than necessary reimbursement for travel expenses incurred in performance of Commissioner duties.

The CCJD is authorized to remove and/or discipline judges for:

1. Willful misconduct in office;
2. Willful or persistent failure(s) to perform duties;
3. Intemperance; and
4. Violation(s) of the Colorado Code of Judicial Conduct

Within the context of its disciplinary powers, the CCJD is further authorized to:

1. Conduct investigations.
2. Order informal remedial action;
3. Order a formal hearing before the Commission; and/or
4. Appoint a panel of three special masters (who must be qualified judges or justices) to hold a hearing and issue a report to the Commission.

Ultimately, based upon an investigation or either type of formal hearing, the CCJD may initiate formal proceedings in the Colorado Supreme Court by filing recommendations. The Supreme Court may conduct further proceedings before either approving or rejecting the CCJD's recommendations, in whole or in part. CCJD proceedings and records are confidential prior to the filing of recommendations with the Colorado Supreme Court. The mechanics of the CCJD's exercise of this authority is further defined by the Colorado Rules of Judicial Discipline (RJD).

OFFICE OF JUDICIAL DISCIPLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0

OFFICE OF JUDICIAL DISCIPLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OJD R1/BA1 Office of Judicial Discipline	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$0	\$0	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$1,408,506	\$800,000	\$608,506	\$0	\$0	4.0
Request Above/(Below) Recommendation	\$1,408,506	\$800,000	\$608,506	\$0	\$0	4.0

DECISION ITEMS – OFFICE OF JUDICIAL DISCIPLINE

→ OJD R1/BA1 OFFICE OF JUDICIAL DISCIPLINE

REQUEST: The Colorado Commission on Judicial Discipline (CCJD) requests:

- the creation of a separate budget line item for its Office of Judicial Discipline to provide independent spending authority and funding for its constitutionally established function;
- an appropriation of \$608,506 cash funds from attorney registration fees and 4.0 FTE; and
- an appropriation of \$400,000 General Fund into an investigations cash funds to provide an initial pool of funding for extraordinary expenses.

RECOMMENDATION: Staff recommends that the Committee deny the request to establish appropriations for the Office in the Long Bill. Staff instead recommends that the Committee pursue (or participate in) legislation that would establish the Office of Judicial Discipline as an independent agency in the Judicial Branch. Staff recommends that appropriations for the Office be provided in that legislation and that funding be provided from General Fund, unless another cash funded source is created in statute to fund the Office.

ANALYSIS

The Colorado Commission on Judicial Discipline (CCJD) requests the creation of a separate budgetary line item for its Office of Judicial Discipline (OJD) to provide for fiscal independence from the Supreme Court. The appropriation would provide for the Office's baseline operational costs and is requested from its traditional funding source – attorney registration fees.

Funding is requested for the salaries of the Executive Director, a 1.0 FTE Legal/Executive assistant, a 1.0 FTE Staff Attorney, and a 1.0 FTE Investigator. The CCJD is currently staffed with an Executive Director and a 0.5 FTE legal assistant.

Additionally, the CCJD requests the creation of a separate cash fund that would provide funding as needed for extraordinary circumstances, including necessary contracting with outside counsel and investigative personnel. The CCJD requests initial funding for the cash fund of \$400,000 to be provided from General Fund.

BACKGROUND

Originally, Colorado's Judiciary developed as a "frontier" system of decentralized courts with the Colorado Supreme Court, a limited number of District Courts, and a larger number of justices of the

peace. This system relied upon partisan elections to select judges. Through this politicized system, there were frequent problems with incompetent, corrupt, and biased judges. In 1962, the Colorado Legislature referred a constitutional amendment to reform the structure of the Judiciary to voters, which passed with an overwhelming majority. Implemented in 1965, the amendment abolished justices of the peace, defined higher qualifications for judges, and provided the Colorado Supreme Court with authority to define uniform standards, rules, and procedures for all lower courts.

In 1966, the League of Women Voters with the support of the Colorado Bar Association successfully sought an initiative that adopted the Missouri Plan for judicial selection. According to Amendment 3, Colorado's current process for judicial selection requires nominating commissions to select up to 3 nominees for a judicial vacancy to be considered for appointment by the Governor. Appointed judges serve a provisional two-year term, and, if retained by voters, judges serve regular terms with retention elections at the end of each term. Supreme Court Justices serve 10-year terms, Court of Appeals Judges serve eight-year terms, District Court Judges serve six-year terms, and County Court Judges serve four-year terms.

Additionally, the Colorado Commission on Judicial Discipline was created through Amendment 3. The overriding purpose of Colorado's merit-based system of judicial selection, retention, and oversight is to reinforce judicial independence through an ongoing and reliable verification of judicial qualifications. The CCJD's unique function is to protect the public interest in circumstances where, due to disability or violation of ethical standards, a judge is unable to perform the duties of his or her office. The CCJD states that to effectively perform its function, it requires insulation from external pressures, including the discretion of other entities to constrain its funding and resources.

The CCJD's general authority and function are defined by Section 23 of Article VI of the Colorado Constitution. The CCJD is composed of 10 uncompensated members, comprised of two district court judges, two county court judges, two attorneys, and four non-lawyer/non-judge citizens. The judicial members of the CCJD are selected by the Colorado Supreme Court. The attorney and lay members of the CCJD are selected by the Governor and confirmed by the Senate. All Commissioners serve on a volunteer basis without compensation, other than necessary reimbursement for travel expenses incurred in performance of Commissioner duties.

The CCJD is authorized to remove and/or discipline judges for:

- 1 1. Willful misconduct in office;
- 2 2. Willful or persistent failure(s) to perform duties;
- 3 3. Intemperance; and
- 4 4. Violation(s) of the Colorado Code of Judicial Conduct

Within the context of its disciplinary powers, the CCJD is further authorized to:

- 5 1. Conduct investigations.
- 6 2. Order informal remedial action;
- 7 3. Order a formal hearing before the Commission; and/or
- 8 4. Appoint a panel of three special masters (who must be qualified judges or justices) to hold a hearing and issue a report to the Commission.

Ultimately, based upon an investigation or either type of formal hearing, the CCJD may initiate formal proceedings in the Colorado Supreme Court by filing recommendations. The Supreme Court may conduct further proceedings before either approving or rejecting the CCJD's recommendations, in whole or in part. CCJD proceedings and records are confidential prior to the filing of recommendations with the Colorado Supreme Court. The mechanics of the CCJD's exercise of this authority is further defined by the Colorado Rules of Judicial Discipline (RJD).

According to subsection (3)(c) of Section 23 of Article VI of the Colorado Constitution, funding of the CCJD for expenses of the Commission was contemplated to be paid by the Supreme Court from its legislatively appropriated budget.

Currently, the CCJD receives its operational funding according to Rule 227 of the Colorado Rules of Civil Procedure. C.R.C.P. 227 (1)(c) provides:

Application of Fees. The fee shall be divided. Twenty-five dollars shall be used to maintain an Attorneys' Fund for Client Protection. The remaining portion of the fee, and the entire fee of those on inactive status, shall be used only to defray the costs of the Office of Attorney Regulation Counsel (admissions, registration, mandatory continuing legal and judicial education, attorney diversion and discipline, counsel to Commission on Judicial Discipline, unauthorized practice of law and inventory counsel functions), the Office of the Presiding Disciplinary Judge, the Commission on Judicial Discipline, the Colorado Lawyers Assistance Program, the Colorado Attorney Mentoring Program, the Advisory and other regulatory committees and any other practice of law function deemed appropriate by the Supreme Court.

Since the ratification of Amendment 3 in 1966, the size of the Colorado Judiciary expanded and disciplinary matters have become increasingly complex. In 2020, the CCJD processed 199 requests for evaluation of judicial conduct. Of those matters, two cases resulted in public discipline, three cases resulted in private sanctions, and two cases resulting in dismissals with concerns. In 2021, the CCJD experienced similar case volumes with two cases resulting in public discipline, one case resulting in private sanctions, and four cases dismissed with concerns.

Rules 14, 16, and 18 of the Rules of Judicial Discipline contemplate a process through which the CCJD oversees an investigation at various stages and the presentation of a disciplinary case through special counsel. The CCJD currently operates with an Executive Director and a part-time Executive Assistant. Since approximately 2009, the CCJD has been dependent upon the Office of Attorney Regulation Counsel and, when conflicts have been asserted, upon the Colorado Attorney General's Office to provide investigative resources and special counsel.

In addition, the Office of Attorney Regulation Counsel has assisted the CCJD with the provision of office space, administrative services, accounting services, employee benefits, office supplies, and IT support. The CCJD states that ultimately, the CCJD's budget is dependent upon approval by the Supreme Court which creates inherent risks of apparent and potential funding conflicts.

On August 20, 2021, the CCJD announced that it had appointed a private law firm, Rathod Mohamedbhai, LLC, to "assist the Commission in its information gathering efforts on individual request(s) for evaluation and also provide assistance in evaluating and improving the Commission's investigative, information sharing, and enforcement processes." Funds have yet to be approved or provided by the Supreme Court and the Office of Regulation Counsel allowing special counsel to proceed with its appointed functions.

The CCJD states that the creation of the Office of Judicial Discipline and an allocation of the requested funding will allow the CCJD to perform its constitutionally defined duties of protecting the integrity and independence of the Colorado Judicial Branch through effective investigation and resolution of judicial disciplinary proceedings. Stable funding guaranteed through defined, independent, and conflict-free sources will ensure that the CCJD can perform its duties in a timely, effective, and objective manner.

Additionally, the CCJD states that funding for a staff attorney and an investigator is necessary to prevent potential attorney-witness conflicts under Rule 3.7 of the Colorado Rules of Professional Conduct. Likewise, the creation of a revolving, ongoing cash fund will allow the CCJD immediate access to funding for its currently appointed outside special counsel and for other extraordinary circumstances where additional resources are necessary for the investigation and potential litigation of formal proceedings.

STAFF CONSIDERATION

Staff supports the CCJD's basis for this request. Based on its constitutional authority it appears that the requested OJD could be independently appropriated in the Long Bill.

Upon first considering the request, staff agreed that the historical funding of the Office for its base operations from attorney registration fees appeared to be a reasonable fund source for an appropriation that would provide fiscal independence to the OJD and CCJD. However, attorney registration fees are a revenue source provided to the Supreme Court through its constitutionally provided authority for oversight of attorney regulation. On this basis, the General Assembly appears to not have the authority to appropriate from that fund source. Staff consulted with attorneys at the Office of Legislative Legal Services and this is consistent with their understanding of this fund source.

Therefore, the JBC could fund this request with General Fund. The CCJD has also requested the creation of a cash fund and initial funding of \$400,000 to be provided from General Fund. Such a cash fund would need to be created in legislation. Staff is aware that there may be legislation that is being considered to create an independent OJD. Regardless, staff recommends that if the Committee wishes to fund this request in any amount, and create an independent Office of Judicial Discipline as an independent agency in the Judicial Department budget, that the funding be provided for this purpose within the bill and through the legislative fiscal note process.

At this time staff recommends that the Committee deny the request for an appropriation in the Long Bill, and instead recommends that the Committee pursue legislation, or participate in legislation that may be forthcoming, to achieve the purpose of this request.

LINE ITEM DETAIL – OFFICE OF PUBLIC GUARDIANSHIP (NONE)

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends **CONTINUING** and **CONTINUING AND MODIFYING** the following footnotes:

- 58 Judicial Department, Supreme Court and Court of Appeals; Courts Administration; Trial Courts; Probation and Related Services -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 10.0 percent of the total appropriation to the following divisions may be transferred between line items: Supreme Court and Court of Appeals, Courts Administration, Trial Courts, Probation and Related Services. Appropriations may be transferred within these divisions and between these divisions.

COMMENT: This footnotes authorizes the divisions to transfer a limited amount of funding among their own line item appropriations and between divisions, over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to \$1.0 million per fiscal year.

- 59 Judicial Department, Supreme Court and Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Office of the State Public Defender, Personal Services; Office of the Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services; Office of the Respondent Parents' Counsel, Personal Services -- In accordance with Section 13-30-104 (3), C.R.S., funding is provided for judicial compensation, as follows:

	FY 2020-21		FY 2021-22
	Salary	Increase	Salary
Chief Justice, Supreme Court	\$192,256	\$4,820	\$197,076
Associate Justice, Supreme Court	188,151	4,713	192,864
Chief Judge, Court of Appeals	184,837	4,643	189,480
Associate Judge, Court of Appeals	180,697	4,535	185,232
District Court Judge, Denver Juvenile –Court Judge, and Denver Probate –Court Judge	173,248	4,340	177,588
County Court Judge	165,795	4,161	169,956

	FY 2021-22		FY 2022-23
	Salary	Increase	Salary
Chief Justice, Supreme Court	\$197,076	\$5,912	\$202,988
Associate Justice, Supreme Court	192,864	5,786	198,650
Chief Judge, Court of Appeals	189,480	5,684	195,164
Associate Judge, Court of Appeals	185,232	5,557	190,789
District Court Judge, Denver Juvenile			

Court Judge, and Denver Probate			
Court Judge	177,588	5,328	182,916
County Court Judge	169,956	5,099	175,055

Funding is also provided in the Long Bill to maintain the salary of the State Public Defender at the level of an associate judge of the Court of Appeals and to maintain the salaries of the Alternate Defense Counsel, the Executive Director of the Office of the Child's Representative, and the Executive Director of the Office of the Respondent Parents' Counsel at the level of a district court judge.

COMMENT: This footnote first appeared in the FY 1999-00 Long Bill. Sections 13-30-103 and 104, C.R.S., established judicial salaries for various fiscal years during the 1990s [through H.B. 98-1238]. These provisions state that any salary increases above those set forth in statute "shall be determined by the general assembly as set forth in the annual general appropriations bill." The General Assembly annually establishes judicial salaries through this footnote in the Long Bill. The footnote also establishes the salaries for the individuals who head four of the independent judicial agencies by tying them to specific judicial salaries.

Pursuant to S.B. 15-288, the salaries listed in statute for certain state officials and state legislators are benchmarked to certain judicial officers' salaries beginning in January 2019, so this increase will raise salaries for these state officials the next time there is an election for their office.

The FY 2021-22 salary increases in the above footnote table reflect the salary increase approved by the JBC. **Staff requests permission to adjust the footnote to reflect final decisions related to compensation common policies.** As judicial officers do not receive "merit" pay, staff recommends increasing judicial officer salaries by the sum of any percent increases approved by the Committee for Salary Survey and Merit Pay.

- 60 Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the General Assembly's intent that \$624,877 of the appropriation for Offender Treatment and Services be used to provide treatment and services for offenders participating in veterans treatment courts, including peer mentoring services.

COMMENT: This footnote identifies the amount of funding within the Offender Treatment and Services line item appropriation that is intended to support treatment and services for offenders participating in veterans treatment courts. The recommendation includes continuation of the full \$624,877 for FY 2022-23.

- 61 Judicial Department, Probation and Related Services, Correctional Treatment Cash Fund Expenditures -- This appropriation includes the following transfers:
 - ~~\$3,529,400~~ \$3,712,615 to the Department of Corrections,
 - ~~\$10,510,241~~ \$9,232,614 to the Department of Human Services,
 - ~~\$5,396,755~~ \$5,557,991 to the Department of Public Safety,
 - ~~\$3,535,141~~ \$4,321,989 to the Offender Treatment and Services line item in the Probation Division, and

\$169,000 to the District Attorney Adult Pretrial Diversion Programs line in the Centrally Administered Program Section of the Courts Administration Division.

COMMENT: This footnote was modified in FY 2020-21 to make it easier to follow the flow of Correctional Treatment Cash Funds in the Long Bill. Staff requests permission to adjust the footnote to reflect final Committee decisions.

- 62 Judicial Department, Office of the State Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

COMMENT: This is the first of four footnotes that authorize the independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to \$1.0 million per fiscal year. Prior to FY 2020-21, this footnote provided the OSPD with the authority to transfer up to 2.5 percent of its total annual appropriation between line items. For FY 2020-21, this was increased to 5.0 percent. Staff recommends continuing the footnote at the higher level.

- 63 Judicial Department, Office of the Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

COMMENT: This footnote provides the OADC with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Prior to FY 2020-21, this footnote provided the OADC with the authority to transfer up to 2.5 percent of its total annual appropriation between line items. For FY 2020-21, this was increased to 5.0 percent. Staff recommends continuing the footnote at the higher level.

- 64 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.

COMMENT: This footnote provides the OCR with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Prior to FY 2020-21, this footnote provided the OCR with the authority to transfer up to 2.5 percent of its total annual appropriation between line items. For FY 2020-21, this was increased to 5.0 percent. Staff recommends continuing the footnote at the higher level.

- 65 Judicial Department, Office of the Respondent Parents' Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total

Office of the Respondent Parents' Counsel's appropriation may be transferred between line items in the Office of the Respondent Parents' Counsel.

COMMENT: This footnote provides the ORPC with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Prior to FY 2020-21, this footnote provided the ORPC with the authority to transfer up to 2.5 percent of its total annual appropriation between line items. For FY 2020-21, this was increased to 5.0 percent. Staff recommends continuing the footnote at the higher level.

REQUESTS FOR INFORMATION

Staff recommends **CONTINUING AND MODIFYING** the following request for information:

Requests Applicable to Multiple Departments, Including Judicial Branch

- 2 Department of Corrections; Department of Human Services; Judicial Department; Department of Public Safety; and Department of Transportation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs.

COMMENT: This request is intended to ensure that state agencies coordinate requests that draw on the same cash fund. It is also intended to ensure that for each fund listed, one department includes a comprehensive annual budget request for that fund.

Requests Applicable to Judicial Branch Only

- 1 Judicial Department, Office of the State Public Defender – The State Public Defender is requested to provide by November 1, ~~2021~~ 2022, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY ~~2020-21~~ 2021-22: the number of new cases; the number of opening briefs filed by the Office of the State Public Defender; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, ~~2021~~ 2022.

COMMENT: This request, in combination with a companion request for the Department of Law's Appellate Unit, allows the Committee to monitor and respond to unexpected growth of the inter-related backlogs of appellate cases at the two agencies.

- 2 Judicial Department, Probation and Related Services – The State Court Administrator’s Office is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; and the female offender program. The Office is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many offenders return to probation as the result of violations.

COMMENT: This report provides useful information on the success of the various probation programs.

3. Judicial Department, Trial Courts, District Attorney Mandated Costs – District Attorneys in each judicial district shall be responsible for allocations made by the Colorado District Attorneys' Council's Mandated Cost Committee. Any increases in this line item shall be requested and justified in writing by the Colorado District Attorneys' Council, rather than the Judicial Department, through the regular appropriation and supplemental appropriation processes. The Colorado District Attorneys' Council is requested to submit an annual report by November 1 detailing how the District Attorney Mandated Costs appropriation is spent, how it is distributed, and the steps taken to control these costs.

COMMENT: Section 20-1-111 (4)(a), C.R.S., states that "The statewide organization representing district attorneys or any other organization established pursuant to this article [i.e. the Colorado District Attorneys' Council (CDAC)] may receive, manage, and expend state funds in the manner prescribed by the general assembly on behalf of the district attorneys who are members of the organization." Subsection (3) adds "The district attorneys may allocate up to five percent of the moneys received for mandated costs authorized by the general assembly for administrative expenses." This RFI requires the CDAC to submit a request to the JBC if it wants the annual appropriation for *District Attorney Mandated Costs* in the Judicial Section of the Long Bill to be increased and it requires the CDAC to report how the money was spent.

- 4 Judicial Department, Probation and Related Services, Offender Treatment and Services – The State Court Administrator's Office is requested to provide by November 1 of each year a detailed report on how this appropriation is used, including the amount spent on testing, treatment, and assessments for offenders.

COMMENT: This consolidated line item was created in FY 2006-07. The purpose of this format change was to: (a) provide increased flexibility to local probation departments to allocate funds for treatment and services for indigent offenders or those otherwise unable to pay; and (b) reduce year-end reversions of unspent cash funds. This request ensures that the General Assembly is informed of the actual allocation and expenditure of these funds.

- 5 Judicial Department, Probation and Related Services – The State Court Administrator’s Office is requested to provide a report to the Joint Budget Committee by November 1, 2021

2022, concerning the Judicial Department’s use of private probation. It is requested that the report:

- a. Evaluate the relative effectiveness of private probation and state probation for clients with similar characteristics, using suitable measures of effectiveness such as pre- and post-release recidivism and unsuccessful terminations. To the extent possible, the report should examine the relative effectiveness of state and private probation for differing types of offenders. To the extent possible, it should examine the relative effectiveness of the various private probation providers. This analysis should be based on Colorado data
- b. Examine problems that arise with private probation and propose ways that these problems can be mitigated. If a problem cannot be mitigated, the report should discuss whether it is a serious problem and the reasons it cannot be mitigate.
- c. Explain why the number of clients on private probation has declined, including the extent to which the decline may reflect the growth of new probation practices, such as telephone reporting.
- d. Explain who makes the decision to place a client on state probation verses private probation and how those decisions are made.
- e. Propose ways to encourage the use of private probation, including ways to encourage private probation providers to begin supplying services in a Judicial District that lacks private probation providers.
- f. Describe and evaluate instances in which private probation providers in judicial districts have ended services.
- g. Evaluate the cost of providing private probation services and, based on estimates of cost, propose a suitable amount of monthly revenue that private probation providers should receive for private probation supervision.
- h. Estimate the number of probationers who could be effectively and safely placed on private probation if sufficient private probation providers were available.

COMMENT: This report provides useful information on the success of the various probation programs.

INDIRECT COST ASSESSMENTS

The indirect cost pool is comprised of two components.

- A. Statewide indirect costs that have been allocated to all judicial departments, including the independents.
- B. Department wide indirect costs for JAAA only

A. State-wide indirect cost pool

The first component of the indirect cost pool are statewide costs that have been allocated to the Judicial branch as one amount. Because these costs are attributable to all independent Judicial Departments, they will be allocated to each independent Judicial Department based on total expenditures incurred in each department for the fiscal year.

In order to allocate costs among the independent Judicial Departments, some expenditures are excluded. Expenditures recorded in fund 4710 (the full accrual account group) and transfers within the Judicial Department or to other state agencies have been excluded because they do not result in the disbursements of funds. Also, debt service payments (for the COPS) have been excluded because they are large and infrequent (twice a year) and may have a disproportional impact on the allocations.

Statewide costs that will be allocated among the independent Judicial Departments include:

1. Workers' Compensation
2. Payment to Risk Management and Property Funds
3. Payments to OIT
4. CORE Operations
5. Legal Services
6. Statewide Cost Allocation Plan (SWICAP) calculated by the State Controller's Office.

The costs paid by the Judicial Department (items 1 through 5 above) have been removed from department JAAA before the allocation calculations. Although not paid by the department, the SWCAP costs must be included in the indirect cost pool to ensure recovery.

B. Department-wide indirect cost pool

The second component of the indirect cost pool are costs incurred by the Judicial Department that benefit the entire department (JAAA only). These costs include: Executive, Legal, Financial Services, Human Resources and Information Technology. These costs are appropriated in the long bill in the Courts Administration section as "General Courts Administration" (funding source code AKM) and "Information Technology Infrastructure" (funding source code CFP).

Direct cost base

The direct cost base are all costs that are not considered indirect costs. These costs are generally attributable to a program or function within the Judicial Department.

Costs used in the calculation

The expenditures used in the department wide indirect cost pool and the direct cost base must benefit all programs throughout the department. Some costs need to be eliminated from the calculation because they can cause indirect costs to be disproportional to benefit derived by the individual programs and can cause large fluctuations in the indirect cost rates. For example, purchasing IT hardware and software can be very expensive in one year but benefit programs for many years. Including the cost in the fiscal year the IT equipment is purchased but not in the subsequent fiscal years will cause a large fluctuation in the indirect cost rate. Also, a large IT purchase may specifically benefit one program (or a few) and does not benefit other programs. In this example the costs should not be included in the indirect cost pool and allocated to all programs.

Therefore, to provide a consistent and proportional allocation of indirect costs to direct costs we will use employee payroll (salaries and benefits) as a basis for allocating costs. This will result in an allocation of indirect costs on essentially an FTE basis.

Calculations

The indirect cost allocation is calculated by performing the following steps:

1. (Schedule 1) Obtain a report of total expenditures for the fiscal year for all Judicial Departments. The report needs to be summarized by department code, fund, appropriation code, unit, and object group.
2. (Schedule 2) Sort the report and remove the following expenditures:
 - a. Fund 4710
 - b. Transfers
 - c. Debt service payments for COPS
 - d. Centralized costs
 - i. Risk Management
 - ii. CORE Operations
 - iii. Workers' Compensation
 - iv. Legal Services
 - v. Payments to OIT
3. (Schedule 2) The remaining expenditures will be summarized by CORE department code to determine the percentage of total expenditures applicable to each independent Judicial Department.
4. (Schedule 3) The statewide indirect costs calculated by the State Controller's Office will be added to the centralized costs to create the total statewide indirect cost pool. The statewide indirect cost pool will be allocated among all the independent Judicial Departments based on percentages calculated in step 3.
5. (Schedule 4) Department wide (JAAA only) indirect costs consist of payroll costs incurred in the General Courts Administration long bill line (funding source code AKM). These costs will be added the Judicial Department's proportional share of the statewide indirect costs (calculated in step 4) to arrive at the total indirect cost pool.

6. (Schedule 4) The total indirect cost pool will be divided by the total direct cost pool (salaries and benefits only) to arrive at an indirect cost rate applicable to all funding sources.
7. (Schedule 5) The indirect cost rate will be multiplied by all salaries and benefits incurred in each cash fund to determine the amount to recover from each fund.

The following funds will not be charged indirect costs even though salaries and benefits are charged to the fund.

General Fund

Judicial Stabilization Cash Fund

Violent Offender ID Fund

Sex Offender Surcharge Fund

Underfunded Courthouse Facility Cash Fund

Other Judicial Special Revenue Fund (law Library)

Useful Public Service Cash Fund

Attorney Regulation

Except for the Office of Attorney Regulation, all other independent Judicial Departments are funded from the General Fund and therefore will not be charged indirect costs. The Office of Attorney Regulation will be charged their proportional share of the statewide indirect costs. Because the support provided by the State Court Administrator's office is not as extensive as the support provided to the entire Judicial Department the methodology used for JAAA is not appropriate for JDAA. For example, JDAA has their own IT support staff, human resources and payroll staff. Therefore, the indirect costs charged to the Office of Attorney Regulation will be limited to their portion of the statewide indirect costs.

The Office of Attorney Regulation has a fund called the Client Protection Fund. The fund is a separate bank account that collects and disburses funds without going through CORE or the Treasury. The total revenues and expenditures incurred in the fund are recorded in summary in CORE. These funds are completely independent of the operations of the Office of Attorney Regulation. Therefore, the expenditures incurred in the fund should be removed from the total expenditures for the Office of Attorney Regulation when calculating the allocation of statewide indirect costs. Expenditures from the fund average \$250,000 per year.

Schedule 6 budgets for long bill

This schedule illustrates the amounts that need to be included in the long bill.

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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JUDICIAL DEPARTMENT
Brian Boatright, Chief Justice

(1) SUPREME COURT AND COURT OF APPEALS

ration fees, law examination application fees, appellate court filing fees, and various docket fees that are credited to the Judicial Stabilization Cash Fund. Reappropriated funds are transferred from the Department of Law.

Appellate Court Programs	<u>15,621,792</u>	<u>15,488,443</u>	<u>15,205,414</u>	<u>16,060,453</u>	<u>16,060,253</u> *
FTE	139.3	137.8	137.8	141.3	141.3
General Fund	15,557,519	15,425,084	15,133,414	15,988,453	15,988,253
Cash Funds	64,273	63,359	72,000	72,000	72,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 Office of Attorney Regulation Counsel	 <u>11,657,272</u>	 <u>12,100,212</u>	 <u>11,168,712</u>	 <u>11,168,712</u>	 <u>11,168,712</u>
FTE	70.0	70.0	70.0	70.0	70.0
General Fund	0	0	0	0	0
Cash Funds	11,657,272	12,100,212	11,168,712	11,168,712	11,168,712
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 Law Library	 <u>788,201</u>	 <u>951,007</u>	 <u>1,056,728</u>	 <u>1,073,309</u>	 <u>1,073,309</u> *
FTE	5.1	6.3	9.5	7.0	7.0
General Fund	215,307	332,190	482,890	749,471	749,471
Cash Funds	499,997	545,920	500,941	250,941	250,941
Reappropriated Funds	72,897	72,897	72,897	72,897	72,897
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Indirect Cost Assessment	<u>131,305</u>	<u>158,410</u>	<u>208,309</u>	<u>224,732</u>	<u>224,732</u>
General Fund	0	0	0	0	0
Cash Funds	131,305	158,410	208,309	224,732	224,732
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (1) Supreme Court and Court of Appeals	28,198,570	28,698,072	27,639,163	28,527,206	28,527,006
<i>FTE</i>	<u>214.4</u>	<u>214.1</u>	<u>217.3</u>	<u>218.3</u>	<u>218.3</u>
General Fund	15,772,826	15,757,274	15,616,304	16,737,924	16,737,724
Cash Funds	12,352,847	12,867,901	11,949,962	11,716,385	11,716,385
Reappropriated Funds	72,897	72,897	72,897	72,897	72,897
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(2) COURTS ADMINISTRATION

centrally rather than at the judicial district level; and operations of the Ralph L. Carr Colorado Judicial Center.

(A) Administration and Technology

General Courts Administration	<u>24,611,011</u>	<u>27,764,117</u>	<u>26,896,942</u>	<u>33,288,959</u>	<u>31,768,036</u> *
FTE	226.7	221.2	254.2	305.8	293.4
General Fund	19,598,766	19,584,559	17,265,703	21,845,353	20,385,193
Cash Funds	2,535,116	6,097,872	7,377,647	8,745,107	8,926,198
Reappropriated Funds	2,477,129	2,081,686	2,253,592	2,456,645	2,456,645
Federal Funds	0	0	0	241,854	0
Information Technology Infrastructure	<u>12,937,199</u>	<u>14,492,262</u>	<u>25,049,388</u>	<u>26,385,642</u>	<u>41,975,169</u> *
General Fund	890,046	0	125,230	1,982,517	1,982,517
Cash Funds	12,047,153	14,492,262	24,924,158	15,861,262	39,992,652
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	8,541,863	0
Information Technology Cost Recoveries	<u>3,699,481</u>	<u>3,795,474</u>	<u>3,860,800</u>	<u>3,860,800</u>	<u>3,860,800</u>
General Fund	0	0	0	0	0
Cash Funds	3,699,481	3,795,474	3,860,800	3,860,800	3,860,800
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Indirect Cost Assessment	<u>1,353,429</u>	<u>890,348</u>	<u>920,795</u>	<u>945,846</u>	<u>945,846</u>
General Fund	0	0	0	0	0
Cash Funds	1,353,429	890,348	920,795	945,846	945,846
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (A) Administration and Technology	42,601,120	46,942,201	56,727,925	64,481,247	78,549,851
<i>FTE</i>	<u>226.7</u>	<u>221.2</u>	<u>254.2</u>	<u>305.8</u>	<u>293.4</u>
General Fund	20,488,812	19,584,559	17,390,933	23,827,870	22,367,710
Cash Funds	19,635,179	25,275,956	37,083,400	29,413,015	53,725,496
Reappropriated Funds	2,477,129	2,081,686	2,253,592	2,456,645	2,456,645
Federal Funds	0	0	0	8,783,717	0

(B) Central Appropriations

d, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Correctional Treatment Cash Fund, and the Alcohol and Drug Driving Safety Program Fund.

Health, Life, and Dental	<u>37,626,475</u>	<u>31,480,890</u>	<u>41,118,276</u>	<u>44,208,491</u>	<u>44,208,491</u> *
General Fund	36,110,745	28,386,540	39,695,403	42,732,376	42,732,376
Cash Funds	1,515,730	3,094,350	1,422,873	1,476,115	1,476,115
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>327,047</u>	<u>324,795</u>	<u>436,858</u>	<u>461,822</u>	<u>461,925</u> *
General Fund	316,944	291,506	426,279	451,210	451,315
Cash Funds	10,103	33,289	10,579	10,612	10,610
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 04-257 Amortization Equalization Disbursement	<u>11,553,878</u>	<u>12,277,556</u>	<u>13,702,122</u>	<u>14,282,629</u>	<u>14,285,889</u> *
General Fund	11,247,976	11,476,518	13,369,919	13,951,236	13,954,531
Cash Funds	305,902	801,038	332,203	331,393	331,358
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>11,375,724</u>	<u>12,277,556</u>	<u>13,702,122</u>	<u>14,282,629</u>	<u>14,285,889</u> *
General Fund	11,069,822	11,476,518	13,369,919	13,951,236	13,954,531
Cash Funds	305,902	801,038	332,203	331,393	331,358
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
PERA Direct Distribution	<u>8,860,947</u>	<u>0</u>	<u>9,016,683</u>	<u>6,778,707</u>	<u>6,778,707</u>
General Fund	8,294,414	0	8,641,747	6,496,831	6,496,831
Cash Funds	566,533	0	374,936	281,876	281,876
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>995,002</u>	<u>0</u>	<u>8,954,081</u>	<u>12,386,867</u>	<u>12,118,313</u> *
General Fund	995,002	0	8,736,666	12,168,259	11,900,485
Cash Funds	0	0	217,415	218,608	217,828
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>478,534</u>	<u>478,680</u> *
General Fund	0	0	0	463,621	463,769
Cash Funds	0	0	0	14,913	14,911

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Workers' Compensation	<u>1,464,056</u>	<u>1,404,569</u>	<u>1,365,003</u>	<u>898,894</u>	<u>1,254,896</u>
General Fund	1,464,056	1,404,569	1,365,003	898,894	1,254,896
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Legal Services	<u>573,207</u>	<u>511,963</u>	<u>442,924</u>	<u>468,355</u>	<u>468,355</u>
General Fund	573,207	479,784	386,825	397,022	397,022
Cash Funds	0	32,179	56,099	71,333	71,333
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Payment to Risk Management and Property Funds	<u>1,058,074</u>	<u>845,759</u>	<u>1,439,403</u>	<u>2,338,151</u>	<u>2,159,090</u> *
General Fund	1,058,074	845,759	1,439,403	2,338,151	2,159,090
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Vehicle Lease Payments	<u>95,737</u>	<u>123,715</u>	<u>124,412</u>	<u>140,649</u>	<u>137,617</u> *
General Fund	95,737	123,715	124,412	140,649	137,617
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>0</u>	<u>5,945</u>	<u>800,972</u>	<u>284,830</u>	<u>255,800</u> *
General Fund	0	5,945	774,572	284,830	255,800
Cash Funds	0	0	26,400	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Ralph L. Carr Colorado Judicial Center Leased Space	<u>2,673,314</u>	<u>2,721,674</u>	<u>2,770,056</u>	<u>2,820,097</u>	<u>2,820,097</u> *
General Fund	2,673,314	2,721,674	2,770,056	2,820,097	2,820,097
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Payments to OIT	<u>7,401,965</u>	<u>8,076,214</u>	<u>5,575,523</u>	<u>4,178,215</u>	<u>4,178,215</u> *
General Fund	7,401,965	8,076,214	5,575,523	4,178,215	4,178,215
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
CORE Operations	<u>1,218,149</u>	<u>1,877,756</u>	<u>1,595,667</u>	<u>1,862,574</u>	<u>1,887,328</u>
General Fund	1,218,149	1,877,756	1,595,667	1,862,574	1,887,328
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Merit Pay	<u>7,560,667</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	7,560,667	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
SUBTOTAL - (B) Central Appropriations	92,784,242	71,928,392	101,044,102	105,871,444	105,779,292
<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	90,080,072	67,166,498	98,271,394	103,135,201	103,043,903
Cash Funds	2,704,170	4,761,894	2,772,708	2,736,243	2,735,389
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(C) Centrally Administered Programs

1 funds transferred from the Department of Human Services.

Victim Assistance	<u>15,386,388</u>	<u>12,801,523</u>	<u>19,375,000</u>	<u>16,375,000</u>	<u>16,375,000</u>
General Fund	0	0	0	0	0
Cash Funds	15,386,388	12,801,523	19,375,000	16,375,000	16,375,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Victim Compensation	<u>12,089,609</u>	<u>11,244,900</u>	<u>13,400,000</u>	<u>13,400,000</u>	<u>13,400,000</u>
General Fund	0	0	0	0	0
Cash Funds	10,145,554	9,359,091	13,400,000	13,400,000	13,400,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	1,944,055	1,885,809	0	0	0
Collections Investigators	<u>7,245,715</u>	<u>6,803,636</u>	<u>7,561,958</u>	<u>7,781,193</u>	<u>7,781,193</u>
FTE	100.6	99.1	121.2	121.2	121.2
General Fund	0	0	0	0	0
Cash Funds	6,413,018	6,196,065	6,664,417	6,883,652	6,883,652
Reappropriated Funds	832,697	607,571	897,541	897,541	897,541
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Problem-solving Courts	<u>3,043,569</u>	<u>2,999,125</u>	<u>3,149,032</u>	<u>3,651,841</u>	<u>3,651,841</u> *
FTE	37.1	29.4	36.7	37.2	37.2
General Fund	186,337	0	0	502,809	143,809
Cash Funds	2,857,232	2,999,125	3,149,032	3,149,032	3,508,032
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Language Interpreters and Translators	<u>5,744,617</u>	<u>6,407,113</u>	<u>6,461,187</u>	<u>6,846,899</u>	<u>6,802,052</u> *
FTE	31.3	32.0	33.0	37.0	36.7
General Fund	5,722,165	6,404,673	6,411,187	6,796,899	6,752,052
Cash Funds	22,452	2,440	50,000	50,000	50,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Courthouse Security	<u>2,745,788</u>	<u>2,345,103</u>	<u>2,527,329</u>	<u>2,530,635</u>	<u>2,530,635</u>
FTE	1.0	1.0	1.0	1.0	1.0
General Fund	379,465	0	0	0	0
Cash Funds	2,366,323	2,345,103	2,527,329	2,530,635	2,530,635
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Appropriation to Underfunded Courthouse Facility					
Cash Fund	<u>3,000,000</u>	<u>500,000</u>	<u>500,000</u>	<u>3,000,000</u>	<u>3,000,000</u> *
General Fund	3,000,000	500,000	500,000	3,000,000	3,000,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Underfunded Courthouse Facilities Grant Program	<u>1,973,130</u>	<u>2,261,241</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u> *
FTE	0.0	0.0	1.0	0.0	0.0
General Fund	0	0	0	0	0
Cash Funds	0	0	2,500,000	2,500,000	2,500,000
Reappropriated Funds	1,973,130	2,261,241	500,000	500,000	500,000
Federal Funds	0	0	0	0	0
Courthouse Furnishings and Infrastructure					
Maintenance	<u>2,796,613</u>	<u>1,228,658</u>	<u>2,922,842</u>	<u>3,377,086</u>	<u>3,377,086</u> *
General Fund	2,796,613	1,228,658	2,922,842	3,377,086	3,377,086
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Senior Judge Program	<u>1,564,482</u>	<u>2,601,837</u>	<u>2,281,770</u>	<u>2,290,895</u>	<u>2,290,895</u>
General Fund	381,769	1,315,298	981,770	990,895	990,895
Cash Funds	1,182,713	1,286,539	1,300,000	1,300,000	1,300,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Judicial Education and Training	<u>752,811</u>	<u>330,687</u>	<u>555,986</u>	<u>962,974</u>	<u>962,974</u> *
FTE	2.0	2.0	2.0	2.0	2.0
General Fund	73,944	0	30,000	430,941	30,941
Cash Funds	678,867	330,687	525,986	532,033	932,033
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Office of Judicial Performance Evaluation	<u>600,383</u>	<u>668,317</u>	<u>853,713</u>	<u>863,433</u>	<u>863,433</u>
FTE	2.0	1.9	2.0	2.0	2.0
General Fund	314,500	289,500	214,500	214,500	214,500
Cash Funds	285,883	378,817	639,213	648,933	648,933
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Family Violence Justice Grants	<u>2,650,001</u>	<u>2,170,000</u>	<u>2,920,000</u>	<u>2,170,000</u>	<u>2,170,000</u>
General Fund	2,500,000	2,000,000	2,000,000	2,000,000	2,000,000
Cash Funds	150,001	170,000	920,000	170,000	170,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Restorative Justice Programs	<u>968,417</u>	<u>645,498</u>	<u>1,008,030</u>	<u>1,010,825</u>	<u>1,010,825</u>
FTE	1.0	1.0	1.0	1.0	1.0
General Fund	0	0	0	0	0
Cash Funds	968,417	645,498	1,008,030	1,010,825	1,010,825
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
District Attorney Adult Pretrial Diversion Programs	<u>462,550</u>	<u>178,616</u>	<u>675,000</u>	<u>2,660,500</u>	<u>2,660,500</u> *
General Fund	400,000	99,778	100,000	100,000	100,000
Cash Funds	62,550	0	406,000	2,391,500	2,391,500
Reappropriated Funds	0	78,838	169,000	169,000	169,000
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Family-friendly Court Program	<u>218,638</u>	<u>198,828</u>	<u>270,000</u>	<u>270,000</u>	<u>270,000</u>
FTE	0.0	0.0	0.0	0.0	0.0
General Fund	0	0	0	0	0
Cash Funds	218,638	198,828	270,000	270,000	270,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Child Support Enforcement	<u>116,145</u>	<u>109,063</u>	<u>114,719</u>	<u>0</u>	<u>0</u> *
FTE	1.0	1.0	1.0	0.0	0.0
General Fund	38,832	36,791	39,005	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	75,714	0	0
Federal Funds	77,313	72,272	0	0	0
Mental Health Criminal Justice Diversion Grant					
Program	<u>365,874</u>	<u>100,000</u>	<u>100,000</u>	<u>0</u>	<u>0</u> *
FTE	1.0	1.0	1.0	0.0	0.0
General Fund	365,874	100,000	100,000	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Statewide Behavioral Health Court Liaison Program	<u>2,503,907</u>	<u>2,229,134</u>	<u>2,376,727</u>	<u>2,776,126</u>	<u>2,726,601</u> *
FTE	1.0	7.0	11.0	12.0	11.9
General Fund	2,503,907	2,229,134	2,376,727	2,776,126	2,726,601
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Appropriation to the Eviction Legal Defense Fund	<u>750,000</u>	<u>721,546</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>
General Fund	750,000	600,000	600,000	600,000	600,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	121,546	0	0	0
Eviction Legal Defense Grant Program	<u>592,081</u>	<u>808,486</u>	<u>3,500,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
General Fund	0	0	0	0	0
Cash Funds	592,081	208,486	2,900,000	1,400,000	1,400,000
Reappropriated Funds	0	600,000	600,000	600,000	600,000
Federal Funds	0	0	0	0	0
Compensation for Exonerated Persons	<u>0</u>	<u>64,939</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	64,939	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (C) Centrally Administered					
Programs	65,570,718	57,418,250	74,153,293	75,567,407	75,473,035
<i>FTE</i>	<u>178.0</u>	<u>175.4</u>	<u>210.9</u>	<u>213.4</u>	<u>213.0</u>
General Fund	19,413,406	14,868,771	16,276,031	20,789,256	19,935,884
Cash Funds	41,330,117	36,922,202	55,635,007	52,611,610	53,370,610
Reappropriated Funds	2,805,827	3,547,650	2,242,255	2,166,541	2,166,541
Federal Funds	2,021,368	2,079,627	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(D) Ralph L. Carr Colorado Judicial Center

an annual appropriation for facility controlled maintenance needs. Cash funds are from the Justice Center Cash Fund. Reappropriated funds are transferred from Leased Space appropriations to the Judicial Branch and the Department of Law.

Building Management and Operations	<u>1,525,299</u>	<u>1,584,543</u>	<u>5,492,700</u>	<u>5,454,511</u>	<u>5,454,511</u> *
FTE	1.0	1.4	14.0	14.0	14.0
General Fund	0	0	0	0	0
Cash Funds	1,525,299	1,584,543	5,492,700	5,454,511	5,454,511
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>3,951,677</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	3,951,677	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Justice Center Maintenance Fund Expenditures	<u>652,118</u>	<u>627,081</u>	<u>1,288,538</u>	<u>1,288,538</u>	<u>1,288,538</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	652,118	627,081	1,288,538	1,288,538	1,288,538
Federal Funds	0	0	0	0	0
Debt Service Payments	<u>15,904,107</u>	<u>15,859,221</u>	<u>15,352,767</u>	<u>15,353,316</u>	<u>15,353,316</u> *
General Fund	4,492,915	883,418	883,418	883,418	883,418
Cash Funds	5,358,243	8,813,358	8,197,416	8,084,655	8,084,655
Reappropriated Funds	6,052,949	6,162,445	6,271,933	6,385,243	6,385,243
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Appropriation to the Justice Center Maintenance					
Fund	4,600,000	0	0	0	0
General Fund	0	0	0	0	0
Cash Funds	4,600,000	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (D) Ralph L. Carr Colorado					
Judicial Center	26,633,201	18,070,845	22,134,005	22,096,365	22,096,365
<i>FTE</i>	<u>1.0</u>	<u>1.4</u>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>
General Fund	4,492,915	883,418	883,418	883,418	883,418
Cash Funds	15,435,219	10,397,901	13,690,116	13,539,166	13,539,166
Reappropriated Funds	6,705,067	6,789,526	7,560,471	7,673,781	7,673,781
Federal Funds	0	0	0	0	0
TOTAL - (2) Courts Administration					
<i>FTE</i>	<u>405.7</u>	<u>398.0</u>	<u>479.1</u>	<u>533.2</u>	<u>520.4</u>
General Fund	134,475,205	102,503,246	132,821,776	148,635,745	146,230,915
Cash Funds	79,104,685	77,357,953	109,181,231	98,300,034	123,370,661
Reappropriated Funds	11,988,023	12,418,862	12,056,318	12,296,967	12,296,967
Federal Funds	2,021,368	2,079,627	0	8,783,717	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
(3) TRIAL COURTS					
ents of Public Safety and Human Services.					
Trial Court Programs	<u>159,920,990</u>	<u>164,287,769</u>	<u>174,722,776</u>	<u>182,995,066</u>	<u>182,995,066</u> *
FTE	1,822.4	1,753.6	1,951.6	1,956.2	1,956.2
General Fund	135,016,968	135,513,731	140,896,635	149,168,925	149,168,925
Cash Funds	22,868,456	26,750,142	31,876,141	31,876,141	31,876,141
Reappropriated Funds	0	0	1,950,000	1,950,000	1,950,000
Federal Funds	2,035,566	2,023,896	0	0	0
Court Costs, Jury Costs, and Court-appointed Counsel	<u>7,527,949</u>	<u>7,397,222</u>	<u>8,876,977</u>	<u>8,876,977</u>	<u>8,876,977</u>
General Fund	7,504,865	7,376,041	8,711,728	8,711,728	8,711,728
Cash Funds	23,084	21,181	165,249	165,249	165,249
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
District Attorney Mandated Costs	<u>2,126,790</u>	<u>1,916,649</u>	<u>2,772,436</u>	<u>2,855,609</u>	<u>2,855,609</u> *
General Fund	1,941,075	1,735,239	2,572,436	2,655,609	2,655,609
Cash Funds	185,715	181,410	200,000	200,000	200,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
ACTION and Statewide Discovery Sharing Systems	<u>3,240,000</u>	<u>3,240,000</u>	<u>3,240,000</u>	<u>3,240,000</u>	<u>3,240,000</u>
General Fund	3,170,000	3,170,000	3,170,000	3,170,000	3,170,000
Cash Funds	70,000	70,000	70,000	70,000	70,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Federal Funds and Other Grants	<u>2,879,255</u>	<u>2,464,744</u>	<u>2,900,000</u>	<u>2,900,000</u>	<u>2,900,000</u>
FTE	3.5	3.5	13.0	13.0	13.0
General Fund	0	0	0	0	0
Cash Funds	258,193	309,320	975,000	975,000	975,000
Reappropriated Funds	0	0	300,000	300,000	300,000
Federal Funds	2,621,062	2,155,424	1,625,000	1,625,000	1,625,000
TOTAL - (3) Trial Courts	175,694,984	179,306,384	192,512,189	200,867,652	200,867,652
FTE	<u>1,825.9</u>	<u>1,757.1</u>	<u>1,964.6</u>	<u>1,969.2</u>	<u>1,969.2</u>
General Fund	147,632,908	147,795,011	155,350,799	163,706,262	163,706,262
Cash Funds	23,405,448	27,332,053	33,286,390	33,286,390	33,286,390
Reappropriated Funds	0	0	2,250,000	2,250,000	2,250,000
Federal Funds	4,656,628	4,179,320	1,625,000	1,625,000	1,625,000

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(4) PROBATION AND RELATED SERVICES

Treatment Cash Fund; Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section; and funds transferred from other Departments.

Probation Programs	<u>92,059,871</u>	<u>113,169,396</u>	<u>96,016,659</u>	<u>99,575,491</u>	<u>99,575,491</u> *
FTE	1,204.3	1,149.3	1,245.7	1,252.1	1,252.1
General Fund	82,441,534	103,065,600	87,133,702	90,692,534	90,692,534
Cash Funds	9,618,337	10,103,796	8,882,957	8,882,957	8,882,957
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 Offender Treatment and Services	 <u>16,654,963</u>	 <u>14,346,159</u>	 <u>19,915,494</u>	 <u>20,702,342</u>	 <u>20,702,342</u> *
FTE	0.0	0.0	0.0	0.0	0.0
General Fund	924,453	269,463	276,201	276,201	276,201
Cash Funds	12,285,060	10,172,576	15,335,322	15,335,322	15,335,322
Reappropriated Funds	3,445,450	3,904,120	4,303,971	5,090,819	5,090,819
Federal Funds	0	0	0	0	0
 Appropriation to the Correctional Treatment Cash Fund	 <u>17,326,198</u>	 <u>14,652,936</u>	 <u>15,019,259</u>	 <u>16,269,259</u>	 <u>16,269,259</u> *
General Fund	15,722,879	13,065,651	13,392,292	14,642,292	14,642,292
Cash Funds	1,603,319	1,587,285	1,626,967	1,626,967	1,626,967
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 91-94 Juvenile Services	<u>1,203,801</u>	<u>1,280,748</u>	<u>1,596,837</u>	<u>1,596,837</u>	<u>1,596,837</u>
FTE	13.0	12.0	15.0	15.0	15.0
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	1,203,801	1,280,748	1,596,837	1,596,837	1,596,837
Federal Funds	0	0	0	0	0
Correctional Treatment Cash Fund Expenditures	<u>20,326,296</u>	<u>22,072,881</u>	<u>24,747,194</u>	<u>25,000,000</u>	<u>25,000,000</u> *
FTE	0.0	1.0	1.0	1.0	1.0
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	20,326,296	22,072,881	24,747,194	25,000,000	25,000,000
Federal Funds	0	0	0	0	0
Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer	<u>133,255</u>	<u>95,148</u>	<u>187,500</u>	<u>187,500</u>	<u>187,500</u>
General Fund	0	0	0	0	0
Cash Funds	133,255	95,148	187,500	187,500	187,500
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Victims Grants	<u>177,649</u>	<u>147,302</u>	<u>650,000</u>	<u>650,000</u>	<u>650,000</u>
FTE	1.5	1.6	6.0	6.0	6.0
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	177,649	147,302	650,000	650,000	650,000
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Federal Funds and Other Grants	<u>1,284,459</u>	<u>1,315,509</u>	<u>5,600,000</u>	<u>5,600,000</u>	<u>5,600,000</u>
FTE	10.0	15.0	32.0	32.0	32.0
General Fund	0	0	0	0	0
Cash Funds	1,029,640	1,073,432	1,950,000	1,950,000	1,950,000
Reappropriated Funds	0	0	850,000	850,000	850,000
Federal Funds	254,819	242,077	2,800,000	2,800,000	2,800,000
Indirect Cost Assessment	<u>689,874</u>	<u>920,535</u>	<u>906,985</u>	<u>1,010,002</u>	<u>1,010,002</u>
General Fund	0	0	0	0	0
Cash Funds	689,874	920,535	906,985	1,010,002	1,010,002
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (4) Probation and Related Services	149,856,366	168,000,614	164,639,928	170,591,431	170,591,431
FTE	<u>1,228.8</u>	<u>1,178.9</u>	<u>1,299.7</u>	<u>1,306.1</u>	<u>1,306.1</u>
General Fund	99,088,866	116,400,714	100,802,195	105,611,027	105,611,027
Cash Funds	25,359,485	23,952,772	28,889,731	28,992,748	28,992,748
Reappropriated Funds	25,153,196	27,405,051	32,148,002	33,187,656	33,187,656
Federal Funds	254,819	242,077	2,800,000	2,800,000	2,800,000

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(5) OFFICE OF THE STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants.

Personal Services	<u>69,411,612</u>	<u>81,236,960</u>	<u>82,543,008</u>	<u>91,064,864</u>	<u>90,786,187</u> *
FTE	862.3	877.7	965.3	1,051.9	1,049.2
General Fund	69,411,612	81,236,960	82,543,008	91,064,864	90,786,187
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 Health, Life, and Dental	 <u>8,694,528</u>	 <u>5,266,749</u>	 <u>10,047,591</u>	 <u>11,210,847</u>	 <u>11,157,201</u> *
General Fund	8,694,528	5,266,749	10,047,591	11,210,847	11,157,201
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 Short-term Disability	 <u>115,983</u>	 <u>119,436</u>	 <u>117,636</u>	 <u>132,665</u>	 <u>131,956</u> *
General Fund	115,983	119,436	117,636	132,665	131,956
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 S.B. 04-257 Amortization Equalization Disbursement	 <u>3,406,851</u>	 <u>3,506,546</u>	 <u>3,671,416</u>	 <u>3,901,908</u>	 <u>3,889,657</u> *
General Fund	3,406,851	3,506,546	3,671,416	3,901,908	3,889,657
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>3,406,851</u>	<u>3,506,546</u>	<u>3,671,416</u>	<u>3,901,908</u>	<u>3,889,657</u> *
General Fund	3,406,851	3,506,546	3,671,416	3,901,908	3,889,657
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>4,539,548</u>	<u>0</u>	<u>2,353,529</u>	<u>2,463,110</u>	<u>2,463,110</u>
General Fund	4,539,548	0	2,353,529	2,463,110	2,463,110
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>175,143</u>	<u>168,126</u> *
General Fund	0	0	0	175,143	168,126
Operating Expenses	<u>1,679,797</u>	<u>779,975</u>	<u>1,942,678</u>	<u>2,514,728</u>	<u>2,511,878</u> *
General Fund	1,660,897	779,975	1,912,678	2,484,728	2,481,878
Cash Funds	18,900	0	30,000	30,000	30,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Vehicle Lease Payments	<u>92,094</u>	<u>99,060</u>	<u>139,454</u>	<u>111,197</u>	<u>109,589</u>
General Fund	92,094	99,060	139,454	111,197	109,589
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Capital Outlay	<u>108,469</u>	<u>118,438</u>	<u>286,000</u>	<u>640,800</u>	<u>533,200</u> *
General Fund	108,469	118,438	286,000	640,800	533,200
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Leased Space/Utilities	<u>7,115,521</u>	<u>7,053,437</u>	<u>7,827,383</u>	<u>8,646,170</u>	<u>8,042,972</u> *
General Fund	7,115,521	7,053,437	7,827,383	8,646,170	8,042,972
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Automation Plan	<u>1,867,848</u>	<u>3,091,739</u>	<u>2,160,164</u>	<u>6,304,518</u>	<u>6,303,318</u> *
General Fund	1,867,848	3,091,739	2,160,164	6,304,518	6,303,318
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Attorney Registration	<u>149,794</u>	<u>153,404</u>	<u>156,634</u>	<u>156,634</u>	<u>156,634</u>
General Fund	149,794	153,404	156,634	156,634	156,634
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Contract Services	<u>14,610</u>	<u>81,473</u>	<u>49,395</u>	<u>49,395</u>	<u>49,395</u>
General Fund	14,610	81,473	49,395	49,395	49,395
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Mandated Costs	<u>3,569,410</u>	<u>2,236,144</u>	<u>3,813,143</u>	<u>3,813,143</u>	<u>3,813,143</u>
General Fund	3,569,410	2,236,144	3,813,143	3,813,143	3,813,143
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Grants	<u>25,000</u>	<u>25,000</u>	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>
FTE	0.3	0.3	1.1	1.1	1.1
General Fund	0	0	0	0	0
Cash Funds	25,000	25,000	125,000	125,000	125,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Merit Pay	<u>2,185,039</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	2,185,039	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (5) Office of the State Public Defender	106,382,955	107,274,907	118,904,447	135,212,030	134,131,023
FTE	<u>862.6</u>	<u>878.0</u>	<u>966.4</u>	<u>1,053.0</u>	<u>1,050.3</u>
General Fund	106,339,055	107,249,907	118,749,447	135,057,030	133,976,023
Cash Funds	43,900	25,000	155,000	155,000	155,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL					
for training.					
Personal Services	<u>1,590,802</u>	<u>1,748,177</u>	<u>1,661,709</u>	<u>2,198,529</u>	<u>2,440,680</u> *
FTE	14.0	14.0	14.0	18.5	20.5
General Fund	1,590,802	1,748,177	1,661,709	2,198,529	2,440,680
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>188,187</u>	<u>196,543</u>	<u>220,887</u>	<u>272,621</u>	<u>290,391</u> *
General Fund	188,187	196,543	220,887	272,621	290,391
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>2,170</u>	<u>2,133</u>	<u>2,700</u>	<u>3,140</u>	<u>3,437</u> *
General Fund	2,170	2,133	2,700	3,140	3,437
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>70,649</u>	<u>69,406</u>	<u>84,375</u>	<u>98,132</u>	<u>107,418</u> *
General Fund	70,649	69,406	84,375	98,132	107,418
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>70,649</u>	<u>69,406</u>	<u>84,375</u>	<u>98,132</u>	<u>107,418</u> *
General Fund	70,649	69,406	84,375	98,132	107,418
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>0</u>	<u>55,221</u>	<u>56,984</u>	<u>56,984</u>
General Fund	0	0	55,221	56,984	56,984
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,417</u>	<u>4,919</u> *
General Fund	0	0	0	4,417	4,919
Operating Expenses	<u>269,467</u>	<u>164,639</u>	<u>120,887</u>	<u>131,637</u>	<u>139,546</u> *
General Fund	269,467	164,639	120,887	131,637	139,546
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>3,473</u>	<u>0</u>	<u>0</u>	<u>31,000</u>	<u>31,000</u> *
General Fund	3,473	0	0	31,000	31,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Training and Conferences	<u>97,808</u>	<u>60,445</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
General Fund	47,405	20,000	20,000	20,000	20,000
Cash Funds	50,403	40,445	80,000	80,000	80,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Conflict-of-interest Contracts	<u>35,160,936</u>	<u>33,678,521</u>	<u>37,102,912</u>	<u>44,430,312</u>	<u>44,430,264</u> *
General Fund	35,160,936	33,678,521	37,102,912	44,430,312	44,430,264
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Mandated Costs	<u>1,689,070</u>	<u>1,381,156</u>	<u>2,542,050</u>	<u>2,895,573</u>	<u>2,895,573</u>
General Fund	1,689,070	1,381,156	2,542,050	2,895,573	2,895,573
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Municipal Court Program	<u>191,583</u>	<u>202,306</u>	<u>202,306</u>	<u>250,060</u>	<u>0</u>
FTE	2.0	2.0	2.0	2.0	0.0
General Fund	191,583	202,306	202,306	250,060	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Merit Pay	<u>47,462</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	47,462	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (6) Office of the Alternate Defense					
Counsel	39,382,256	37,572,732	42,177,422	50,570,537	50,607,630
<i>FTE</i>	<u>16.0</u>	<u>16.0</u>	<u>16.0</u>	<u>20.5</u>	<u>20.5</u>
General Fund	39,331,853	37,532,287	42,097,422	50,490,537	50,527,630
Cash Funds	50,403	40,445	80,000	80,000	80,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

Personal Services	<u>2,908,753</u>	<u>2,958,130</u>	<u>3,429,223</u>	<u>3,787,760</u>	<u>3,791,932</u> *
FTE	33.0	32.4	34.9	35.9	35.9
General Fund	2,908,753	2,889,332	3,223,090	3,433,354	3,433,263
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	68,798	206,133	354,406	358,669
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>302,931</u>	<u>229,421</u>	<u>391,182</u>	<u>494,523</u>	<u>481,775</u> *
General Fund	302,931	229,421	379,834	446,768	446,768
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	11,348	47,755	35,007
Federal Funds	0	0	0	0	0
Short-term Disability	<u>3,793</u>	<u>5,045</u>	<u>4,723</u>	<u>5,277</u>	<u>5,282</u> *
General Fund	3,793	4,754	4,415	4,788	4,788
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	291	308	489	494
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>126,173</u>	<u>149,422</u>	<u>147,606</u>	<u>164,874</u>	<u>165,053</u> *
General Fund	126,173	140,802	137,967	149,643	149,640
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	8,620	9,639	15,231	15,413
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>126,173</u>	<u>149,422</u>	<u>147,606</u>	<u>164,874</u>	<u>165,053</u> *
General Fund	126,173	140,802	137,967	149,643	149,640
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	8,620	9,639	15,231	15,413
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>0</u>	<u>99,620</u>	<u>100,389</u>	<u>100,389</u>
General Fund	0	0	93,115	94,481	94,481
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	6,505	5,908	5,908
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>6,872</u>	<u>7,385</u>
General Fund	0	0	0	6,468	6,666
Reappropriated Funds	0	0	0	404	719
Operating Expenses	<u>276,772</u>	<u>349,213</u>	<u>329,250</u>	<u>440,900</u>	<u>440,900</u> *
General Fund	276,772	296,713	288,700	352,800	352,800
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	52,500	40,550	88,100	88,100
Federal Funds	0	0	0	0	0
Leased Space	<u>121,380</u>	<u>121,491</u>	<u>128,952</u>	<u>133,133</u>	<u>133,133</u>
General Fund	121,380	121,491	128,952	133,133	133,133
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
CASA Contracts	<u>1,550,000</u>	<u>1,550,000</u>	<u>1,550,000</u>	<u>1,550,000</u>	<u>1,550,000</u>
General Fund	1,550,000	1,550,000	1,550,000	1,550,000	1,550,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Training	<u>51,264</u>	<u>34,121</u>	<u>78,000</u>	<u>78,000</u>	<u>78,000</u>
General Fund	51,264	34,121	58,000	58,000	58,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	20,000	20,000	20,000
Federal Funds	0	0	0	0	0
Court-appointed Counsel	<u>22,042,792</u>	<u>20,515,061</u>	<u>25,220,766</u>	<u>26,734,012</u>	<u>26,734,012</u> *
General Fund	22,042,792	20,479,617	23,778,864	25,205,596	25,205,596
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	35,444	1,441,902	1,528,416	1,528,416
Federal Funds	0	0	0	0	0
Mandated Costs	<u>52,605</u>	<u>57,650</u>	<u>60,200</u>	<u>60,200</u>	<u>60,200</u>
General Fund	52,605	57,650	60,200	60,200	60,200
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Grants	<u>66,344</u>	<u>28,859</u>	<u>26,909</u>	<u>26,909</u>	<u>26,909</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	66,344	28,859	26,909	26,909	26,909
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
TOTAL - (7) Office of the Child's Representative	27,628,980	26,147,835	31,614,037	33,747,723	33,740,023
<i>FTE</i>	<u>33.0</u>	<u>32.4</u>	<u>34.9</u>	<u>35.9</u>	<u>35.9</u>
General Fund	27,562,636	25,944,703	29,841,104	31,644,874	31,644,975
Cash Funds	0	0	0	0	0
Reappropriated Funds	66,344	203,132	1,772,933	2,102,849	2,095,048
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

This independent agency provides legal representation for indigent parents involved in dependency and neglect proceedings. Cash funds are received from private attorneys for training.

Personal Services	<u>1,500,525</u>	<u>1,662,059</u>	<u>1,912,724</u>	<u>2,193,112</u>	<u>2,199,742</u> *
FTE	12.8	11.9	14.0	16.0	16.0
General Fund	1,500,525	1,593,274	1,760,249	2,035,852	2,042,482
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	68,785	152,475	157,260	157,260
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>159,549</u>	<u>112,070</u>	<u>187,275</u>	<u>254,272</u>	<u>254,470</u> *
General Fund	159,549	99,398	166,890	238,546	238,744
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	12,672	20,385	15,726	15,726
Federal Funds	0	0	0	0	0
Short-term Disability	<u>2,108</u>	<u>2,344</u>	<u>2,437</u>	<u>2,963</u>	<u>2,953</u> *
General Fund	2,058	2,108	2,239	2,759	2,749
Cash Funds	0	0	0	0	0
Reappropriated Funds	50	236	198	204	204
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>64,247</u>	<u>70,467</u>	<u>76,137</u>	<u>91,990</u>	<u>92,283</u> *
General Fund	64,247	64,247	69,955	85,627	85,920
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	6,220	6,182	6,363	6,363
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>64,247</u>	<u>70,467</u>	<u>76,137</u>	<u>91,990</u>	<u>92,283</u> *
General Fund	64,247	64,247	69,955	85,627	85,920
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	6,220	6,182	6,363	6,363
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>0</u>	<u>49,829</u>	<u>54,090</u>	<u>54,090</u>
General Fund	0	0	45,785	49,902	49,902
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	4,044	4,188	4,188
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,196</u>	<u>4,193</u> *
General Fund	0	0	0	3,910	3,907
Reappropriated Funds	0	0	0	286	286
Operating Expenses	<u>108,365</u>	<u>105,166</u>	<u>126,400</u>	<u>141,500</u>	<u>141,500</u> *
General Fund	108,365	105,166	125,450	140,550	140,550
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	950	950	950
Federal Funds	0	0	0	0	0
Title IV-E Legal Representation	<u>0</u>	<u>909,094</u>	<u>4,741,480</u>	<u>5,025,969</u>	<u>5,025,969</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	909,094	4,741,480	5,025,969	5,025,969
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Training	<u>55,212</u>	<u>30,827</u>	<u>106,000</u>	<u>106,000</u>	<u>106,000</u>
General Fund	25,714	20,473	30,000	30,000	30,000
Cash Funds	29,498	10,354	48,000	48,000	48,000
Reappropriated Funds	0	0	28,000	28,000	28,000
Federal Funds	0	0	0	0	0
Court-appointed Counsel	<u>17,781,549</u>	<u>18,527,743</u>	<u>19,918,541</u>	<u>22,247,566</u>	<u>22,247,566</u> *
General Fund	17,781,549	18,527,743	19,918,541	21,910,232	21,910,232
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	337,334	337,334
Federal Funds	0	0	0	0	0
Mandated Costs	<u>2,269,012</u>	<u>2,352,569</u>	<u>1,955,495</u>	<u>938,911</u>	<u>938,911</u> *
General Fund	2,269,012	2,352,569	1,637,255	938,911	938,911
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	318,240	0	0
Federal Funds	0	0	0	0	0
Grants	<u>64,580</u>	<u>36,360</u>	<u>31,095</u>	<u>31,095</u>	<u>31,095</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	64,580	36,360	31,095	31,095	31,095
Federal Funds	0	0	0	0	0
Merit Pay	<u>34,215</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	34,215	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
TOTAL - (8) Office of the Respondent Parents'					
Counsel	22,103,609	23,879,166	29,183,550	31,183,654	31,191,055
<i>FTE</i>	<u>12.8</u>	<u>11.9</u>	<u>14.0</u>	<u>16.0</u>	<u>16.0</u>
General Fund	22,009,481	22,829,225	23,826,319	25,521,916	25,529,317
Cash Funds	29,498	10,354	48,000	48,000	48,000
Reappropriated Funds	64,630	1,039,587	5,309,231	5,613,738	5,613,738
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

protection services.

Program Costs	<u>943,586</u>	<u>930,231</u>	<u>1,161,653</u>	<u>1,357,800</u>	<u>1,355,945</u> *
FTE	8.0	8.0	9.9	10.5	10.5
General Fund	943,586	930,231	1,161,653	1,357,800	1,355,945
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

TOTAL - (9) Office of the Child Protection					
Ombudsman	943,586	930,231	1,161,653	1,357,800	1,355,945
<i>FTE</i>	<u>8.0</u>	<u>8.0</u>	<u>9.9</u>	<u>10.5</u>	<u>10.5</u>
General Fund	943,586	930,231	1,161,653	1,357,800	1,355,945
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(10) INDEPENDENT ETHICS COMMISSION

ment employees.

Program Costs	<u>175,798</u>	<u>172,876</u>	<u>193,231</u>	<u>263,000</u>	<u>273,878</u> *
FTE	1.0	1.0	1.0	1.5	1.5
General Fund	175,798	172,876	193,231	263,000	273,878
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

TOTAL - (10) Independent Ethics Commission	175,798	172,876	193,231	263,000	273,878
<i>FTE</i>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>
General Fund	175,798	172,876	193,231	263,000	273,878
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship is a pilot program that provides legal guardianship services for incapacitated and indigent adults in Denver who have no other guardianship prospects.

Program Costs	<u>647,886</u>	<u>662,072</u>	<u>841,253</u>	<u>1,589,073</u>	<u>1,649,190</u> *
FTE	4.5	6.0	7.0	14.0	14.0
General Fund	427,000	0	0	0	0
Cash Funds	220,886	662,072	751,569	1,407,016	1,450,241
Reappropriated Funds	0	0	89,684	182,057	198,949
Federal Funds	0	0	0	0	0

TOTAL - (11) Office of Public Guardianship	647,886	662,072	841,253	1,589,073	1,649,190
<i>FTE</i>	<u>4.5</u>	<u>6.0</u>	<u>7.0</u>	<u>14.0</u>	<u>14.0</u>
General Fund	427,000	0	0	0	0
Cash Funds	220,886	662,072	751,569	1,407,016	1,450,241
Reappropriated Funds	0	0	89,684	182,057	198,949
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
(12) OFFICE OF JUDICIAL DISCIPLINE					
Program Costs	<u>1,008,506</u>	<u>0</u>		*	
FTE	4.0	0.0			
General Fund	400,000	0			
Cash Funds	608,506	0			
Reappropriated Funds	0	0			
Federal Funds	0	0			
Appropriation to Office of Judicial Discipline					
Investigations Cash Fund	<u>400,000</u>	<u>0</u>		*	
General Fund	400,000	0			
TOTAL - (12) Office of Judicial Discipline	1,408,506	0			
FTE	<u>4.0</u>	<u>0.0</u>			
General Fund	800,000	0			
Cash Funds	608,506	0			
Reappropriated Funds	0	0			
Federal Funds	0	0			
TOTAL - Judicial Department	778,604,271	767,004,577	862,926,198	923,335,075	934,833,376
FTE	<u>4,612.7</u>	<u>4,501.4</u>	<u>5,009.9</u>	<u>5,182.2</u>	<u>5,162.7</u>
General Fund	593,759,214	577,115,474	620,460,250	679,826,115	675,593,696
Cash Funds	140,567,152	142,248,550	184,341,883	174,594,079	199,099,425
Reappropriated Funds	37,345,090	41,139,529	53,699,065	55,706,164	55,715,255
Federal Funds	6,932,815	6,501,024	4,425,000	13,208,717	4,425,000