

The Colorado Department of Public Safety Budget Hearing

Joint Budget Committee
December 2, 2021

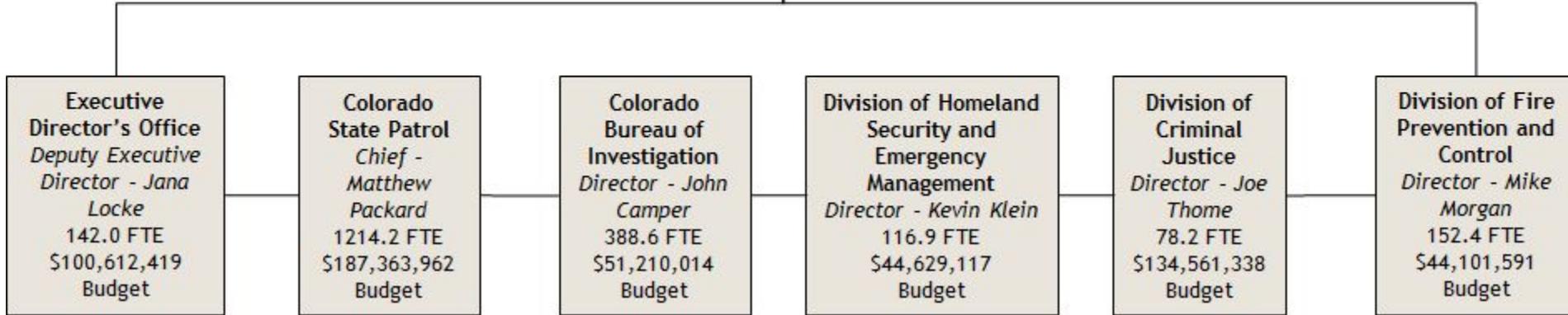


COLORADO
Governor Jared Polis



CDPS Organizational Chart

Department of Public Safety
Executive Director - Stan Hilkey
Deputy Director - Jana Locke



*Numbers based on FY23 Budget Request. Note that DHSEM currently manages approximately \$1.7 billion in federal funding in FY22 that is not included in their total above.

Colorado Department of Public Safety Mission & Vision

CDPS Mission: Engaged employees working together to safeguard the public and deliver diverse public safety services to local communities.

CDPS Vision: Creating safer and more resilient communities across Colorado.

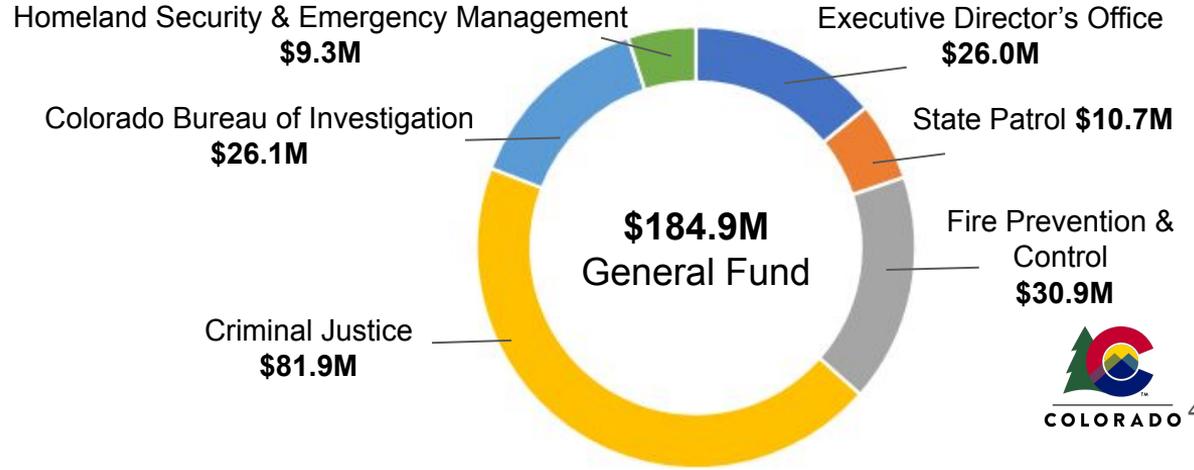
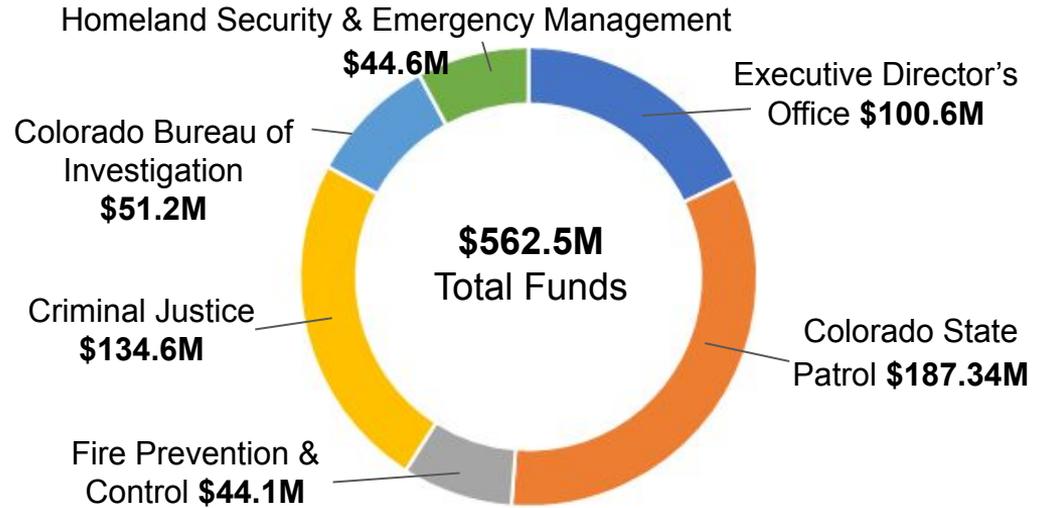
CDPS Motto: Safer Together

Department of Public Safety FY 2022-23 Budget Request

FY 2022-23 Budget Snapshot

FY 2022-23 *Total Funds: \$562.5M
 FY 2022-23 General Fund: \$184.9M
 FY 2022-23 FTE: 2092.3

*Note that the DHSEM currently manages approximately \$1.7 billion in federal funding that is not reflected in the above totals.



Department of Public Safety Select FY 2022-23 Budget Requests

CDPS' FY 2022-23 Budget Request includes the following:

- R-01 Colorado Bureau of Investigation Right-Sizing
 - \$6.8M total funds, all from the General Fund. Includes 47.0 FTE.
- R-02 Capitol Complex Security Plus-Up
 - \$4.5M total funds, all from the General Fund. Includes 27.9 FTE.
- R-03 State Recovery Section Staff
 - \$255,047 total funds, all from the General Fund. Includes 3.0 FTE.
- R-04 School Safety Resource Center Refinance
 - Refinance existing cash fund of \$900k and add \$299k, with Marijuana Tax Cash Fund.
- R-05 Funding for State Toxicology Laboratory
 - \$1.1M total funds, all from the Marijuana Tax Cash Fund. Includes 4.0 FTE.



Department of Public Safety Legislative Agenda

Crime Prevention Package - Proposed Legislation

\$56M Investment (ARPA, State Stimulus)

- Community Based Competitive and Targeted Grants
 - \$8.3M One-time State Investment in each of FY 22-23 and FY 23-24
- Crime Prevention through Safer Streets Grant Program
 - \$10.3M One-time State Investment in FY 22-23
- Workforce Recruitment, Expansion, Retention
 - \$8.0M One-time State Investment divided between \$4.5M in FY 22-23 and \$3.5M in FY 23-24
- DPS Project Oversight
 - \$0.2M One-time State Investment in FY 22-23 and FY 23-24
- Statewide Crime Prevention Forum
 - \$100,000 one time expense in FY 22-23
- School Safety Resources Grants
 - \$4.0M One-time State Investment divided between \$2.0M in FY 22-23 and \$2.0M in FY 23-24



Department of Public Safety Legislative Agenda

Crime Prevention Package - Proposed Legislation cont.:

- Young Offender Intervention and Prevention Pilot Program Grants
\$4.2M one time state investment, spread across two \$2.1M program budgets in FY 22-23 and FY 23-24
- Criminal Justice Early Intervention Program
\$17.4M distributed as \$8.7M in both FY 22-23 and FY 23-24
- Behavioral Health Sharing in the CJ System
\$3.5M ARPA in FY 22-23

Department of Public Safety Legislative Agenda

CDPS Proposed Legislative Agenda Items:

- **PPE Storage** - As DHSEM transitions its PPE management from short-term resupply to long-term stockpile management, a partnership with the private sector to provide managed warehousing services by a Third Party Logistics (3PL) vendor with experience in the healthcare space may be a cost-effective means of ensuring adequate PPE is maintained in reserve and supplies are rotated in order to maintain fresh PPE.
- **VRA Clean-up** - The last comprehensive review of the Victim Rights Act (VRA) was in 2012 and 2017. Since that time, other legislation has passed that has affected the VRA and when this occurs there are often factors around implementation that are not considered or that have to be re-visited for practical application.
- **Removal of the requirement of signature for traffic infractions** - Currently, a signature is required to show receipt of a citation for a traffic infraction. The long term rationale for this is the development of E-Citation for all law enforcement in the State of Colorado. This would greatly reduce the exposure to live traffic for both the violator and the officer.



Department of Public Safety Legislative Agenda

Proposed Legislative Agenda Items Cont.:

- **Targeted Violence** - The bill will create a preventing targeted violence training grant program in the Division of Homeland Security and Emergency Management to provide grants for training programs that educate on preventing targeted violence and for programs that provide threat assessments.
- **Waste Tire Clean-up** - Update statute to permit CDPHE to contract with the Division of Fire Prevention and Control to inspect waste tire sites for fire and life safety.
- **CBI Background Language Cleanup** - The FBI will not approve a statute that contains any type wording specific to “name-based criminal history based check”. We propose removing the reference to this type of check in the statute that is cited in the C.R.S. to align with FBI policy.



Department of Public Safety Common Question #1

- Update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and space needs.
 - 37% of workforce working remotely, 63% reporting to worksite.
 - The CDPS Flexible Work Arrangement was updated to align with DPA's universal policy.
 - The Department is planning another review of office space to evaluate how staggered schedules and lower office occupancy may create space efficiencies.
 - Several leases will be up for renewal in the next few years, and there may be an opportunity to reduce space in phases as leases expire.
 - Remote work has not impacted vehicle needs to date because employees who need vehicles, primarily troopers, have not had any change in their work arrangements due to COVID.
 - One of the Department's current year WIGs is to increase virtual access to meetings and events.



Department of Public Safety Common Question #2

- Describe the most significant one-time federal funds from stimulus bills (e.g. CARES Act and ARPA) and other major new federal legislation (e.g. federal infrastructure investment and jobs act) that the Department has received or expects to receive.
 - DHSEM received about \$1.8 million from ARPA funding to help extend the Emergency Management Grant Program into the 2022 calendar year.
 - DHSEM is also competing for additional Building Resilient Infrastructure and Communities (BRIC) grants.
 - S.B. 21-292 Federal COVID Funding for Victim's Services appropriated \$6.0 million from ARPA funding in the Division of Criminal Justice.
 - At this time it is difficult to determine our flexibility in using the funding since most grant language has not been released federally for review.



DEPARTMENT OF PUBLIC SAFETY *(EXCEPT DCJ)*
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Thursday, December 2, 2021
2:30 pm – 4:30 pm

2:30-2:45 INTRODUCTIONS, OPENING COMMENTS, AND COMMON QUESTIONS

Presenter: Stan Hilkey, Executive Director of the Department of Public Safety

2:45-3:05 STATE PATROL

Main Presenters:

- Stan Hilkey, Executive Director of the Department of Public Safety
- Matt Packard, Chief of the Colorado State Patrol

Topics:

- R2 Capitol Security Plus-up: Page 2, Questions 1-5 in the packet
- R8 and R10 Communications: Page 3, Questions 6-7 in the packet
- R9 Central Evidence Facility: Page 4, Question 8 in the packet

3:05-3:25 DIVISION OF FIRE PREVENTION AND CONTROL

Main Presenters:

- Stan Hilkey, Executive Director of the Department of Public Safety
- Mike Morgan, Director of the Division of Fire Prevention and Control

Topics:

Local Support: Page 4, Questions 9-11 in the packet

3:25-3:55 COLORADO BUREAU OF INVESTIGATION

Main Presenters:

- Stan Hilkey, Executive Director of the Department of Public Safety
- John Camper, Director of the Colorado Bureau of Investigation

Topics:

- R1 Right-Sizing CBI: Page 6, Questions 12-15 in the packet
- R5 State Toxicology Lab: Page 18, Questions 16-17 in the packet

3:55-4:20 DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Main Presenters:

- Stan Hilkey, Executive Director for Department of Public Safety
- Kevin Klein, Director of the Division of Homeland Security and Emergency Management

Topics:

- R11 Statewide Cybersecurity Program: Page 20, Question 18 in the packet
- R13 Bias-Motivated Violence Grant: Page 21, Questions 19-21 in the packet
- Federal BRIC Grants: Page 25, Questions 22-23 in the packet

4:20-4:30 SCHOOL SAFETY

Main Presenters:

- Stan Hilkey, Executive Director of the Department of Public Safety
- Christine Harms, School Safety Resource Center Program Director

Topics:

- School Safety: Page 28, Question 24 in the packet

DEPARTMENT OF PUBLIC SAFETY (EXCEPT DCJ)
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Thursday, December 2, 2021
2:30 pm – 4:30 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

1. Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

***Response:** Throughout the course of the pandemic, CDPS has had approximately 37 percent of its workforce working remotely to some extent and 63 percent reporting to a worksite. Many of CDPS' functions and services require physical presence and cannot be performed through telework.*

CDPS has updated its Flexible Work Arrangements policy to align with the DPA universal policy, which recognizes the benefits of telework to current and prospective employees. The Department is in the process of developing flexible work arrangement (FWA) agreements for all employees with any type of FWA, whether that is flex-time or flex-place. Currently, most employees who can work remotely are doing so under a hybrid model with a mix of in-office and telework days. The Department is planning another comprehensive review of office space to evaluate how staggered schedules and lower office occupancy may create space efficiencies. CDPS has several leases for office space that will be up for renewal in the next few years, and there may be an opportunity to reduce leased office space in phases when those leases expire. Remote work has not impacted vehicle needs to date because the employees who need vehicles, primarily troopers, have not had any change in their work arrangement due to the pandemic. The Department is closely monitoring hybrid work models for impacts to productivity and employee engagement, and plan to adjust arrangements as needed.

Finally, one of our current year WIGs is to increase virtual access to meetings and events. The Department is focusing on accessibility as part of its EDI efforts and expects to continue adapting services and events to allow for more digital and remote access, where possible.

2. Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

***Response:** DHSEM received an insignificant award from ARPA funding (\$1.8 million) in the Emergency Management grant program that requires a 1:1 state match. This funding is*

helping the State to extend the grant program in the 2022 calendar year. Additionally, DHSEM will compete nationally for additional Building Resilient Infrastructure and Communities (BRIC) funding highlighted in response submitted below under Federal BRIC grants. It is difficult to determine flexibility in funding, since most grant language has not been released federally for review.

In addition, S.B. 21-292 appropriated \$6.0 million from ARPA funding for Victims' Services. As of November 24, 2021, no money has been spent.

STATE PATROL

R2 CAPITOL SECURITY PLUS-UP

1. *[Rep. Ransom] Please define "dignitary" as referenced in the request and where the authority to request dignitary security may originate.*

***Response:** Pursuant to 24-33.5-216, C.R.S and 24-33.5-216.5, C.R.S provides the authority for the CSP to provide personal protection for key public figures as well as providing law enforcement services within the state capitol buildings group. As part of this mission, Patrol members investigate a variety and an increasing amount of threats made to key state-level figures who regularly work within the capitol buildings group. Protection for these dignitaries can range from providing threat investigation and awareness up to and including traditional personal protection. The CSP also has agreements with other states for reciprocal protection services for visiting Governors. Finally, as a result of the Patrol's experience and capability, members are requested to supplement protection services for visiting dignitaries, including Federal protectees and other visiting heads of state.*

2. *[Rep. Ransom] Overtime for ESU for the last two years are likely to be extraordinary. Is the Department anticipating the number of overtime hours to continue at this level?*

***Response:** In drafting our decision item, the CSP attempted to account for abnormal levels of overtime experienced during our sustained response to civil unrest during the calendar year of 2020. Specifically, the figure was arrived by analyzing the previous three years of overtime spending within the Executive Security Unit (ESU). After the initial response to unrest in late May and June of 2020, the CSP also worked diligently to adjust trooper work schedules to help minimize overtime expenses. While overtime related to an increased number of demonstrations and civil unrest rose, other more traditional drivers of overtime have been significantly down since the onset of the COVID-19 pandemic. Typically, the ESU within the CSP is among the highest users of overtime for the entire division. We expect traditional drivers of overtime to return or exceed normal to historical levels experienced. The ESU does not currently have a dedicated overtime line that covers and vacancy savings has covered these expenses historically at the expense of other CSP responsibilities.*

3. [Rep. Herod] Will the expansion of ESU include the provision of security outside of the Capitol Complex for elected officials who are receiving threats?

Response: *The Capitol Complex budget request does account for an increased capability within our dignitary protection mission. If funded, the request would appropriately staff ESU to complete more timely threat investigations. However, it does not add FTE specifically for the purpose of adding dedicated protection details for any person or position beyond those specifically identified in statute. The request for dedicated overtime funding is intended to create a surge capability to take on additional temporary protection assignments based on threat.*

4. [Reps. Herod and McCluskie] Please provide a detailed plan of the security staffing planned for the X-ray magnetometer and entrance to the Legislative Services Building (LSB). How would the requested resources differ from current State Patrol presence in LSB?

Response: *Currently, the CSP maintains a trooper work area within the LSB. This space is utilized by Troopers to complete the regular administrative tasks required, such as timekeeping, report writing, and policy review. If approved, the funding request would create and staff a security post dedicated to LSB, similar to what is currently in place within the Capitol and the State Office Building. During regular business hours and any time when hearings are in session, the CSP plans to staff this post with two uniformed security guards. Additionally, a Trooper will specifically be assigned to LSB for foot patrols within the common areas both inside and outside immediately adjacent to the building.*

5. [Sen. Moreno] Does State Patrol plan to relocate its existing office in LSB? If so, how would that change relate to this request?

Response: *In partnership with the Department of Personnel and Administration, the CSP is renovating space on the bottom floor of the Annex Building. Once complete, CSP anticipates vacating the area within LSB currently being utilized as the trooper work area described in the response above. This planned move does not impact the request.*

COMMUNICATIONS

6. [Rep. Ransom] What are the specific duties of Communications staff?

Response: *The CSP maintains five regional communications centers throughout the state and one satellite center within the Capitol Complex. While specific duties vary by center and specific position within each center, CSP Communications Officers handle emergency (911) and non-emergency phone lines, provide dispatch services for all CSP troopers, port of entry officers, and security personnel. These vital staff members are responsible for receiving, cataloging, and dispatching information obtained through the *CSP (road rage and DUI driving reports) program. They also are responsible for entering warrants and other critical information into the statewide computer system utilized by law enforcement officers nationwide. Additionally, CSP Communications Officers provide emergency communications*

services to 59 customer agencies, which include other state agencies, federal partners, and local fire and police departments. In total, CSP communications officers answered over one million calls for service in 2020 and anticipated to surpass that number in 2021.

7. [Rep. Herod] Do the requested resources for communications equipment (R10) include resources for body cameras? Please provide an update on the implementation of SB 20-217 under State Patrol.

Response: *This request does not provide funding specifically for body cameras, as funding for cameras was provided during previous legislative processes. This request would however support the Patrol's body camera program by providing specific funding for wireless connectivity for troopers and the patrol vehicles. Additionally, the CSP anticipates that the requested funding for handheld devices will increase the capability and efficiency of data collection by Troopers as currently required by statute.*

The CSP is nearing completion of contract negotiations with the selected vendor for body-worn cameras and an updated in-car video system. Once finalized, the CSP plans to expeditiously deploy body cameras to troopers, port of entry officers, and security officers statewide. The CSP expects to complete full deployment by July 2022. Additionally, CSP is currently collecting all required data points and is otherwise compliant with other provisions set forth in S.B. 20-217, including updated use of force and de-escalation training.

R9 CENTRAL EVIDENCE FACILITY

8. [Sen. Moreno] Please provide more details on the OSA evaluation of the existing central evidence facility noted in the request. Did the OSA recommend closing the facility and acquiring a new facility?

Response: *The CSP's current evidence facility, built in the early 1900's, does not have sufficient space, nor is it secure enough for the needs of a modern professional evidence facility. Because of the building age and damage sustained from weather, the existing building is in need of significant repairs to maintain the integrity of the building and more importantly, the evidence and staff contained within. Additionally, we anticipate a need for expanded long-term storage, to include space for vehicles held for evidentiary purposes and in need of protection from weather. Neither the Patrol nor the OSA has a desire to expend money on a building that the Patrol wants to replace with a more suitable facility.*

DFPC

LOCAL SUPPORT

9. [Rep. McCluskie] Please describe grants provided to local fire departments by the State, including the local match required for the grants and the number of applications for these grants in recent years.

Response: *The Division administers two grant programs available to local fire agencies, Volunteer Fire Assistance grants (VFA), and Firefighter Safety and Disease prevention Grants (FFSDPG). VFA grants are pass-through funding from the United States Forest Service and the FFSDPG grants are state funded.*

On average, DFPC receives between 40 and 60 requests for VFA funding during each grant cycle. Grants are limited to communities with a population of 10,000 or less, and require a 50% cash match. Maximum award amount is \$20,000. Since the Department is a pass-through for these grants, the match requirement and grant criteria is set by the Federal Government.

Requests for FFSDPG have varied greatly over the years primarily based upon the amount of available funding. The grant does not have a cash match requirement. The grant program began in 2014 pursuant to S.B. 14-046. Total number of grant requests by year are:

- 2015 - 225
- 2016 - 118
- 2017 no application period,
- 2018 - 115
- 2019 - 95
- 2020 no application period due to COVID,
- 2021 (including 2020 funds) closes on December 17, 2021. There have been 553 total grant requests and 202 grants awarded.

10. [Sen. Rankin] Please describe the increasing use of early detection and the potential increased workload this may cause for local Departments. What does the Department intend to do to better support local fire departments, including the provision of resources and health screenings or support?

Response: *The goal of early detection is ultimately to decrease the duration of fires thereby reducing long-term workload for local departments by finding fires early and directing the appropriate resources to the fires to keep them from becoming larger, longer duration, and higher impact fires for the community. The implementation of the early detection programs, and the “closest available resource” response concepts, will create some additional requests for local agency initial attack responses. DFPC provides early detection for wildland fires through the use of the Multi-Mission Aircraft (MMA) and the Fireguard program. In 2021, the MMA found 206 previously undetected fires and successfully reported their location to the local fire department so they could respond quickly. As of October 28, 2021, the Fireguard*

program found 58 fires in Colorado and provided 381 fire polygons, in addition to the products provided by the MMA.

The Department is always looking for new ways to provide support to local fire departments by providing resources or assisting with training and response efforts to increase local agency capability and responder safety. The Department has seven engines that are co-located with local fire departments to provide day-to-day support with call response, training, and other identified needs. The Firefighter Safety and Disease Prevention Grant provides funding for equipment, training, and health screenings to reduce the risk of firefighter disease and injury. The Department received \$500,000 for this grant in FY 2020-21 and FY 2021-22, and consistently receives funding applications that exceed the available funding. The Department does not have the funding or the program structure to support the growing needs of fire departments in direct provision of resources or funding health screenings.

Additionally, the Department submitted a decision item for \$490,000 in ongoing funding in the November budget request that provides more sustainable funding for the state match for federal grants used to purchase training equipment that the state uses to train local fire departments (Assistance to Firefighters Grant) and funds for training local fire agencies (Hazardous Materials Emergency Preparedness Grant). While these grants help the Department better support local fire agencies, they do not provide any direct funding to local fire agencies, and the primary focus of AFG grants is structural firefighting operations.

11. [Sen. Rankin] How does the Department define the Wildland Urban Interface?

Response: *Wildland-Urban Interface (WUI) has several definitions, and the context in which the definition is being used is important to determining which definition is most appropriate. WUI is defined in statute as “an area where: Human development is close to wildland vegetation and there exists a high potential for a wildland fire” (23-31-310, C.R.S.). In the DFPC Strategic Plan for Supporting Colorado’s Fire Agencies, WUI is defined as “The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. Describes an area within or adjacent to private and public property where mitigation actions can prevent damage or loss from wildfire.”*

Most recently, the Colorado Fire Commission WUI Subcommittee, which consists of stakeholders from multiple different groups who are interested in finding actionable solutions to the WUI problem in Colorado, undertook the task of defining WUI for their work. After much discussion around this topic, the stakeholder group agreed to the following definition: “An area where structures and other human development meets or intermingles with wildland or vegetative fuels.”

CBI

R1 RIGHT-SIZING CBI

12. [Sen. Moreno] Please provide additional details on how data on investigators from other states was collected and considered. To what extent did you consider differences in Department structure or how local versus state jurisdiction may vary by state?

Response: Recognizing that the primary criminal investigating agencies for each state are structured quite differently from one another, the Colorado Bureau of Investigation (CBI) developed a comprehensive survey to better determine and compare the size, structure, and responsibilities of sister agencies. To date, the CBI has received responses from 32 of the 47 members of the Association of State Criminal Investigative Agencies (ASCIA).

Based on this information, it is apparent that the CBI is not appropriately sized to offer the level of service stakeholders require. Moreover, preliminary research indicates that the CBI has far fewer agents and forensic scientists than similarly populated states, as can be seen from the following charts comparing ‘Table 1: Agents/Scientists per million population’:

Table 1: Agent per million population vs. Agency

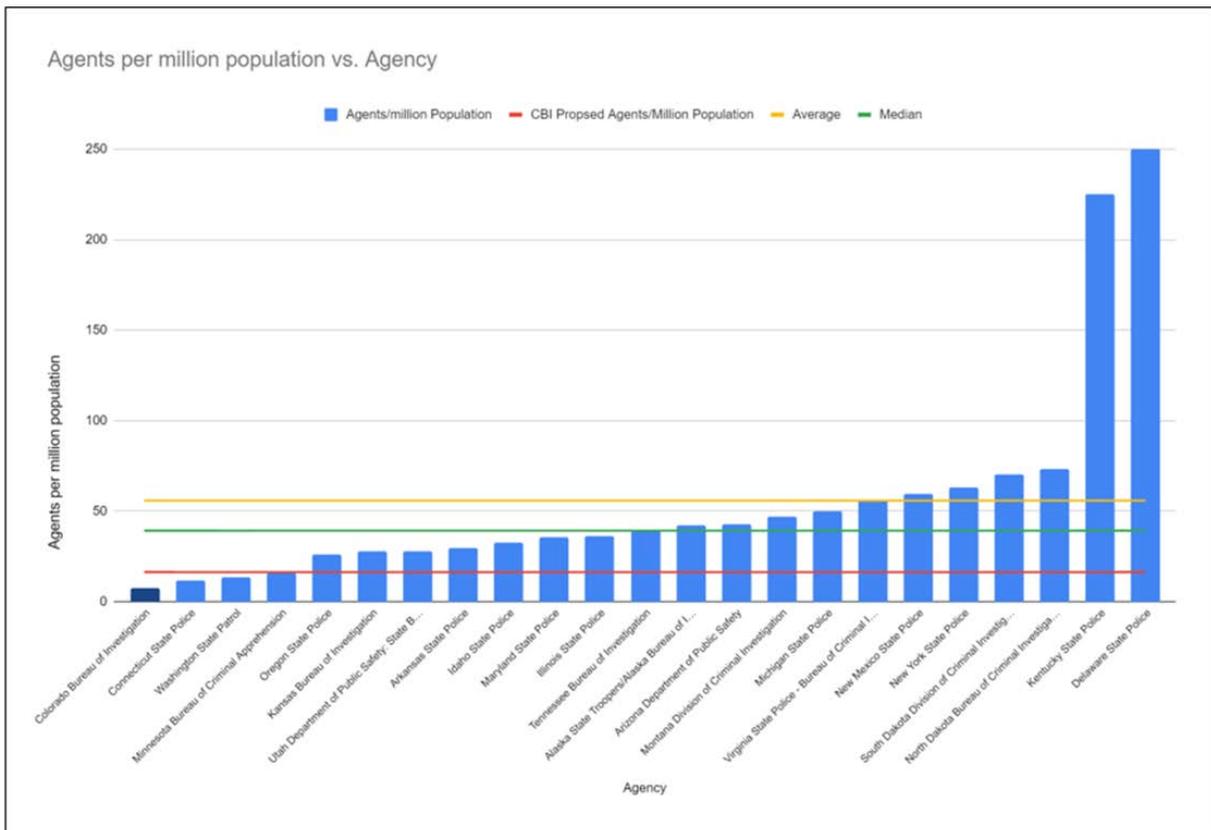
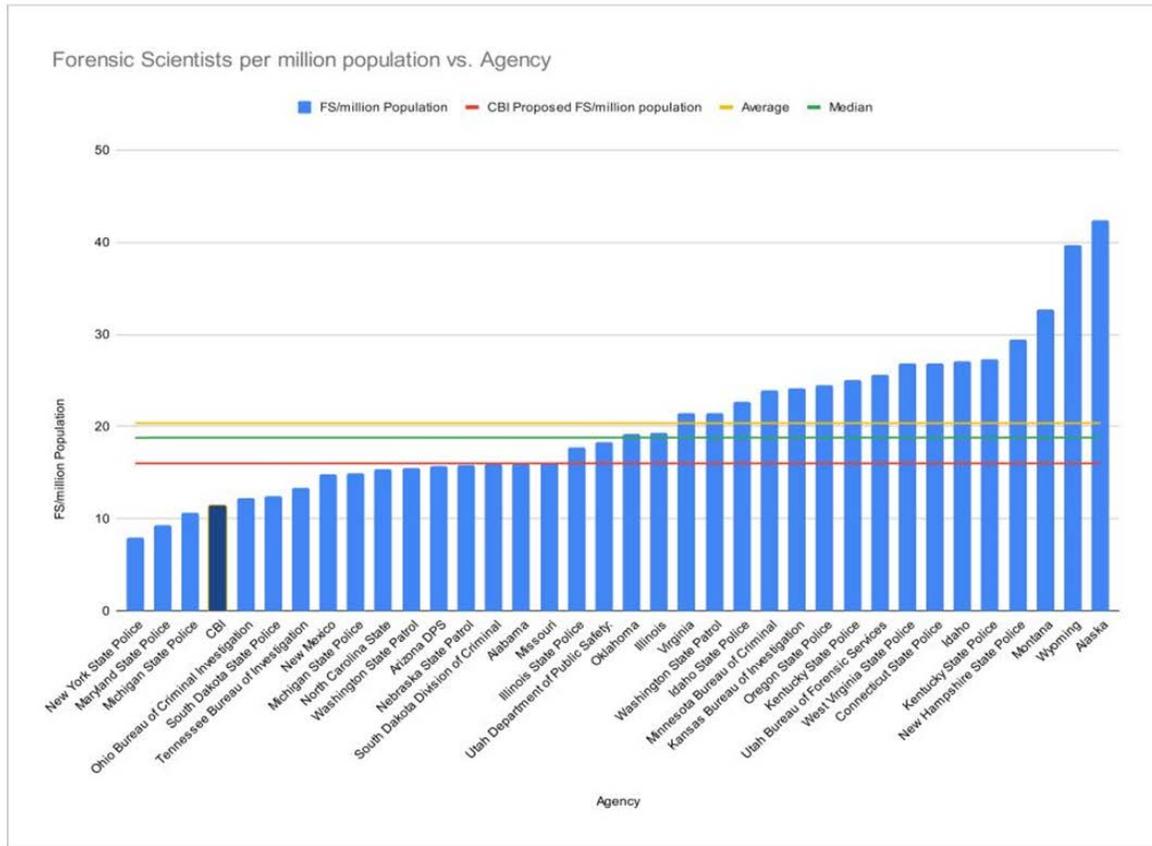


Table 2: Forensic Scientists per million population vs. Agency



As expected, staffing for each agency varies, usually depending on the population of each state. Although some agencies utilize specialized teams, it appears that a number of investigative organizations provide comprehensive training to investigators to respond to a myriad of crimes, a model the CBI incorporates as part of its operational model.

Unlike many state criminal investigating agencies that employ specialized teams for such crimes as Homicide (to include Cold Cases), Human Trafficking, and others, the CBI does not have sufficient staffing to have specialized teams beyond those that are currently cash funded (ex: Illicit Market Marijuana, Identity Theft, Cyber Crimes).

In addition to the demands posed by increasing crime rates and the limited resources of local law enforcement agencies, the desire for greater police accountability results in more requests for agency assistance and investigations. Such requests generally take the form of calls for assistance on cases such as officer-involved shooting, use of force resulting in death or injury, and incidents of possible public corruption. In the future, it may be necessary for the CBI to have the resources and flexibility to stand up temporary or permanent units to address particular investigative challenges.

As technology continues to evolve at a rapid pace, it will be important to stay ahead of cyber-crimes and computer crimes that continue to surge. Nearly every major crime that the CBI investigates now has an extensive cyber component (cell phones, social media) that requires a

thorough analysis. Seventy-four percent of agencies who responded to the survey utilize an Analyst Unit for this purpose. This function will continue to expand, especially with the extensive reach of social media, cell phones, etc., and this decision item includes funding for this purpose. By way of example, CBI Analysts played a critical role in the recent highly complex investigations involving the King Soopers mass shooting in Boulder, as well as the Chaffee County homicide. Additionally, 36% of state agencies surveyed employ a full time Cold Case team, which is also a key component of this request.

Currently, in terms of comparing the relative resources of investigative agencies, the CBI's Investigation section is smaller than that of the Lakewood Police Department (48 total deployable detectives for 155,146 population), the El Paso County Sheriff's Office (41 total deployable investigators for 720,403 population) and others. With only 41 agents to provide statewide investigative assistance (note Colorado's population of 5.75 million) the entire CBI has less sworn staff than the Wheat Ridge Police Department, serving a population of 31,331. Of the 41 CBI investigators, 23 are assigned and obligated to specialized cash funded units, leaving only 18 investigators to assist with other cases.

Surveying state criminal investigative agencies and reviewing staffing of Colorado law enforcement agencies is only part of explaining the need to 'right-size' the CBI. A critical component of the process involves collecting information about the needs of law enforcement partners from around the state, as well as how they would access CBI services.

The CBI's approach to surveying Colorado law enforcement differed from that of the ASCIA survey. Leadership of the CBI has been traveling across the state to meet directly with law enforcement CEOs to gather suggestions, thoughts and concerns about how an expansion of the CBI would affect their agencies. To date, CBI has met with multiple sheriffs, chiefs and district attorneys from rural communities across the state. Although the full report is not yet complete, the following table provides highlights and general themes from the meetings held to date (see Table 3 below).

Table 3: Highlights from Colorado Law Enforcement Stakeholder Conversations

Highlights from Colorado Law Enforcement Stakeholder Conversations	
Current Status	<ul style="list-style-type: none"> ● Many of the law enforcement officials expressed a concern that they do not currently access CBI resources due to the extended travel time associated with those responding to a scene in their part of the state. ● One southern Colorado law enforcement agency in a rural area of the state is down 9 people department-wide, which includes 5 deputies. With an entry salary of \$17 an hour for patrol and less for the jail, hiring and maintaining staff is extremely difficult. With only one detective (the agency is staffed for three), the agency is challenged in meeting the demand for investigative needs for the jurisdiction, especially related to drug and illicit marijuana cases. ● A district attorney on the eastern plains indicated one of the local law enforcement agencies was currently working a sexual assault. He would have appreciated the expertise that CBI agents could provide on the case; however, knowing the current caseload, he did not think we had the resources to assign agents to the case.
Impact of the Increased Resource Availability	<ul style="list-style-type: none"> ● Feedback about expanded CBI resources was exceedingly positive. ● One CEO expressed he would request the CBI's help to investigate a criminal enterprise operating in the area due to the fact that his agency has limited time and resources to adequately investigate at this time. ● Nearly every chief or sheriff offered office space for agents ● CEOs shared that they hoped that the CBI would serve as the conduit to host regional meetings when/if resources are expanded to increase collaboration between law enforcement agencies. ● One sheriff in northeastern Colorado indicated that he would request resources for complex cases, or for specialized equipment the CBI possesses; however, he still prefers members of the Sheriff's Office work cases when they can.
Concerns about the Expansion of the CBI	<ul style="list-style-type: none"> ● No concerns expressed. ● A number of law enforcement CEOs offered to provide office space for CBI agents.

Although the primary customers of the CBI are rural law enforcement agencies around the state, CBI investigative agents frequently provide assistance to larger agencies, as well. Very recent examples include the Denver Police Department (Officer Involved Shootings), Boulder Police Department (King Soopers shooting), Westminster Police Department (missing child that sparked an AMBER Alert), Sheridan Police Department (cold case/forensic genetic genealogy), etc. Additionally, CBI Forensic Services provides forensic testing on thousands of cases each year for Colorado law enforcement agencies of all sizes.

Approval of the CBI ‘right-sizing’ decision item would significantly improve the ability of the CBI to enhance services over the next three years (107.0 total FTE, \$15,361,659 General Fund). Even with such approval, staffing levels would still be in the bottom quartile of the surveyed state agencies for the number of Investigative Agents, and would still be in the lower-half for the number of Forensic Scientists (see Tables 1 and 2). That said, this significant expansion of the CBI will have a long-lasting impact on the quality and quantity of resources we can provide to Colorado’s public safety community and Colorado citizens, especially in rural areas across the state.

13. [Rep. Herod] Please provide any granular data available to determine the changes in crime rates for crime rates specific to the types of crimes addressed by CBI. Will this request sufficiently meet future needs, or is it focused on simply addressing existing unmet needs?

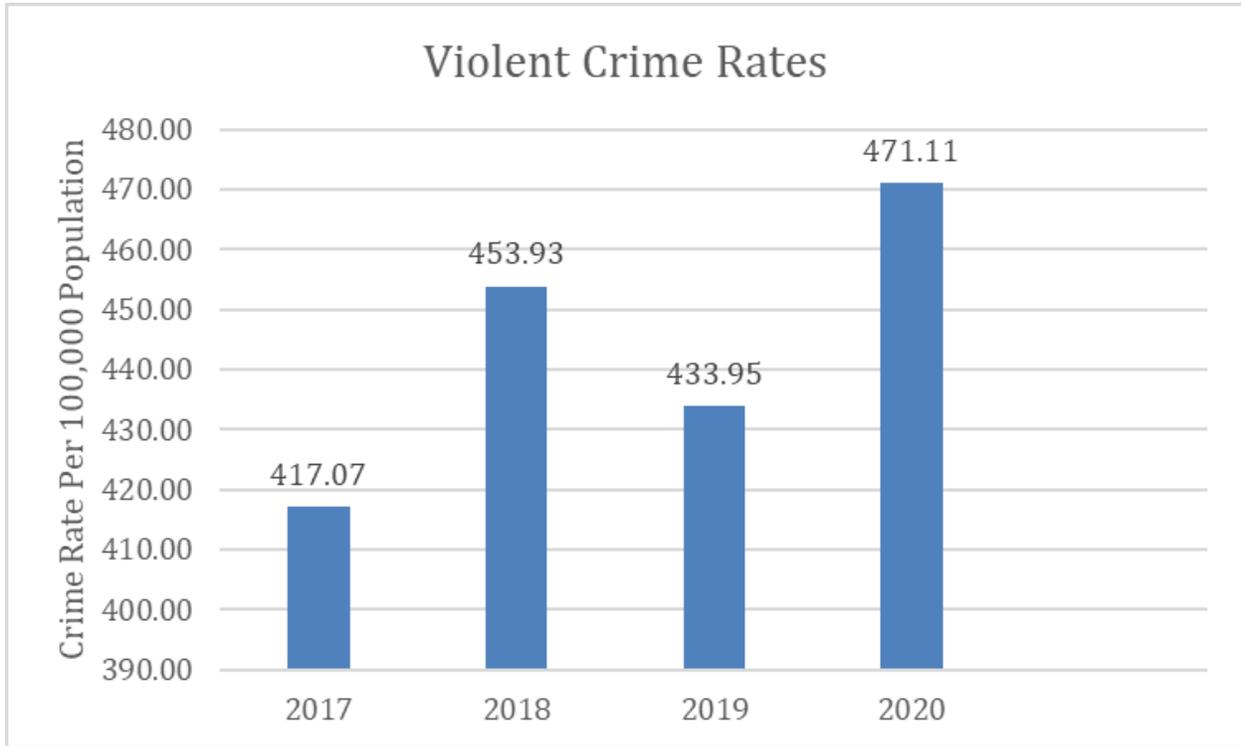
Response: *We believe that this ‘legacy’ request will not only go a long way to addressing current needs, but will also position the CBI to be of much greater service to law enforcement in the coming years.*

As has been reported both in Colorado and nationally, crime has seen significant increases in recent years.¹ Because the CBI primarily responds on a by-request basis, the incidence of violent crimes is a major driver and indicator of the impact to the CBI. Since many of the CBI requests for assistance involve homicides, sexual assaults, etc., the violent crime rates chart below shows the impact on CBI resources. Responses to homicides have nearly doubled from 2020 to 2021.

The following charts display the numbers and rates of violent crime in Colorado from 2017-2020. “Violent Crime” includes the Uniform Crime Reporting offenses of Murder, Forcible Sex Offenses (Rape, Sodomy, Sex Assault with an Object, and Forcible Fondling), Aggravated Assault, and Robbery. From 2017-2021 to date, the number of death and homicide investigations that the CBI responded to has increased by 67%.

¹ Denver Post, March 11, 2021 <https://www.denverpost.com/2021/03/11/colorado-crime-homicides-2020/>

Table 4: Violent Crime Rates



The following table shows the increases in selected CBI requests for service related to crime occurring across the state, which is an important tool in determining the allocation of resources.

Table 5: Snapshot of CBI Cases (2017-2021)

Snapshot of CBI Cases 2017-2021					
	2017	2018	2019	2020	2021*
Homicide/Death Investigations	42	50	37	40	70
Cold Cases	1,750	1,715	1,710	1,709	1,851
Business Identity Theft	221	2,551	153	3,864	8,918
Crime Scene Response	106	106	83	126	142
Evidence Submissions (Forensic Services)	17,124	17,713	18,568	18,883	16,488**

*Through October 2021.

**On pace for over 19,000 submissions at the current rate.

One of the current critical unmet needs addressed in the Decision Item is a Cold Case/Missing Persons Unit. Rural agencies in particular often have minimal, if any detectives assigned to

full-time investigations, especially cold cases. CEOs of the public safety community fully support the proposal to add a true Cold Case/Missing Person Unit within the CBI. There are currently 1,854 cold cases (unsolved homicides and long-term missing persons) on the CBI website. At this time, members of the CBI investigate these cases as their schedules allow. The Decision Item proposes adding an assigned Cold Case team comprised of four agents, one supervisor (Agent In Charge), one Analyst III, one Genetic Genealogist, and three Forensic Scientists dedicated solely to providing investigative and forensic assistance on these important cases.

Statistics provided by the Colorado Department of Public Health and Environment (CDPHE) indicate that the overdose death rate in Colorado has more than doubled, mirroring national trends. Rural chiefs and sheriffs echo a similar observation. This is something that the CBI will continue to evaluate as a potential unmet need in the future. The nature of unlawful drug investigations would be extremely time-consuming and labor intensive, and would create unique and demanding officer safety considerations that are compounded by the vast geographic area to be serviced.

This request will also meet the current staffing needs in Forensic Services and improve the service provided for years to come. Significant increases in population, crime, or submissions could require additional staffing. Note also that both Investigations and Forensic Services are holding positions open in order to pay current employees at a competitive level. This strategy, while not ideal, has been somewhat successful in increasing the salaries of Investigations employees, but has not yet positively impacted salaries within Forensic Services. This shortfall is creating a retention and hiring issue that will need to be addressed in the future. Forensic Services is currently working on a market salary survey to better establish the need and the scope.

14. [Rep. McCluskie] Please describe any leased space needs included in the request.

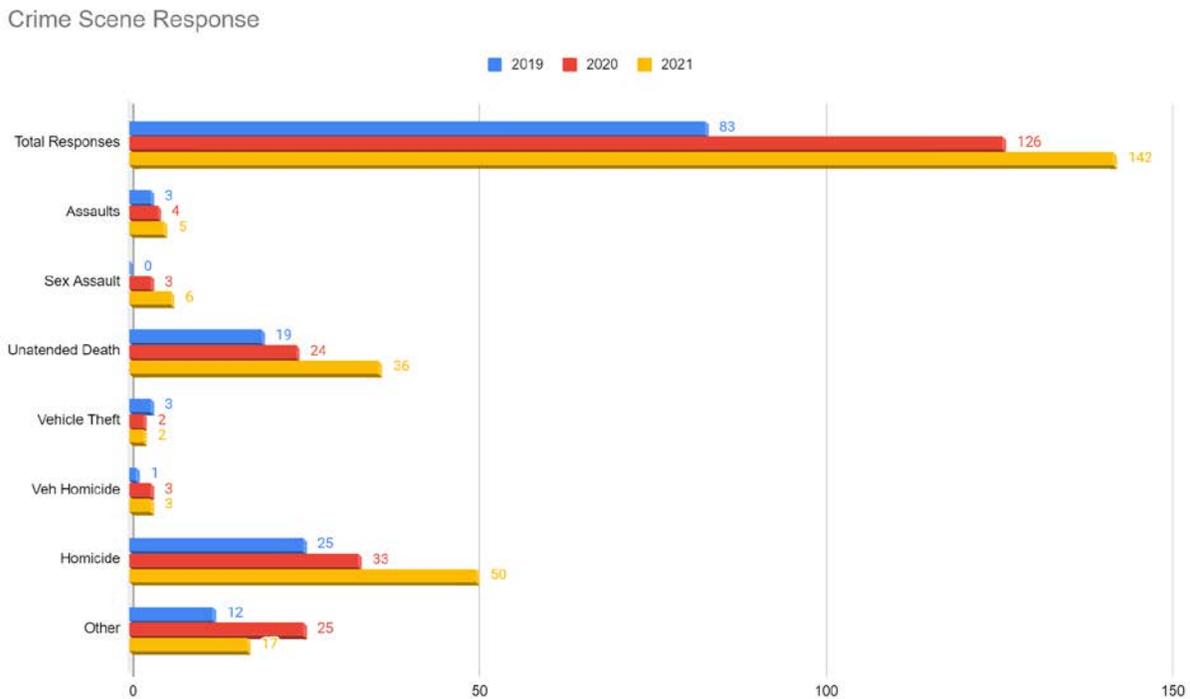
Response: *There is no request for leased space included in the Decision Item. Understanding that the costs associated with this proposal are already substantial, the CBI will work to collaborate with sister agencies where possible to limit costs, such as utilizing existing office space in CSP Troop Offices and/or local Police and Sheriff Departments across Colorado. The CBI will also consider concepts such as hoteling and/or leveraging existing remote work models or vacated space due to other DPS entities transitioning to full remote work. To provide a more specific example, in Durango CBI investigators are co-located with the FBI, with no lease funding required. As CBI builds-out the specifics of the deployment plan, the Department may have to submit a future budget request for additional leased space, (offices, evidence storage and/or addition/remodel of cubicles within existing offices). Forensic Services has effectively incorporated the hybrid work from home model. This new approach to laboratory and deskwork should allow Forensic Services to accommodate the additional staff in existing facilities with some remodeling.*

15. [Sen. Moreno] Please outline metrics for determining the necessary FTE allocations as well as how the increased resources will be evaluated.

Response: *Outlining metrics in the field of Investigations can be challenging. As a primary, by-request agency, the CBI currently evaluates allocations based on requests and calls for service in specific areas of the state, the volume of which can be difficult to predict. For example, in October of 2021, CBI placed two Major Crimes agents in the Durango area due to concerns about very few calls for service coming from that geographical area. CBI met with the CEO’s of law enforcement in the Durango area who expressed that they rarely call the CBI due to the length of response times. After placing the agents in Durango, CBI immediately received requests to investigate a homicide, an attempted homicide, and a missing person within the first 45 days.*

In reviewing the necessary FTE as part of the ‘right-sizing’ Decision Item, requests for Crime Scene responses to crimes around the state have increased in nearly every category from homicides to sexual assaults.

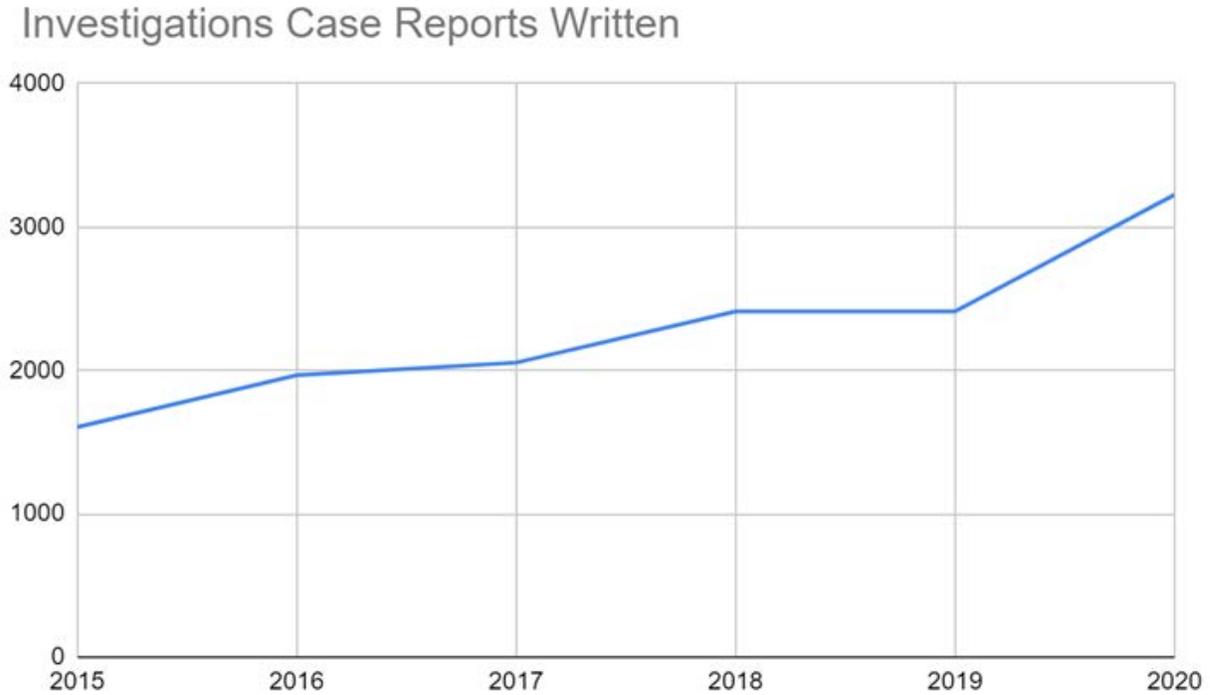
Table 6: Crime Scene Response



Another element to the scope of the work of the CBI is the time investigators spend on assigned cases. For example, three agents were able to identify 11 children who were sexually assaulted by one serial perpetrator. This case took over 330 staffing hours and brought 25 felony charges. Additionally, CBI Agents are generating roughly twice as many reports than they were six years ago (see following table). This is due partly to the complexity of cases as almost every case has a

digital element, requiring many more witness interviews, warrants, and documentation of case follow-up.

Table 7: Investigations Case Reports Written



Three metrics were used for determining the necessary FTE allocations in the Forensic Services unit:

- Case submission data versus staffing level,
- The previously identified need to have an effective Cold Case Team, and
- Replacing vacancies held open to retain staff at a competitive salary.

Case submission data versus staffing level: This metric was used to determine the FTE for scientists in the Firearms, Latent Prints, and Drug Chemistry units where staffing has decreased by 7% while submissions have increased by 49% (see Table 8).

Table 8: Number of Submissions for Drug Chemistry, Latent Prints, Firearms, and Trace

Submissions for Drug Chemistry, Latent Prints, Firearms, and Trace				
	Staff	% Staff Change	Requests	% Change in Requests
2012	27		4693	
2020	25	-7.4%	7021	49.6%

As shown in Table 9, the case backlog (cases waiting to be analyzed) was also considered when determining the number of FTE for each discipline. This chart shows the projected number of analysis requests at the end of 2021 in the same four disciplines, divided by scientist productivity. This number was used to determine how many scientist FTE are needed to address the caseload versus current staffing levels.

Table 9: Caseload versus Staffing Level

	Drug Chemistry	Firearms	Latent Prints	Trace
Currently Backlogged Lab Requests	563	258	787	92
Projected 2021 Requests	3418	407	1927	186
Total Requests	3981	665	2714	278
Staffing Requirements (total/expected scientist productivity)	8.3	9.2	15.1	2.9
Current Number of Scientists	6	6	10	3
# of Scientist FTE Requested	2	3	3	0

The Cold Case team will be staffed with three Forensic Scientists. These scientists will be available to provide the forensic review of the 1,854 Colorado cold cases and additional forensic analysis using new technologies. Next generation sequencing (NGS) technology, more sensitive DNA technologies, STRMix data analysis software, and an update to the Automated Fingerprint Identification System (AFIS) are examples of cutting-edge technologies that Forensic Services will use to gain new leads in these cases.

Evaluation of Resources Added

Members of the CBI are currently engaged in focus groups with Colorado law enforcement and district attorneys to determine resource needs as it relates to a right-sized CBI. This feedback is serving as the foundation for how resources will be allocated moving forward. As an example, the following chart denotes the intended resource allocation for the first year, if the Decision Item is approved.

Investigations

Year One: Fully staff a true Cold Case Team involving:

- Four agents
- One supervisor (AIC)
- One Analyst III
- One Genetic Genealogist

Year One also incorporates an additional;

- *Eight agents to be spread around the state*
- *One additional supervisor (AIC)*
- *One analyst II and Two analyst III's. The Investigations unit is currently very short in these positions and the emergence of cell phone analysis is overwhelming current staff*
- *Three crime scene responders (current staff of four for the entire state is being overwhelmed)*
- *One evidence technician to reduce evidence-related travel time by higher paid agent positions*
- *One full time polygraph examiner due to the need to polygraph and conduct backgrounds for the additional new staff*
- *One full time training agent to get new staff through training requirements for CBI and POST.*
- *One admin assistant as needed to "onboard" new employees*

Forensic Services

Year One: Staff with the following FTE:

- *Fully staff the Investigations and Forensic Services Cold Case Team with three Forensic Scientists*
- *Five Forensic Scientists in the Firearms, Latent Prints and Chemistry sections. These sections have seen a 49% increase in submissions and a 7% decrease in overall staffing since 2012*
- *One Forensic Scientist to provide needed support to the Quality section that oversees training, proficiency testing, and quality operations for all new and existing scientists in all labs in the system*
- *Three Technician III's. The CBI Forensics Unit is currently understaffed in these vital support positions that allow forensic scientists to complete more casework in less time*
- *One additional supervisor (Criminal Investigator III) to supervise additional incoming staff*

The following table displays expected metrics:

Table 10: Expected Metrics

Theory of Change	A right-sized CBI will be geographically and expertly positioned to provide nearly immediate support to partner agencies in an ever-expanding range of investigative, forensic, and technical specialties.
Program Objectives	Provide enhanced investigative and forensic services to law enforcement partners, particularly those in under-served rural communities with the goal of making Colorado safer.
Outputs being measured	<ul style="list-style-type: none"> ● Increase the number of major crimes responded to, especially in rural locations. ● Reduce response time to remote locations in the state. ● Forensic Services will measure the increase in forensic reports returned to law enforcement. ● Forensic Services will measure increased entries into forensic databases CODIS (DNA), AFIS (Fingerprints), and NIBIN (Firearms).
Outcomes being measured	<ul style="list-style-type: none"> ● Increase the percentage of rural law enforcement agencies assisted in criminal investigations. ● Increase engagement and collaboration with regional law enforcement working groups to measure the effectiveness and efficiency of assistance from the CBI. ● Forensic Services will measure the increase in investigative leads provided to law enforcement from the forensic databases and the reduced turnaround time for forensic reports.

R5 STATE TOXICOLOGY LAB

16. [Sen. Rankin] Did the increase in caseload result from the State taking on workload that was previously handled by private labs, or did total demand increase? Are there still private labs operating to help meet the demand of DUI and DUID requests?

Response: Beginning FY 2019-20, the JBC approved a decision item that eliminated the fee to process DUI and DUID blood samples submitted by state law enforcement and criminal justice agencies. This was done by refinancing the CBI Toxicology operations with Marijuana Tax Cash Fund (MTCF) Law Enforcement Assistance Funds (LEAF). The goals of this refinance were four-fold. First, provide complete DUI testing including alcohol testing and full drug testing on all submitted samples. Second, improve public safety by having complete DUI testing results available for prosecution. Third, provide accurate data to policy makers to formulate new programs that address impaired driving and substance abuse. Fourth, support local law enforcement by allowing funds previously spent on toxicology testing to be used for other policing purposes.

The increase in caseload is primarily a result of CBI absorbing the workload from private laboratories certified in Colorado. Prior to the previous refinancing, three private laboratories maintained CDPHE Toxicology Laboratory Certification. Currently, two private laboratories have this certification.

The refinance of the program has successfully provided comprehensive data regarding DUI samples. The annual Division of Criminal Justice (DCJ) Driving Under the Influence of Drugs and Alcohol 2021 report will report data for calendar year 2019 and will be the first comprehensive report using CBI's complete DUI testing.

In FY 2018-19 CBI Toxicology billed Colorado law enforcement agencies \$862,367 to provide a la carte testing on 4,375 samples. Refinancing with Marijuana Tax Cash funding has resulted in saving Colorado law enforcement agencies millions of dollars (even though submissions to the CBI have doubled) in toxicology services that agencies were previously paid to the CBI and private laboratories.

Table 11: Number of Full Toxicology Tests and Saving to Law Enforcement Agencies

Fiscal Year	Total Cases Received	Savings to LE Agencies
2019-20	9,763	\$1,724,734 to \$3,221,790
2020-21	9,195	\$1,724,734 to \$3,034,350

The estimates above do not account for the costs that Colorado District Attorney Offices were previously incurring for discovery and expert testimony, that is provided at no charge by the CBI.

17. [Rep. Ransom] How is the backlog and delay for DUI and DUID analysis impacting criminal proceedings?

Response: *The CBI contacted several District Attorneys' Offices to gauge the impact of the backlog on criminal proceedings. They reported that many cases are being continued in order to wait for toxicology results. None of the offices report a dismissal of a case due to the delay however, the growing delay is being noticed and is a concern to them if it is not resolved.*

In FY 2018-19 CBI toxicology received 673 cases per toxicologist and maintained the preferred 40-60 day turnaround time.² Beginning FY 2019-20, submissions have significantly increased as expected (see Table 12 below). To meet the increased demand, the toxicologists

² The R-5 Decision Item refers to this as a "required 30-day turnaround time." This should have more accurately been described as a "preferred" turnaround time, which was approximately 40-60 days during that time period.

have worked overtime and worked at a pace that is not sustainable. However, workflow efficiencies have been implemented and new technologies purchased to address the growing caseload. Even with these efforts, the expected turnaround times have increased to 60-94 days simply because the current staffing cannot meet the demand. The appropriate workload per toxicologist is 650 - 700 cases per year. Four additional FTE will return CBI toxicology to the appropriate workload per toxicologist (total cases of 9,100 - 9,800 per year) to maintain the preferred turnaround for the criminal justice community.

Table 12: Number of Cases Submitted, Number of Toxicologists, and Cases per Toxicologist

Fiscal Year	Total Cases Received	Toxicologist working cases	Cases per Toxicologist	Funding Source
2017-18	3,718	7	531	Fee-for-service
2018-19	4,375	6.5	673	Fee-for-service
2019-20	9,763	7	1,394	Refinanced with State funds
2020-21	9,195	7.6	1,193	Refinanced with State funds

DHSEM

R11 CYBERSECURITY PROGRAM

18. *[Sen. Moreno]* How would the proposed program differ from the Cybersecurity Center at Colorado State University Colorado Springs, and what need will the program serve that is not served by the CSU Center?

Response: *The program at the University of Colorado Colorado Springs (UCCS) is primarily an academic program. The UCCS cybersecurity program awarded over 200 security degrees in the last year at the bachelor's, master's and doctorate levels. The program obtained federal cybersecurity research grants and shared their research with the broader cybersecurity community.*

The CIAC mission is ideally suited to support connections to local governments, and federal agencies such as DHS, FBI, and the MS-ISAC. CIAC staff have the ability, and security clearances, to facilitate the necessary engagement with federal entities and the emergency

management community. Our partners need the support of academia for both research and educating cybersecurity professionals, at the same time they need the support of the CIAC for the implementation of prevention and response activities. UCCS and the CIAC have very different, but complementary missions.

The CIAC's program is an applied cybersecurity program, including the ability to respond to cybersecurity incidents involving Colorado's critical infrastructure. The program will provide dedicated assets to support county, local and special district governments, and select private sector critical infrastructure providers. The program will work directly with governmental and critical infrastructure partners to develop response capabilities, including mutual aid agreements. The program will identify most common security challenges through properly scoped assessments designed to speak to the technical, non-technical, and management staff. The program will include dedicated technical staff to coordinate among regional and governmental associations to support and develop resources that can be leveraged before and during cyber incidents.

R13 VIOLENCE PREVENTION GRANT

19. [Sen. Rankin] Please provide examples of programs that may qualify for the proposed grant.

Response: *Domestic violent extremism³ and targeted violence pose significant and persistent threats to Colorado and our nation. The goals of any targeted violence attack may lack a discernible political or ideological motive, but inflict the same type of trauma, which we have seen with attacks on schools, workplaces, and other public settings. The recent rise of domestic violent extremists, motivated and inspired by a mix of socio-political goals and personal grievances against their targets, is a great concern. The U.S. Intelligence Community assesses: that lone offenders or small cells of domestic violent extremist adhering within prevention frameworks that connect all segments of society to prevent individuals from radicalizing to violence and intervene to help individuals who have radicalized to violence. These activities include community and a diverse set of violent extremist ideologies are now more likely to carry out violent attacks, and that racially or ethnically motivated violent extremists and militia violent extremists present the most lethal threats.⁴ Countering these threats requires a broad range of prevention activities, law enforcement awareness briefings, threat assessments, information sharing, and organizing activities within the framework. Therefore, the grants will support entities and programs that provide these services.*

For example, The Counterterrorism Education Learning Lab (CELL) is a nonprofit, nonpartisan institution that provides a comprehensive look how individuals and law enforcement can play a role in the prevention of terrorism and targeted violence. The CELL provides the Community Awareness Program, an interactive course taught by members of the

³ Please note, "violent extremism" does not include advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics, which may be constitutionally protected.

⁴ Office of the Director of National Intelligence, *Domestic Violent Extremism Poses Heightened Threat in 2021*, 01 March 2021

public safety community, to provide citizens with the basic tools needed to recognize and help prevent criminal activity and targeted violence. The program emphasizes preserving civil liberties protected by the U.S. Constitution, while identifying behaviors that constitute threats. The CELL also provides a Law Enforcement Awareness Briefing, which educates law enforcement on targeted violence prevention. The program was developed in partnership with the CIAC, the Office for Targeted Violence and Terrorism Prevention, and the Federal Law Enforcement Training Centers. The briefing is a customizable, 3-5 hour brief delivered in partnership with the CIAC and local law enforcement. The Department anticipates that the CELL and any similar nonpartisan, nonprofit organization would be eligible for grants to support awareness training.

Another likely program that will be eligible for grant funding is the Colorado Resilience Collaborative (CRC) at the University of Denver's Graduate School of Professional Psychology. The CRC was founded in 2017 to examine the issue of identity-based violence in Colorado. In 2019, with funding from the National Governors Association, the CRC, the CIAC, and other stakeholders held the Summit on Preventing Targeted Violence to identify State resources, needs, and gaps in addressing various forms of targeted violence. The CRC provides training, consultation, and technical assistance, including⁵:

- *threat assessments related to concerning behavior, including individual and organizational needs;*
- *guidance on possible actions and coordination of who to involve in prevention and/or intervention efforts, including response plans; and,*
- *referrals, resources, educational materials, training opportunities for individuals and teams.*

The Division has used the CRC for threat assessments using multi-disciplinary teams to intervene with an individual radicalizing to violence. The threat assessment teams may include educators, psychologists, faith leaders, medical personnel, law enforcement, and others. This approach utilizes more of a public health model rather than a law enforcement model. This approach addresses root causes of mobilization towards violence including:

- *Behavioral healthcare*
- *Substance abuse treatment*
- *Mediation*
- *Formal threat assessments*
- *Referrals, including law to enforcement*
- *Case management*

⁵ <https://psychology.du.edu/CRC>

20. [Rep. Herod] Please describe the data and need for this program is responding to, as well as proposed qualifications for grant funding.

Response: *In 2019, the FBI and DHS assessed racially motivated violent extremists (RMVEs), primarily those advocating for the superiority of the white race, will continue to be the most lethal domestic violent extremist (DVE) threat. The year 2019 represented the most lethal year for DVE attacks since 1995, with five separate DVE attacks resulting in 32 deaths, 24 of which occurred during attacks conducted by RMVEs advocating for the superiority of the white race.⁶*

According to the US Secret Service Mass Attacks in Public Spaces study, of the 34 mass attacks that occurred in public spaces in 2019, 32% of attackers were motivated primarily by personal, workplace, or domestic grievances; 21% were motivated by their mental illness or psychosis; and, 21% were motivated by their adherence to an ideological or racial bias. Only 3% of the attackers actually expressed the desire to kill as their primary motive.

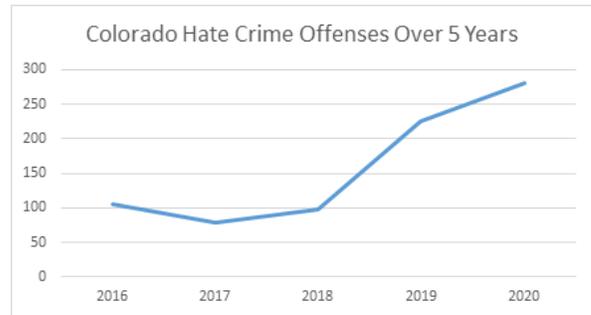
The table to the right breaks down the numbers over a three year period from 2017-2019 (data for 2020 has not been released yet). The majority of attackers had significant stressors within five years of their attack and over half had financial instability. Almost half of the attackers had histories of substance abuse, criminal charges, or violence toward others (including domestic violence).

COMPONENTS TO MOTIVE*	2017	2018	2019
Grievances	46%	52%	32%
Personal	2	6	8
Workplace	6	3	3
Domestic	5	6	1
Mental health/psychosis	14%	19%	21%
Ideological/racial bias	21%	7%	21%
Fame	4%	4%	6%
Political	4%	0%	3%
Desire to kill	—	—	3%
Undetermined	14%	22%	32%

- *Of these attacks, 65% of attackers exhibited behaviors related to their motives that elicited concern in others; 57% expressed behaviors that resulted in others fearing for their safety; and 41% exhibited changes in behavior that were observable to others.*
- *These data highlight the importance of early intervention by local teams and programs that focus on educating the community on how to identify concerning behavior and report it, providing support to individuals who are experiencing grievances, and conducting formal behavioral threat assessments that address concerning behavior. Having grievances is not a crime, so law enforcement agencies and federal agencies cannot conduct traditional investigations into someone who may be on the pathway to violence until they reach a point where they are mobilizing for an attack, which is often a short window of time before the attack occurs. It is vital to have teams that can focus on EARLY prevention/intervention and to address individuals of concern while there is time, to ensure those individuals do not fall between the cracks and successfully conduct an attack.*

⁶ Office of the Director of National Intelligence, Domestic Violent Extremism Poses Heightened Threat in 2021, 01 March 2021

According to the FBI Uniform Crime Reporting Program (UCR) Hate Crime Statistics Data, Colorado saw a significant spike in hate crimes over the past three years, after only a small dip in 2017. In the last year, Colorado has seen its highest number of hate crime offenses in recent history, over 65% of those crimes related to race, ethnicity, or ancestry.



- *This data highlights the persistent threat of bias-motivated crime in Colorado and the threat it poses to Colorado citizens, particularly those who identify with minority groups who are often a target of bias-motivated attacks. The importance of local multidisciplinary teams who can intervene with individuals of concern who hold a bias and believe violence is the answer is crucial to decreasing the number of hate crimes in Colorado.*

Please see response to Senator Rankin’s question above for more on what types of entities are anticipated to be eligible for the grants.

21. [Rep. Ransom] Please provide any examples of other grant programs that may target a specific type of crime or criminal activity.

Response: *There are multitudes of grant programs that target a specific type of crime or criminal activity. Some examples are:*

- *Byrne Criminal Justice Innovation programs grants,*
- *Community policing development microgrants,*
- *Comprehensive youth violence prevention and reduction grants,*
- *Hospital based victim services grants,*
- *Law enforcement crime gun intelligence center integration programs,*
- *Rural violent crime reduction initiatives for local law enforcement,*
- *Smart policing programs,*
- *School violence prevention grants,*
- *Programs to support children exposed to violence and special domestic violence jurisdiction programs.*

All of these programs have specific rules regarding applicants, uses, etc. Many of these programs limit the number of applicants that can apply from a single jurisdiction. Applicant pools might be large based on the national reach of the program, and extremely competitive. Many of the grants are programs that are applied for on a local level or through other divisions, e.g. the Division of Criminal Justice, within the State for their regular activities and missions. None of the previously mentioned programs fit the need of the violence prevention program outlined in the request. Additionally, the program will work to collaborate across multiple departments and agencies towards a solution, whereas many grant programs are

specific to single agencies and limited scope solutions. The above information was identified as a result of a grant search inquiry for this specific question.

FEDERAL BRIC GRANTS

22. [Sen. Hansen] Please describe the impact of the lack of a statewide building code on the provision of federal grants.

Response: *The impact of the lack of a statewide building code for 2020 was that each competitive Colorado Building Resilient Infrastructure and Communities (BRIC) 2020 application began with a 20% deficit compared to applications from states that have statewide building codes. With the changes to the BRIC 2021 criteria, that deficit will drop to 17.4% and there's no reason to think that will significantly change in future years. Statewide building codes are a priority for the BRIC program.*

BRIC uses a two-tier scoring system for competitive grant applications. FEMA advances each competitive application to the first tier after determining that the applicant and the project are eligible under the BRIC program. The first tier in 2020 included eight binary criteria- the project gets full credit or no credit for each one worth a total of 100 points. Applicants received 20 points if their state had adopted either the 2015 or 2018 International Building Code or International Residential Code as a statewide building code. Once all eligible competitive applications received scores from the first tier, the highest scoring projects that totaled \$1,000,000,000 of federal shares (twice the total amount available for BRIC in 2020) moved to the second tier.

BRIC 2021 will have the same two-tier process with a few small changes. The first is that the eight criteria in the first scoring tier are now worth 115 points instead of 100. The second is that the binary criterion for statewide building codes now includes its own two tiers- 10 points for adopting a 2015 code and 20 points for either the 2018 or 2021 code.⁷ Finally, BRIC 2021 increased from \$500,000,000 to \$1,000,000,000, so the highest scoring \$2,000,000,000 worth of projects will advance to the second scoring tier.

23. [Rep. McCluskie] Please provide additional details on the applications that were not approved, including reasons the applications may not have been approved outside of the lack of a statewide building code.

Response: *Unlike BRIC's predecessor program, FEMA does not provide feedback on all BRIC applications. FEMA now only provides detailed feedback on the projects that make it through the first scoring tier to the second tier. FEMA will not provide feedback on how projects scored from the two panels, but does give feedback on eligibility, technical feasibility, and cost-effectiveness.*

⁷ The implication of this change is that adopting a statewide building code provides a temporary benefit with respect to BRIC unless the State adopts new codes every three or six years.

FEMA viewed BRIC as dramatically different—"transformative"—from its predecessor program, which focused on discrete local projects and limited federal cost shares to \$4,000,000 (up to \$10,000,000 in rare cases). BRIC allows a federal cost share of up to \$50,000,000 and FEMA ultimately selected 22 competitive projects across the nation with an average federal share of ~\$17,169,000 and an average cost of ~\$33,500,000. Colorado BRIC 2020 applications generally did not reflect FEMA's focus on large-scale, transformative projects. Simply put, BRIC requires a dramatic paradigm shift for mitigation thinking in Colorado to go big, but our local communities are challenged to meet the 25% match requirement for transformative, community-level projects.

Colorado submitted 19 competitive applications for BRIC 2020, but only two projects made it through the first scoring tier and received formal feedback. The first was for the Glenwood Springs South Bridge Resilient Infrastructure Project. The City took an innovative approach in its application by calling it a mitigation construction project instead of a wildfire mitigation project. FEMA determined from the application that it was a wildfire mitigation project and was ineligible, because it was not one of the three wildfire project types allowed in FEMA's mitigation grant programs. FEMA also determined that the project was not cost effective.

The second project was a Jefferson Conservation District wildfire mitigation project. FEMA determined that the project was technically feasible and cost effective but did not select it for funding. It is assumed that FEMA did not award the project because it didn't score well enough across both scoring panels to make the final national list.

In late September 2021, FEMA offered each state the opportunity to resubmit three BRIC 2020 applications solely to receive the same type of feedback that the two previously mentioned projects did. DHSEM received feedback for the three selected applications. The first was for a low head dam project in Pueblo. Reducing risk from low head dams for recreational water users is a growing concern in Colorado and feedback on this particular project let us know that BRIC is not a viable program to reduce that risk. The primary reason is that the project type does not reduce risk from a natural hazard. The main risk from low head dams is that people put themselves in harm's way by not being familiar/experienced with the water or ignoring warning signs. Additionally, the application lacked enough information to determine if the project was technically feasible or cost effective.

Another project was a storm water mitigation project for the City of Englewood. FEMA could not determine technical feasibility or cost effectiveness but did provide several follow-up questions that can help Englewood or other communities improve their applications for similar projects in the future.

The final resubmission was for a flood mitigation project in the City of Longmont on the St. Vrain Creek, adjacent to other projects the Division funded on the Creek with FEMA mitigation funds. FEMA found the project to be technically feasible but not cost effective. They did provide follow-up questions that would allow Longmont to improve its application for a future grant program.

Using these five BRIC 2020 applications as a baseline, the following reasons likely played a role in projects not being awarded:

- 1. Due to challenges with sufficient match requirements, Colorado did not submit the large-scale, transformative projects that FEMA prioritized in BRIC 2020. The Division made this a point of emphasis to applicants for BRIC 2021. The 25% match requirement will continue to be a significant challenge for many Colorado communities.*
- 2. Some requested projects, such as the Glenwood Springs South Bridge Resilient Infrastructure Project, may have been ineligible for BRIC and probably should not have been submitted.*
- 3. Projects from eight coastal states, Kentucky, and Washington, DC, were selected from the nationally competitive BRIC 2020. Seventeen of the selected 22 projects were flood related projects and only one (in California) was for wildfire. Although flooding is a concern in Colorado, wildland fire is of equal or greater concern. However, BRIC dollars are not permitted for use on federal lands (USFS, BLM, NPS), which constrains our ability to design and support large-scale transformative wildfire projects in the program. Wildfire is also often more difficult to quantify, in terms of previous and future losses, than flooding. DHSEM is working with other state agencies, particularly DNR and CSFS, to help overcome these challenges and identify collaborative opportunities to identify or create transformative wildfire mitigation projects that incorporate BRIC, state funding, and local funding.*
- 4. Based on the five application reviews we received from FEMA, some applications did not have enough detailed information to allow FEMA to definitively determine that each project was technically feasible and cost effective. FEMA's Benefit-Cost Analysis tool is complex and often beyond many small communities' capabilities. The Division is going to address this over the next year by using FEMA funds to hire a consultant for DHSEM to perform those benefit cost reviews and then provide feedback and technical assistance to DHSEM staff and local communities that apply for projects. This will create a knowledge base in DHSEM and some communities to successfully apply for BRIC grants in future years.*
- 5. Based on conversations with mitigation leaders from California and Washington, the Division believes it can do a better job of emphasizing the clear inclusion of BRIC scoring criteria in local applications. The Division made the 2021 criteria available to all communities, which will reinforce the need to include them while assisting communities with application development, and will incorporate them into the State's scoring and ranking process.*

EDO

SCHOOL SAFETY

24. [Sen. Rankin] Please provide an in depth report on the recent activities of the School Safety Resource Center including the number of times they have been called upon and the types of concerns they have been able to address.

Response: *Over the past two years, staff from the School Safety Resource Center (SSRC) quickly adjusted to providing services virtually. The 2020 SSRC Legislative Report highlighted that from April through December of 2020, staff trained 1,666 participants on 18 topics in 91 workshops. One added advantage during the early days of the pandemic was that these workshops reached teachers, many of whom previously had little opportunity to attend in-person statewide trainings due to the inability of districts to provide substitute teachers.*

In total last year, the SSRC conducted 218 training sessions with 5,436 participants trained. That brought the total number trained as of last December, since the SSRC opened in December of 2008, to 58,450 participants. Seventeen online courses also trained 3,025 individuals last year for a total trained via this method of 14,440 people since starting to post these courses in 2012.

Last year staff made 5,975 contacts and of those, 361 were direct consultations with schools about training needs, reviewing their emergency operations plans, suggesting prevention programs and other specific school and district needs. Staff also provided services directly to 83 schools or districts last year, the majority of which were rural or small rural districts as defined by the Colorado Department of Education. SSRC staff also engaged 114 times with other state agencies on matters of school safety.

Staff are in the process of tallying the work for 2021, but numbers are tracking similarly to the 2020 numbers. As of November 2021, staff have conducted 199 workshops training 5,609 participants. Two thousand thirty-three participants took advantage of the SSRC's online courses. Contacts, so far, total 5,829 with 342 being direct consultations to schools and other agencies. Staff have provided direct services to 99 schools or districts this year and again the majority of these are rural districts.

Regarding the types of concerns schools are having, the SSRC continues to train on topics both last year and this year on:

- *Adult sexual misconduct*
- *Child Abuse and Neglect*
- *Cyber safety*
- *Dating and sexual violence*
- *Emergency management*
- *General school safety*
- *How to conduct table exercise (TTX)*
- *Mandated reporting*

- *Mental and behavioral health issues*
- *Prevention of bullying, harassment and suicide*
- *Sexting*
- *Trauma and Compassion Fatigue and*
- *Threat Assessment*

Since October of 2019, the SSRC has been working on a Threat Assessment Grant awarded by the National Institute of Justice. In collaboration with the Study and Prevention of Violence at the University of Colorado, Boulder, staff have refined the Colorado threat assessment protocol and response management plan. Initially five districts experienced the training and staff incorporated their feedback. Now trainers are responsible, under the terms of the grant, to train an additional 30 schools. Since staff have been training districts instead of just individual schools, staff will train more than the necessary number of buildings. As of the end of November, staff have trained professionals from 18 districts and 3 individual schools.

This work also included creating a secure, online protocol that any district in Colorado will be entitled to use, at no-charge, if they adopt the Colorado Threat Assessment & Management Protocol. The original end date of the grant was September 30, 2022; CSPV has requested a no-cost extension so they can conduct a more in-depth evaluation of the work. Colorado's threat assessment work is very highly regarded and SSRC staff have trained on the protocol in six other states. (Montana, Idaho, Wyoming, Nebraska, Missouri, and Alabama)

In the last two years, the SSRC examined and secured documents from leading researchers to create the SSRC Suicide Assessment Toolkit. Staff have been training school mental health professionals across the state, as many of districts have not had a reliable suicide assessment tool. Staff presented the toolkit at the Colorado Society of School Psychologists' annual conference last month by invitation.

Another new initiative during 2021 was the creation of a one-week School Safety Specialist Academy. The initial cohort of academy attendees participated during the first week of June. Nineteen individuals completed the academy. Besides giving them basic knowledge of school safety, the SSRC engaged colleagues from other agencies within the state to share their expertise and knowledge with the group. These agencies included CDE, CDPHE, the DeAngelis Center, Safe2Tell, and the Center for the Study of Prevention of Violence (CSPV) and the I Love You Guys Foundation. This will continue to be an annual offering.

Another new initiative this year has been a working group that is reviewing crisis training models and using the knowledge that many Colorado colleagues, unfortunately, have gained from responding to school crises to create Crisis Response Guidelines for Colorado schools. Using lessons learned the Guidelines give schools information on how to prepare for a crisis, what to expect during the emergency, how to handle the long-term effects and agencies and resources that can assist them. The working group is now reviewing the draft of the Guide.

Additionally in 2021, the SSRC held five statewide symposia. The first on Child Sexual Abuse Prevention was in February, Resiliency for Educators in March, Institutions of Higher Education in June (along with the Academy), the annual two-day Safe Schools Summit in October and a Suicide Prevention Symposium with CDPHE held in November. These were all

virtual but staff are planning a hybrid event on Positive School Discipline for February. Now that folks are comfortable in a virtual world, all statewide training will use a hybrid model.

The SSRC will hold the virtual Student/Staff Summit, organized with the help of the youth council, on December 7. A national bullying/harassment researcher, Dr. Dorothy Espelage, from the University of North Carolina at Chapel Hill will talk about the nexus between bullying and harassment and dating violence. Workshop topics, chosen by the SSRC's youth council members, include self-care, creating positive relationships with peers and positive school environments.

The SSRC is hosting a Speakers' Series on three Tuesdays in January. The national speakers will present on Cyber safety, Drug Awareness for Adults and Cyberbullying. Although these will take place over lunchtime, the SSRC will post recordings of the presentation on the SSRC website for later viewing.