

# JOINT BUDGET COMMITTEE



## STAFF BUDGET BRIEFING FY 2023-24

### JUDICIAL DEPARTMENT Courts and Probation (Judicial Branch) and Independent Agencies

JBC WORKING DOCUMENT - SUBJECT TO CHANGE  
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# CONTENTS

DEPARTMENT Overview .....	1
Department Budget: Recent Appropriations .....	8
Department Budget: Graphic Overview .....	9
General Factors Driving the Budget.....	11
Caseload Impacts Unique to Independent Agencies .....	13
Increased Complexity and Targeted Resolution .....	16
Courts and Probation Summary: FY 2022-23 Appropriation & FY 2023-24 Request .....	17
Judicial Independent Agencies Summary: FY 2022-23 Appropriation & FY 2023-24 Request.....	21
Office of the State Public Defender Summary: FY 2022-23 Appropriation & FY 2023-24 Request .....	24
Office of the Alternate Defense Counsel Summary: FY 2022-23 Appropriation & FY 2023-24 Request.....	26
Office of the Child's Representative Summary: FY 2022-23 Appropriation & FY 2023-24 Request .....	29
Office of the Respondent Parents' Counsel Summary: FY 2022-23 Appropriation & FY 2023-24 Request ...	31
Office of the Child Protection Ombudsman Summary: FY 2022-23 Appropriation & FY 2023-24 Request .	33
Independent Ethics Commission Summary: FY 2022-23 Appropriation & FY 2023-24 Request .....	35
Office of Public Guardianship Summary: FY 2022-23 Appropriation & FY 2023-24 Request.....	36
Commission on Judicial Discipline Summary: FY 2022-23 Appropriation & FY 2023-24 Request .....	37
Issue: Administrative Services for Independent Agencies .....	39
Issue: Bridges Program Independent Agency .....	46
Issue: Increased Flexibility for the Agency Provision of Court-appointed Counsel.....	55
Issue: Counties Special Funding Request 23 <sup>rd</sup> JD.....	62
One-time Funding Authorized In Recent Legislative Sessions.....	65
Appendix A Numbers Pages (Digital Only).....	66
Appendix B Footnotes and Information Requests .....	1
Appendix C Department Annual Performance Report .....	1
Appendix D Colorado Judicial Districts Map with Court Locations.....	2
Appendix E County Funding Request for 23 <sup>rd</sup> JD.....	3
Appendix F Bridges Program RFI #5.....	4

## ADDITIONAL RESOURCES

Brief summaries of all bills that passed during the 2020 and 2021 legislative sessions that had a fiscal impact on this department are available in Appendix A of the annual Appropriations Report:

<https://leg.colorado.gov/publications/appropriations-report-fiscal-year-2021-22>

The online version of the briefing document, which includes the Numbers Pages, may be found by searching the budget documents on the General Assembly's website by visiting

[leg.colorado.gov/content/budget/budget-documents](https://leg.colorado.gov/content/budget/budget-documents). Once on the budget documents page, select the name of this department's *Department/Topic*, "Briefing" under *Type*, and ensure that *Start date* and *End date* encompass the date a document was presented to the JBC.

# JUDICIAL DEPARTMENT

## DEPARTMENT OVERVIEW

### JUDICIAL BRANCH AND JUDICIAL DEPARTMENT

The term, *Judicial Branch* articulates the constitutional designation as one of the three branches of state government. The term, *Judicial Department* specifically articulates the budgetary designation as one of 23 primary agencies of state government referred to as departments for state budget purposes.

### JUDICIAL BRANCH – COURTS AND PROBATION

One of three branches of Colorado state government, the Judicial Branch is established in Section 1 of Article VI of the Colorado Constitution. It interprets and administers the law, resolves disputes, and supervises offenders on probation.

The Chief Justice of the Colorado Supreme Court, selected by the justices of the Court, is the executive head of the Branch. The justices appoint a State Court Administrator to oversee the daily administration of the Branch and provide administrative and technical support to the courts and probation.

The General Assembly has established 23 judicial districts within the state – 22 currently, with the 23<sup>rd</sup> effective in January 2025. The General Assembly establishes the number of justices and judges at each level of the state court system<sup>1</sup>.

The state court system consists of county, district, and appellate courts as follow:

- *County Courts* have limited jurisdiction, handling civil cases under \$15,000, misdemeanors, civil and criminal traffic infractions, felony complaints, protection orders, and small claims.
- *District Courts* have general jurisdiction, handling felony criminal cases, large civil cases, probate and domestic matters, cases for and against the government, as well as juvenile and mental health cases. District Courts also include water courts (one in each of the seven major river basins in Colorado) which have exclusive jurisdiction over cases concerning water matters.
- The *Colorado Court of Appeals* hears cases when either a plaintiff or a defendant believes that the trial court made errors in the conduct of the trial. The Court of Appeals also reviews decisions of several state administrative agencies.
- The *Colorado Supreme Court* also hears appeals, but only when it considers the cases to have great significance. The Supreme Court may also answer legal questions from the General Assembly

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<sup>1</sup> Legislation changing the boundaries of a judicial district or changing the number of Supreme Court justices or district court judges requires a 2/3 majority in each house [Article VI, Sections 5 and 10 of the State Constitution.] Effective January 7, 2025. House Bill (H.B.) 20-1026 creates the 23rd Judicial District comprised of Douglas, Elbert, and Lincoln counties.

regarding proposed laws. The Supreme Court is also responsible for overseeing the regulation of attorneys and the practice of law, and for reviewing judges standing for retention during elections.

Municipal courts and Denver's *county* court are not part of the state court system, and are funded by their respective local governments. The State is responsible for funding staff and operations of the state court system while counties are required to provide and maintain adequate court facilities for their district and county courts.

#### *Probation*

The Judicial Branch is also charged with supervising offenders on probation. Individuals sentenced to probation, as an alternative to incarceration, remain under the supervision of the court. Managed by a chief probation officer in each judicial district, 1,300 probation employees statewide 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. Investigation and supervision services are provided based on priorities established by the Chief Justice and each offender's risk of re-offending.

- The Courts and Probation are appropriated \$665.5 million total funds, including \$428.3 million General Fund in FY 2022-23.
- The appropriation represents 72.7 percent of total funds and 64.0 percent of General Fund appropriations to the Judicial Department.
- The Courts and Probation 4,020.9 FTE represent 77.7 percent of FTE in the Judicial Department.

#### INDEPENDENT AGENCIES OF THE JUDICIAL DEPARTMENT

While the Courts and Probation make up the Judicial Branch, as traditionally referenced, the Judicial Department also includes eight constitutional or statutory independent agencies located in the Judicial Department budget. Each independent agency is governed by a constitutional or statutory governing board and submits its own independently determined and autonomous agency budget request, neither reviewed nor approved by the Chief Justice (nor by the Governor's Office of State Planning and Budgeting).

The current, eight independent agencies and the year of their establishment as an independent agency, include:

- Office of the State Public Defender (OSPD), established 1970
- Office of the Alternate Defense Counsel (OADC), established 1996
- Office of the Child's Representative (OCR), established 2000
- Independent Ethics Commission (IEC), established 2006
- Office of the Respondent Parents' Counsel (ORPC), established 2014
- Office of the Child Protection Ombudsman (OCPO), established 2015 (originally est. 2010)
- Office of Public Guardianship (OPG), established 2017
- Commission on Judicial Discipline (CJD), established 2022

## **INDEPENDENT AGENCY CATEGORIES**

The independent agencies can be categorized as follows:

### Legal representation for indigent defendants

- Office of the State Public Defender (OSPD)
- Office of the Alternate Defense Counsel (OADC)

*Social benefit:* Civil rights access to competent legal counsel for indigent defendants.

*Budget impact:* Discrete, identified, and directed management oversight of legal defense costs for indigent defendants (relative to court-appointed counsel costs in the Courts budget prior to agency creation); reduced system costs related to reduced incarceration and inconsistent or extended involvement in the judicial system.

### Child welfare-related

- Office of the Child's Representative (OCR)
- Office of the Respondent Parents' Counsel (ORPC)
- Office of the Child Protection Ombudsman (OCPO)

*Social benefit:* Civil rights access to competent legal counsel for children and indigent parents involved in dependency and neglect proceedings; decreased trauma to children and improved parental and family outcomes for those involved in the child welfare system; improved attention to child welfare system culture and policies that lead to the overrepresentation in the child welfare system of people living in poverty, people of color, and people with disabilities.

*Budget impact:* Discrete, identified, and directed management oversight of legal defense costs for children and indigent parents (relative to court-appointed counsel costs in the Courts budget prior to agency creation); reduced child welfare system costs related to the higher cost for placement of children removed from their homes; and reduced judicial system costs related to inconsistent or extended involvement in the judicial system.

### Constitutional commissions

- Independent Ethics Commission (IEC)
- Commission on Judicial Discipline (CJD)

*Social benefit:* Constitutionally approved oversight intended to increase public trust.

*Budget impact:* Increased system and process oversight costs; potentially reduced public system costs related to reduced abuse of public resources, institutions, and offices.

### Public system cost reduction through improved/enhanced placement

- Office of Public Guardianship (OPG)

*Social benefit:* Access to guardianship services for incapacitated and indigent adults without family, friends, or resources for guardianship care; increased quality of life for incapacitated adults and

increased access to community healthcare system placements through more appropriate placement for individuals unable to seek more appropriate home and healthcare placement options.

*Budget impact:* Increased guardianship oversight costs for adults; reduced healthcare system costs related to more appropriate long-term housing and healthcare facility placement decisions.

#### **INDEPENDENT AGENCY DETAIL (IN BUDGET ORDER)**

The *OFFICE OF THE STATE PUBLIC DEFENDER* (OSPD) was established in Section 21-1-101, et seq., C.R.S., as follows:

- Established in 1970 as an independent agency within the Judicial Department for the provision of legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of incarceration.
- Governed by the Public Defender Commission, comprised of five members appointed by the Supreme Court.
- Comprised of a central administrative office, an appellate office, and 21 regional trial offices, and a staff that includes attorneys, paralegals, investigators, and administrative support staff.

- The OSPD is appropriated \$129.9 million total funds, including \$129.7 million General Fund, in FY 2022-23.
- The appropriation represents 14.2 percent of total funds and 19.4 percent of General Fund appropriations to the Judicial Department.
- The OSPD's 1,050.3 FTE represent 20.3 percent of FTE in the Judicial Department.

The *OFFICE OF THE ALTERNATE DEFENSE COUNSEL* (OADC) was established by S.B. 96-205 (Office of Alternate Defense Counsel) in Section 21-2-101, et seq., C.R.S., as follows:

- Established in 1996 as an independent agency within the Judicial Department for the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest.
- Governed by the Alternate Defense Counsel Commission, comprised of nine members appointed by the Supreme Court.
- Comprised of a staff of 20.5 FTE providing legal representation by contracting with licensed attorneys across the state.

- The OADC is appropriated \$50.6 million total funds, including \$50.5 million General Fund, in FY 2022-23.
- The appropriation represents 5.5 percent of total funds and 7.5 percent of General Fund appropriations to the Judicial Department.
- The OADC's 20.5 FTE represent 0.4 percent of FTE in the Judicial Department.

The *OFFICE OF THE CHILD'S REPRESENTATIVE* (OCR) was established by H.B. 00-1371 (Office of Child's Representative) in Section 13-91-101, et seq., C.R.S., as follows:

- Established in 2000 as an independent agency within the Judicial Department for the provision of guardian *ad litem* (GAL), best interests legal representation to children and youth involved in the court system, primarily due to abuse, neglect, or delinquency.
- Governed by the Child's Representative Board, comprised of nine members appointed by the Supreme Court.
- Generally provides legal representation by contracting with attorneys across the state, except in the 4<sup>th</sup> Judicial District (El Paso County), where the OCR employs attorneys and support staff to provide legal services (pursuant to S.B. 99-215, footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services in the year prior to the establishment of the OCR).
- Comprised of a staff of 35.9 FTE, including 17.0 FTE of legal services staff in the El Paso County office.

- The OCR is appropriated \$33.9 million total funds, including \$31.8 million General Fund, in FY 2022-23.
- The appropriation represents 3.7 percent of total funds and 4.8 percent of General Fund appropriations to the Judicial Department.
- The OCR's 35.9 FTE represent 0.7 percent of FTE in the Judicial Department.

The *OFFICE OF THE RESPONDENT PARENTS' COUNSEL* (ORPC) was established by S.B. 14-203 (Office of Respondent Parents' Counsel) in Section 13-92-101, et seq., C.R.S., as follows:

- Established in 2014 as an independent agency within the Judicial Department for the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings.
- Governed by the Respondent Parents' Counsel Governing Commission, comprised of nine members appointed by the Supreme Court.
- Comprised of a staff of 15.8 FTE providing legal representation by contracting with licensed attorneys across the state.

- The ORPC is appropriated \$31.2 million total funds, including \$25.5 million General Fund, in FY 2022-23.
- The appropriation represents 3.4 percent of total funds and 3.8 percent of General Fund appropriations to the Judicial Department.
- The ORPC's 15.8 FTE represent 0.3 percent of FTE in the Judicial Department.

The *OFFICE OF THE CHILD PROTECTION OMBUDSMAN* (OCPO) was established in 2010 by S.B. 10-171 (Child Protection Ombudsman Program), operating as a contracted program managed by the Department of Human Services, and then as an independent agency in the Judicial Department by S.B. 15-204 (Independent Office of Child Protection Ombudsman) in Section 19-3.3-101, et seq., C.R.S., as follows:



- Established in 2015 as an independent agency within the Judicial Department 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.
- Governed by the Child Protection Ombudsman Board, comprised of up to 12 members, of which four are appointed by the Chief Justice of the Supreme Court, four are appointed by the Governor, two are appointed by the president and minority leader of the Senate, and two are appointed by the speaker and minority leader of the House of Representatives.

- The OCPO is appropriated \$1.6 million General Fund, in FY 2022-23.
- The appropriation represents 0.2 percent of total funds and 0.2 percent of General Fund appropriations to the Judicial Department.
- The OCPO's 10.5 FTE represent 0.2 percent of FTE in the Judicial Department.

The *INDEPENDENT ETHICS COMMISSION* (IEC) was created in 2006 pursuant to voter-initiated Amendment 41 in Section 5 (1) of Article XXIX of the Colorado Constitution and codified in statute in 2007 pursuant to S.B. 07-210 (Independent Ethics Commission) in Section 24-18.5-101, C.R.S., as follows:

- Established in 2006 as an independent agency within the Judicial Department to 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.
- Governed by the Independent Ethics Commission, comprised of five members, of which one is appointed by the Chief Justice of the Supreme Court, one is appointed by the Governor, one is appointed by the Senate, one is appointed by the House of Representatives, and one is appointed by the other four members.

- The IEC is appropriated \$274,000 General Fund in FY 2022-23.
- The appropriation represents .03 percent of total funds and .04 percent of General Fund appropriations to the Judicial Department.
- The OSPD's 1.5 FTE represent 0.03 percent of FTE in the Judicial Department.

The *OFFICE OF PUBLIC GUARDIANSHIP* (OPG) is a pilot program established through June 30, 2024, as an independent agency by H.B. 17-1087 (Office of Public Guardianship) in Section 19-3.3-101, et seq., C.R.S., and amended pursuant to H.B. 19-1045 (Funding Office of Public Guardianship) as follows:

- Established as a pilot program in 2017, with cash funding from gifts, grants, and donations, as an independent agency within the Judicial Department to provide legal guardianship services for incapacitated and indigent adults who generally have little to none in assets and therefore have no other guardianship prospects in the 2<sup>nd</sup> (Denver), 7<sup>th</sup> (Southwest Colorado), and 16<sup>th</sup> (Southeast Colorado) Judicial Districts.
- Amended in 2019 to provide cash funding of \$19 from each probate fee, pursuant to Section 15-12-623 (1)(c), C.R.S., in order to allow OPG to begin funded operations; and requiring that the

OPG begin providing services for Denver County as soon as funding was sufficient for that purpose, while retaining responsibility for the Southeast and Southwest Colorado judicial districts.

- Governed by the Public Guardianship Commission, comprised of five members, of which three are appointed by the Supreme Court and two are appointed by the Governor.

- The OPG is appropriated \$1.7 million cash and reappropriated funds in FY 2022-23.
- The appropriation represents 0.2 percent of total funds appropriations to the Judicial Department.
- The OPG's 14.0 FTE represent 0.3 percent of FTE in the Judicial Department.

The *COMMISSION ON JUDICIAL DISCIPLINE* (CJD) is established in Section 23 (3) of Article VI of the Colorado Constitution. Senate Bill 22-201 (Commission on Judicial Discipline) codified in statute and established the Office of Judicial Discipline as an independent agency in the Judicial Department to support the operations of the Commission in Section 13-5.3-101, et seq., C.R.S., as follows:

- Established in 2022 as an independent agency within the Judicial Department to support the operations of the Commission to investigate and resolve potential judicial misconduct.
- Governed by the Commission on Judicial Discipline, comprised of 10 members, two district judges and two county judges selected by the Supreme Court and two attorneys and four non-judge/non-attorney citizens appointed by the Governor.

- The CJD is appropriated \$1.1 million General Fund in FY 2022-23.
- The appropriation represents 0.1 percent of total funds and 0.2 percent of General Fund appropriations to the Judicial Department.
- The CJD's 4.0 FTE represent 0.08 percent of FTE in the Judicial Department.

## DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24 *
General Fund	\$577,549,448	\$620,585,050	\$668,833,828	\$737,324,048
Cash Funds	176,372,106	184,341,883	184,263,000	194,960,373
Reappropriated Funds	56,117,497	53,699,065	58,214,112	58,171,593
Federal Funds	4,425,000	4,425,000	4,425,000	4,425,000
<b>TOTAL FUNDS</b>	<b>\$814,464,051</b>	<b>\$863,050,998</b>	<b>\$915,735,940</b>	<b>\$994,881,014</b>
Full Time Equiv. Staff	4,945.8	5,009.9	5,173.4	5,293.4

\*Requested appropriation.

Funding for the entire Judicial Department in FY 2022-23 consists of 73.0 percent General Fund, 20.1 percent cash funds, 6.4 percent reappropriated funds, and 0.5 percent federal funds.

### COURTS AND PROBATION RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24 *
General Fund	\$365,346,612	\$404,715,874	\$428,317,273	\$457,818,616
Cash Funds	175,370,262	183,307,314	182,459,324	192,978,991
Reappropriated Funds	49,062,715	46,527,217	50,307,520	49,020,425
Federal Funds	4,425,000	4,425,000	4,425,000	4,425,000
<b>TOTAL FUNDS</b>	<b>\$594,204,589</b>	<b>\$638,975,405</b>	<b>\$665,509,117</b>	<b>\$704,243,032</b>
Full Time Equiv. Staff	3,941.3	3,960.7	4,020.9	4,069.4

\*Requested appropriation.

Funding for Courts and Probation consists of 64.4 percent General Fund, 27.4 percent cash funds, 7.6 percent reappropriated funds, and 0.7 percent federal funds in FY 2022-23.

### JUDICIAL INDEPENDENT AGENCIES RECENT APPROPRIATIONS

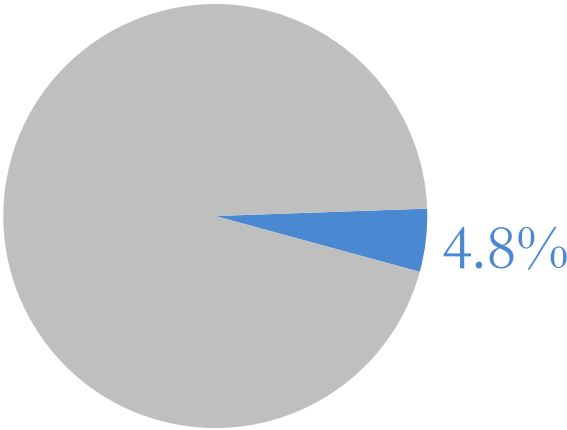
FUNDING SOURCE	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24 *
General Fund	\$212,202,836	\$215,869,176	\$240,516,555	\$279,505,432
Cash Funds	1,001,844	1,034,569	1,803,676	1,981,382
Reappropriated Funds	7,054,782	7,171,848	7,906,592	9,151,168
Federal Funds	0	0	0	0
<b>TOTAL FUNDS</b>	<b>\$220,259,462</b>	<b>\$224,075,593</b>	<b>\$250,226,823</b>	<b>\$290,637,982</b>
Full Time Equiv. Staff	1,004.5	1,049.2	1,152.5	1,224.0

\*Requested appropriation.

Funding for the Judicial Independent Agencies consists of 96.1 percent General Fund, 0.7 percent cash funds, and 3.2 percent reappropriated funds in FY 2022-23.

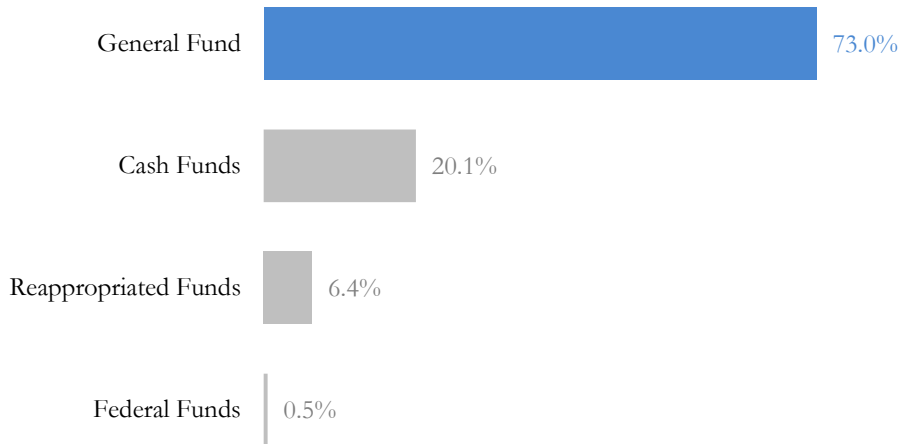
# DEPARTMENT BUDGET: GRAPHIC OVERVIEW

## DEPARTMENT'S SHARE OF STATEWIDE GENERAL FUND



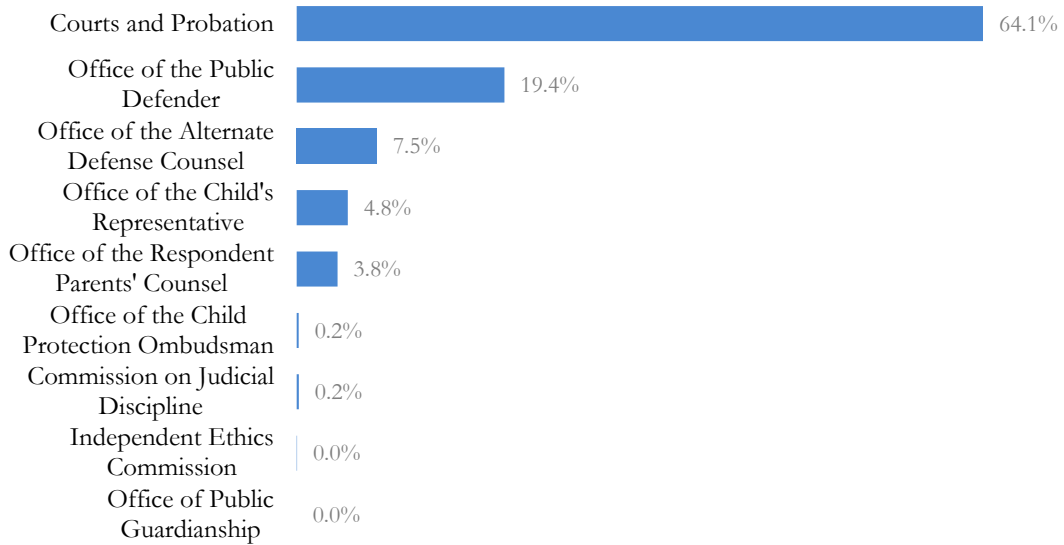
Based on the FY 2022-23 appropriation.

## DEPARTMENT FUNDING SOURCES



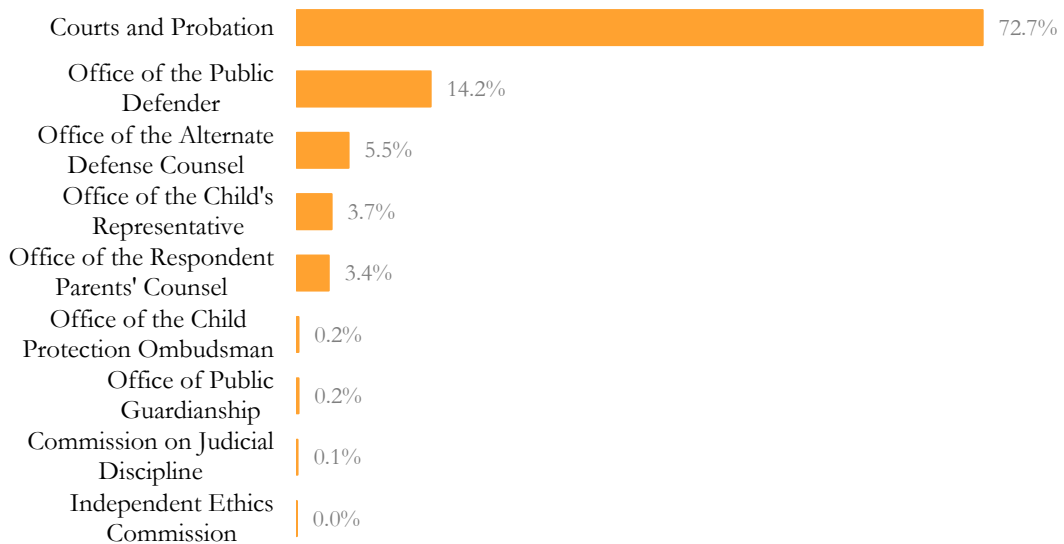
Based on the FY 2022-23 appropriation.

### DISTRIBUTION OF GENERAL FUND BY AGENCY



Based on the FY 2022-23 appropriation.

### DISTRIBUTION OF TOTAL FUNDS BY AGENCY



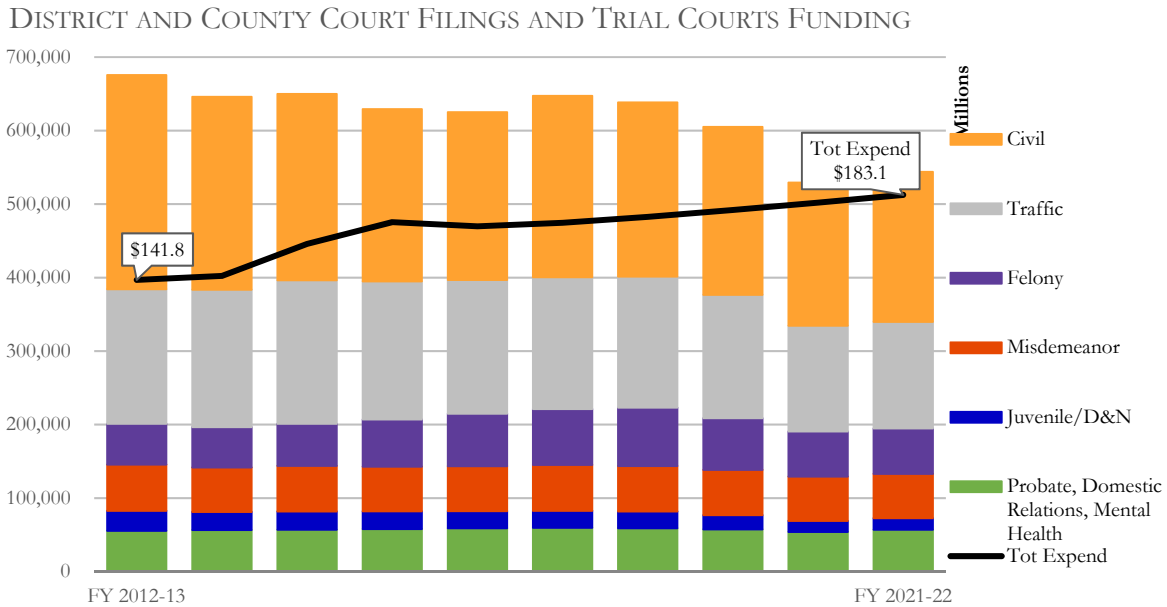
Based on the FY 2022-23

# GENERAL FACTORS DRIVING THE BUDGET

Historically, caseload is identified as the main factor driving the Judicial Department budget. This would suggest that increasing caseload should correlate to increasing cost. However, as illustrated in the following chart, over the prior 10 years there appears to be slightly increasing cost with slightly decreasing caseload; with most of the decrease in caseload occurring over the pandemic period of the last three fiscal years shown in the chart. It is anticipated that caseload will increase to the prior baseline in the post-pandemic period.

## DISTRICT AND COUNTY COURT FILINGS

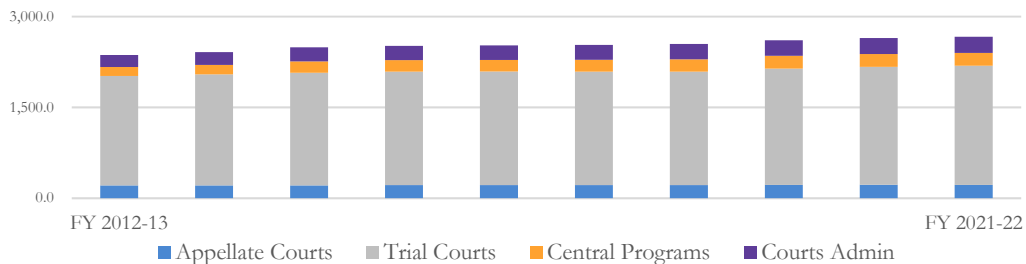
The following chart illustrates a 10-year history of District and County Court Filings along with Trial Courts expenditures. Total expenditures increased at a 2.6 percent compound average annual growth rate (CAAGR).



## STAFFING TREND – COURTS

The following chart illustrates FTE changes by division for the Courts, illustrating a nominal increase in staffing, at a 1.2 percent CAAGR.

COURTS FTE TRENDS ARE FLAT; FTE INCREASED AT A 1.2 PERCENT COMPOUND AVERAGE ANNUAL GROWTH RATE

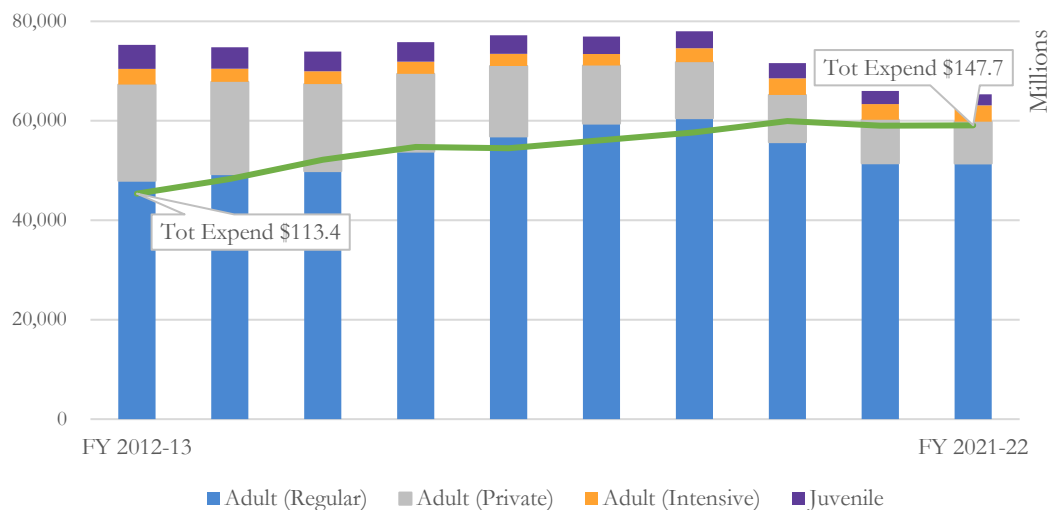


## PROBATION CASELOAD

Individuals sentenced to probation, as an alternative to incarceration, remain under the supervision of the court. Supervision services are provided based on each offender's risk of re-offending. Managed by the chief probation officer in each judicial district, approximately 1,300 employees prepare assessments, provide pre-sentence investigation services to the courts, and supervise offenders sentenced to probation. Funding for probation services is primarily driven by the number and types of offenders sentenced to probation and statutory requirements concerning probation eligibility and supervision time frames.

Unlike the Courts' recent experience, Probation does appear to exhibit a caseload-cost correlation. The following chart outlines probation caseload and Probation Division total appropriations for the 10-year period through FY 2021-22.

PROBATION CASELOAD IS FLAT; EXPENDITURES TREND WITH CASELOAD (2.7 PERCENT CAAGR)



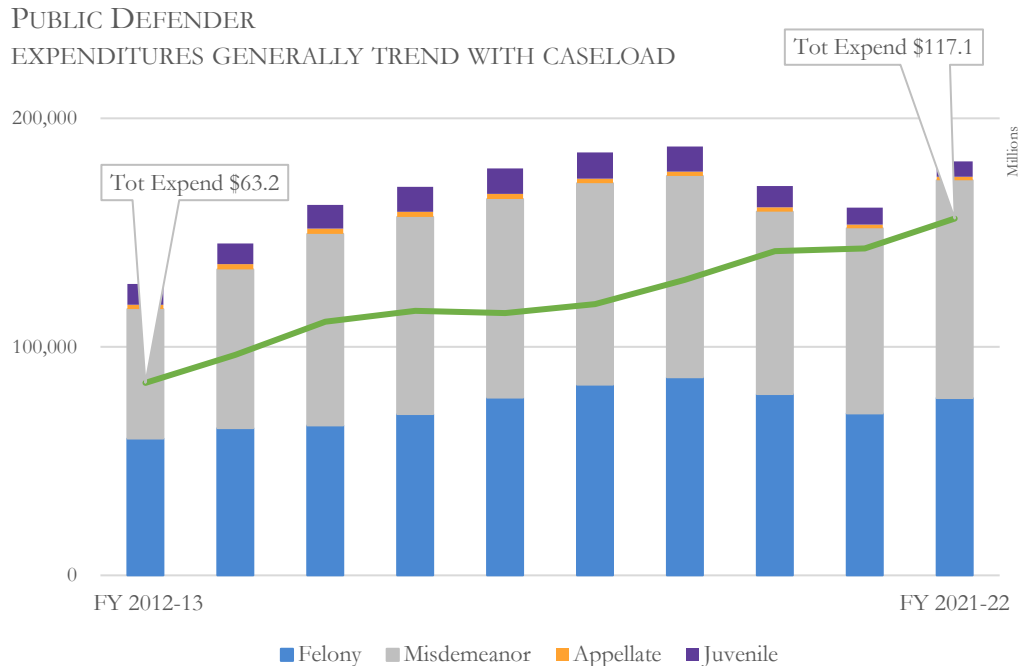
Total expenditures increase at a 2.7 percent CAAGR over the prior 10-year period. Consistent with the Courts caseload experience, most of the decrease in caseload occurred over the pandemic period of the last three fiscal years shown in the chart. While total expenditures are flat over the pandemic period it is anticipated that caseload will increase in the post-pandemic period. Additionally, criminal justice policies that reduce sentencing to corrections also have the effect of increasing probation caseload as well as generating a probation caseload that includes more complex and higher oversight probationers. While caseload may not increase significantly in coming years, it is anticipated that workload (for that caseload), associated with the management of higher oversight probationers, will increase, which may increase costs in the probation system.

## CASELOAD IMPACTS UNIQUE TO INDEPENDENT AGENCIES

Unlike the Courts' experience, but like Probation, the independent agencies that provide legal representation reflect a traditional correlation between caseload and expenditures.

### OFFICE OF THE STATE PUBLIC DEFENDER

The *Office of the State Public Defender (OSPD)* represents criminal defendants who have inadequate financial resources to pay for their own defense. The OSPD's workload is affected by the number and types of cases filed, as well as the proportion of clients who are eligible for state-funded representation. The following chart outlines OSPD caseload and expenditures through FY 2021-22.



As illustrated in the chart, expenditures generally trend with caseload. Caseload shows a decline over the early pandemic period, although caseloads were continuing to trend higher in the years prior to the pandemic. The OSPD responded to that increasing caseload through staffing increases in the years just prior to the pandemic. More recently, the OSPD has shifted its staffing model to the use of more paralegals and dedicated discovery clerks related to better managing the proliferation of digital evidence. It is anticipated that caseloads will increase in the post-pandemic period.

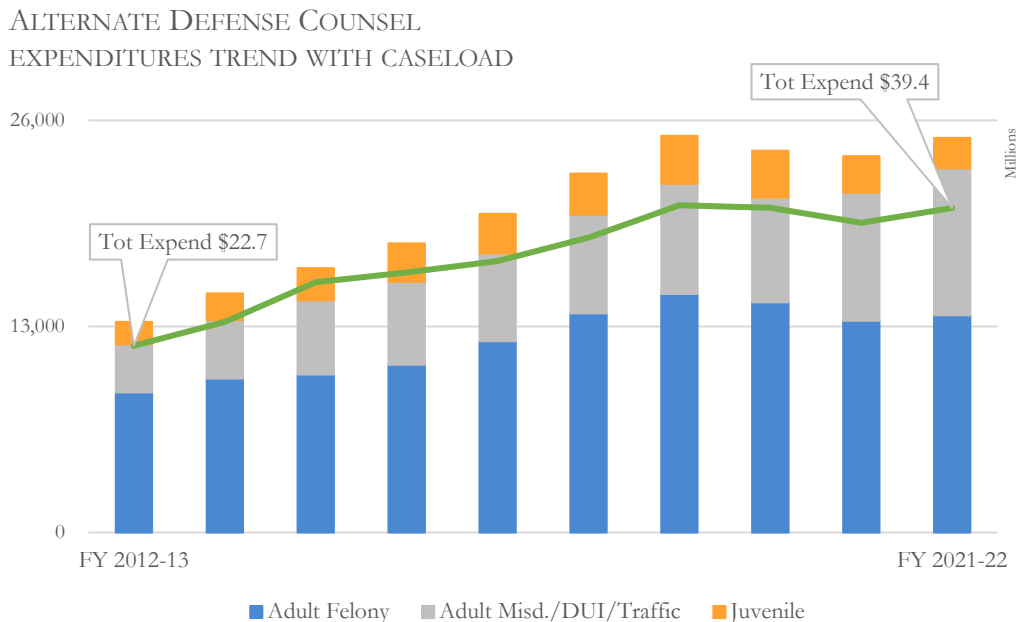
The OSPD caseload compound average annual growth rate (CAAGR) is 3.6 percent. The average cost per case increased from \$628 in FY 2012-13 to \$646 in FY 2021-22; a CAAGR of 2.7 percent. The total expenditures CAAGR is a composite 6.4 percent over this period.

### OFFICE OF THE ALTERNATE DEFENSE COUNSEL

The *Office of the Alternate Defense Counsel (OADC)* contracts with private attorneys to represent indigent defendants in cases where the OSPD has an ethical conflict of interest in providing legal representation, often because the client is a witness or a co-defendant in a case in which the OSPD is



representing another defendant. The following chart outlines OADC caseload and expenditures through FY 2021-22.



As illustrated in the chart, expenditures trend with caseload. Caseload shows a slight decline in the early pandemic period, although caseloads were trending higher in the years prior to the pandemic. It is anticipated that caseloads will increase in the post-pandemic period.

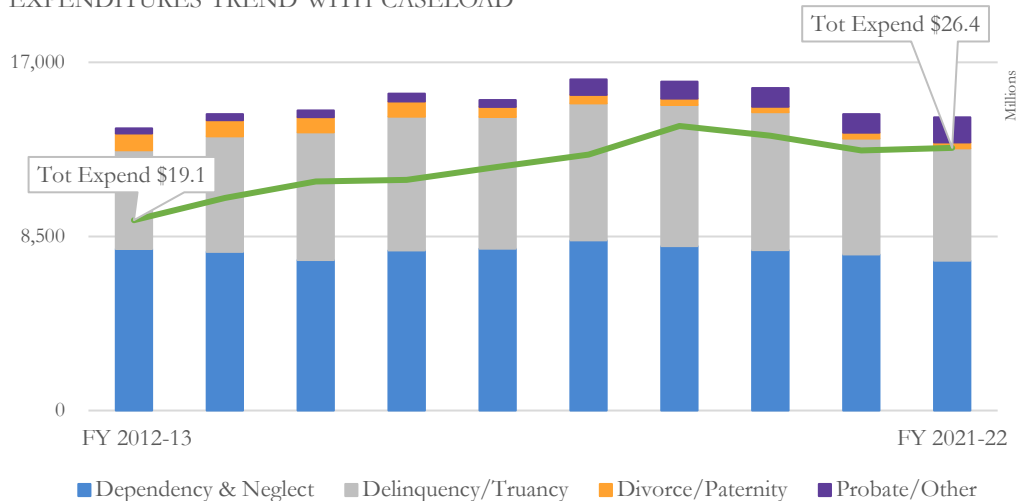
The OADC caseload compound average annual growth rate (CAAGR) is 6.5 percent. The average cost per case decreased from \$1,705 in FY 2012-13 to \$1,581 in FY 2021-22; a CAAGR of -0.8 percent. The total expenditures CAAGR is a composite 5.7 percent over this period.

**OFFICE OF THE CHILD'S REPRESENTATIVE**

The *Office of the Child's Representative (OCR)* oversees the provision of legal representation to children and youth involved in the court system, primarily related to the child welfare system. Courts also 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. The attorneys are called guardians *ad litem* or GAL's. The office provides this representation with a mix of contract attorneys statewide and staff attorneys unique to its El Paso county office.

The following chart outlines OCR caseload and appropriations through FY 2021-22.

CHILD'S REPRESENTATIVE  
EXPENDITURES TREND WITH CASELOAD



As illustrated in the chart, expenditures trend along with caseload. Caseload shows a slight decline over the pandemic period, with caseload leveling at just over 16,000 in the years prior to the pandemic.

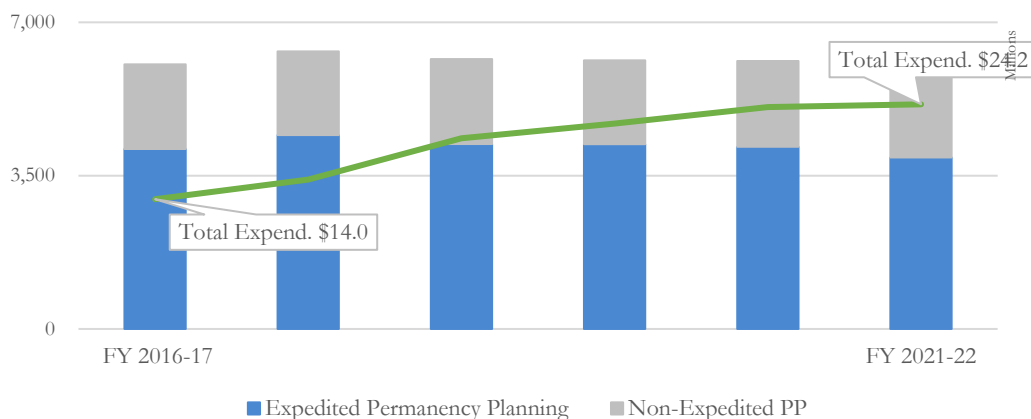
The OCR caseload compound average annual growth rate (CAAGR) is 0.4 percent over this period. The average cost per case increased from \$1,389 in FY 2012-13 to \$1,845 in FY 2021-22; a CAAGR of 2.9 percent. The total expenditures CAAGR is a composite 3.3 percent.

**OFFICE OF THE RESPONDENT PARENTS' COUNSEL**

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 following chart outlines ORPC appointments caseload and total agency expenditures for the six years of its experience.

RESPONDENT PARENTS' COUNSEL  
EXPENDITURES START TO TREND WITH CASELOAD



With the exception of the very slight decline over the three-year pandemic period, appointments are relatively flat. Expenditures increased significantly over the first three years as this new agency was initiating its organizational "stand-up" process.

Since the third year, FY 2018-19, expenditures have increased at a modest compound average annual growth rate of 4.2 percent, suggesting that ORPC operations have settled into a relatively stable budget baseline, as illustrated in the chart.

## INCREASED COMPLEXITY AND TARGETED RESOLUTION

Historically, prior to the last 10-20 years, increasing caseloads generated increasing costs for the judicial system overall. However, over at least as far back as the period illustrated in the charts, the Judicial Branch, as illustrated by the Courts, has experienced a fairly steady, nominal increase in staff and cost, with an almost flat caseload. This suggests that current generation fiscal drivers in the Judicial Department are tied to:

- modest, inflationary increases to support core or baseline staff and a modest increase in central administrative staff for increased central oversight of contract, purchasing, and related fiscal oversight processes and controls;
- a modest increase in information technology (IT) staff for the adoption of increased and more complex IT systems, including the rapidly increased adoption and use of audio visual (AV) technology during the pandemic period; and
- a modest increase in program staff for the adoption of court systems and processes that better address behavioral and mental health, and discrete, targeted populations involved in the criminal justice system that may benefit from alternative adjudication processes, and a greater emphasis on improved outcomes for participants and communities.

The judicial system is a more complex system addressing more complex problems with more qualitative refinement and increased attention to participant and community outcomes. Given the stasis of caseloads and only a modest increase in staffing, the Courts' move away from the uniform production of standard "justice widgets" appears to generate cost savings system-wide.

While the independent agencies that provide legal services exhibit caseload and cost correlations, those standard, input-output impacts also appear to increase the efficiency of the judicial system broadly. While the ongoing proliferation of smaller, "independent agencies" may be experienced as generating an unwieldy budget structure, this "independent" or "sovereign" organizational structure and system provides distinct and tightly mission-focused organizations, built on discrete, statutorily-defined purposes, to further address targeted judicial system improvements.

Over the 10-year period illustrated in the charts, the Judicial Branch has moved – both from internal change and from legislation and specified program funding – to increasingly data-driven and problem- or issue-specific programs and adjudication processes. These structural system changes for targeted resolution of broadly experienced social problems – that also adversely affect the use of resources in the judicial system – appear to forestall the historical experience of an expanding use of the traditional criminal justice and judicial systems.

## COURTS AND PROBATION SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – COURTS AND PROBATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	659,431,910	427,602,732	177,096,658	50,307,520	4,425,000	4,013.9
Other legislation	6,077,207	714,541	5,362,666	0	0	7.0
<b>TOTAL</b>	<b>\$665,509,117</b>	<b>\$428,317,273</b>	<b>\$182,459,324</b>	<b>\$50,307,520</b>	<b>\$4,425,000</b>	<b>4,020.9</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$665,509,117	428,317,273	\$182,459,324	\$50,307,520	\$4,425,000	4,020.9
C&P R1 Comp Plan Maintenance	246,272	240,821	5,451	0	0	0.0
C&P R2 HR Staff	640,145	640,145	0	0	0	7.0
C&P R3 Language Access Contractor Rate	791,997	791,997	0	0	0	0.0
C&P R4 Judicial Security & Grant Restoration	1,094,776	1,094,776	0	0	0	2.0
C&P R5 Contract Mgt and Purchasing Staff	554,648	554,648	0	0	0	6.0
C&P R6 Court Services Training Staff	606,442	606,442	0	0	0	8.0
C&P R7 Data Analyst Staff	431,402	340,529	90,873	0	0	5.0
C&P R8 Judicial Education Staff	210,879	0	210,879	0	0	2.0
C&P R9 Interstate Compact and E-file	775,000	0	775,000	0	0	0.0
C&P R10 C&F Investigator Equalize Pay	378,343	378,343	0	0	0	0.0
C&P R11 County Courthouse Infrastructure	1,302,525	1,302,525	0	0	0	0.0
C&P R12 IT Fleet Vehicles	0	0	0	0	0	0.0
C&P R13 Pass-through Requests	(714,250)	150,668	151,015	(1,015,933)	0	0.0
C&P R14 Contractor Rate Increase	978,933	978,933	0	0	0	0.0
Centrally appropriated line items	28,649,769	23,312,819	5,336,950	0	0	0.0
Annualize prior year legislation and budget actions	(365,840)	(1,363,351)	997,511	0	0	8.5
Technical adjustments	3,152,874	472,049	2,951,987	(271,162)	0	10.0
<b>TOTAL</b>	<b>\$704,243,032</b>	<b>\$457,818,617</b>	<b>\$192,978,990</b>	<b>\$49,020,425</b>	<b>\$4,425,000</b>	<b>4,069.4</b>
<b>INCREASE/(DECREASE)</b>	<b>\$38,733,915</b>	<b>\$29,501,344</b>	<b>\$10,519,666</b>	<b>(\$1,287,095)</b>	<b>\$0</b>	<b>48.5</b>
Percentage Change	5.8%	6.9%	5.8%	(2.6%)	0.0%	1.2%

The Chief Justice reviews requests for the courts, who along with probation, submit independent budgets request that are not reviewed or approved by OSPB, although the common policy components generally align with OSPB and executive branch requests. Therefore, only the General Assembly evaluates the merits of these requests relative to those of executive branch agencies.

**REQUEST OVERVIEW:** The Courts and Probation request includes an increase of \$29.5 million General Fund representing a 6.9 percent increase. However, Centrally Appropriated Line Items – common policies determined by the Governor's Request – represents 79.0 percent of the increase (or 5.4 percent of the 6.9 percent increase). **The Courts and Probation discretionary budget requests and other adjustments represent a 1.4 percent net increase over the FY 2022-23 appropriation.**

**C&P R1 COMP PLAN MAINTENANCE:** The request includes an increase of \$246,000 total funds, including \$241,000 General Fund for compensation plan maintenance adjustments.

**C&P R2 HR STAFF:** The request includes an increase of \$640,000 General Fund and 7.0 FTE for human resources staff, including an assistant legal counsel position to advise on employment matters.

**C&P R3 LANGUAGE ACCESS CONTRACTOR RATE:** The request includes an increase of \$792,000 General Fund for a \$10 per hour rate increase for language access contractors.

**C&P R4 JUDICIAL SECURITY & GRANT RESTORATION:** The request includes an increase of \$1.1 million General Fund and 2.0 FTE to establish a Judicial Security Office and to reinstate a \$500,000 General Fund annual appropriation for courthouse security grants.

**C&P R5 CONTRACT MGT AND PURCHASING STAFF:** The request includes an increase of \$555,000 General Fund and 6.0 FTE for contract management and purchasing staff including two Contract Specialist IIs and four Purchasing Agents.

**C&P R6 COURT SERVICES TRAINING STAFF:** The request includes an increase of \$606,000 General Fund and 8.0 FTE for court services training staff that includes three Court Education Specialists (general trainers) and five Peer Training Specialists (specialized, on-site, one-on-one training and mentoring).

**C&P R7 DATA ANALYST STAFF:** The request includes an increase of \$431,000 total funds, including \$341,000 General Fund and 5.0 FTE for data analyst staff, including two for the Research and Data Unit in Court Services, one for Probation Services, one responsible for court-appointed counsel in the State Court Administrator's Office (SCAO), and a team lead for the Problem Solving Courts (PSC) program consisting of 4.5 Court Program Analysts who oversee the 76 PSCs in the State.

**C&P R8 JUDICIAL EDUCATION STAFF:** The request includes an increase of \$211,000 cash funds from the Judicial Stabilization Cash Fund and 2.0 FTE for Judicial Officer education, including a Judicial Education Specialist to oversee virtual programming and a Court Programs Analyst III to develop and manage the judicial learning portal.

**C&P R9 INTERSTATE COMPACT AND E-FILE:** The request includes an increase of \$775,000 cash funds spending authority for non-discretionary, process volume increases, including: \$675,000 from the Judicial Department Information Technology Cash Fund from Information Technology Cost Recoveries to accommodate an increase in the use of the Courts' e-filing system; and \$100,000 from the Interstate Compact Probation Transfer Cash Fund for the reimbursement to law enforcement for costs of returning a probationer.

**C&P R10 C&F INVESTIGATOR EQUALIZE PAY:** The request includes an increase of \$378,000 General Fund to equalize the contract payment rate to non-attorney child and family investigators (CFIs) to the rate paid to attorney CFIs for the same service from \$47 to \$85 per hour.

**C&P R11 COUNTY COURTHOUSE INFRASTRUCTURE:** The request includes one-time funding of \$1.3 million General Fund for county courthouse infrastructure projects in the 18<sup>th</sup> Judicial District in Arapahoe County and for the 6<sup>th</sup> Judicial District in La Plata County. This annual, project-related line item appropriation currently includes and is requested to continue to have two-year spending authority.

**C&P R12 IT FLEET VEHICLES:** The request includes a net-neutral adjustment of \$6,000 from operating expenses to vehicle lease payments for two vehicles for IT technicians serving the 6<sup>th</sup> and 22<sup>nd</sup> Judicial District in southwestern Colorado and the 14<sup>th</sup> Judicial District in northwestern Colorado.

**C&P R13 PASS-THROUGH REQUESTS:** The request includes a net decrease of \$714,000 total funds, including an increase of \$151,000 General Fund for pass-through requests including: (1) \$151,000 from the Colorado District Attorney's Council for a 3.0 percent increase for district attorney mandated costs totaling \$86,000 and for an e-discovery enhancement for the ACTION and Statewide Discovery Sharing System totaling \$65,000; and (2) Correctional Treatment Board adjustments that include an increase of \$151,000 cash funds and a decrease of \$1.0 million reappropriated funds, both from the Correctional Treatment Cash Fund.

**C&P R14 CONTRACTOR RATE INCREASE:** The request includes an increase of \$979,000 General Fund for equivalent attorney and non-attorney contractor rate increases requested by the independent agencies.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$28.6 million total funds, including \$23.3 million General Fund, 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	\$17,138,293	\$15,892,556	\$1,245,737	\$0	\$0	0.0
Health, life, and dental	4,339,429	1,516,267	2,823,162	0	0	0.0
Payments to OIT	4,442,422	4,442,422	0	0	0	0.0
Paid Family and Medical Leave Insurance	1,112,740	1,009,898	102,842	0	0	0.0
AED	969,268	157,710	811,558	0	0	0.0
SAED	969,268	157,710	811,558	0	0	0.0
PERA Direct Distribution	922,022	999,799	(77,777)	0	0	0.0
Legal services	261,079	261,079	0	0	0	0.0
DPA Transfer perf. budgeting to DPA	19,097	19,097	0	0	0	0.0
DPS Digital trunk radio	10,016	10,016	0	0	0	0.0
Vehicle lease payments	1,605	1,605	0	0	0	0.0
Risk management and property adjustment	(551,058)	(551,058)	0	0	0	0.0
Indirect cost assessment	(403,707)	0	(403,707)	0	0	0.0
CORE adjustment	(303,770)	(303,770)	0	0	0	0.0
Workers' compensation	(266,539)	(266,539)	0	0	0	0.0
Short-term disability	(10,396)	(33,973)	23,577	0	0	0.0
<b>TOTAL</b>	<b>\$28,649,769</b>	<b>\$23,312,819</b>	<b>\$5,336,950</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$366,000 total funds, including a decrease of \$1.4 million General Fund, to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
C&P FY23 NP2 CTCF	\$1,250,000	\$1,250,000	\$0	\$0	\$0	0.0
SB22-099 Sealing Criminal Records	558,824	558,824	0	0	0	3.4
C&P FY23 R2 IT staff	529,123	29,123	500,000	0	0	1.4
SB22-055 Alcohol Monitor for Impaired	459,228	0	459,228	0	0	0.8
SB18-200 PERA Unfunded Liability	400,659	362,818	37,841	0	0	0.0
HB20-1026 Create 23rd Judicial District	200,000	200,000	0	0	0	0.0
HB21-1214 Record Seal Collateral	71,066	71,066	0	0	0	0.0
C&P FY23 BA6 Tech admin true-ups	31,821	31,821	0	0	0	0.5
SB22-043 Restitution Services for Victim	26,406	0	26,406	0	0	0.4
C&P FY23 R1 HR and FSD staff	16,555	16,555	0	0	0	0.8

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS**

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
C&P FY23 BA4 Commercial card	3,629	3,629	0	0	0	0.1
C&P FY23 R9 Bridges Program	1,462	1,462	0	0	0	0.1
C&P FY23 NP1 Courthouse infrastructure	(3,377,086)	(3,377,086)	0	0	0	0.0
C&P FY23 CC Courthouse security	(400,000)	(400,000)	0	0	0	0.0
HB22-1091 Online Avail of Judicial Opinions	(70,000)	(70,000)	0	0	0	0.0
C&P FY23 R3 IT infrastructure	(25,964)	0	(25,964)	0	0	0.0
HB22-1326 Fentanyl Accountability Prevent	(16,987)	(16,987)	0	0	0	0.1
SB21-271 Misdemeanor Reform	(8,995)	(8,995)	0	0	0	0.4
SB22-018 Expand Court Reminder	(6,894)	(6,894)	0	0	0	0.0
C&P FY23 R5 Language access	(3,355)	(3,355)	0	0	0	0.3
HB22-1257 Criminal and Juvenile Justice	(2,737)	(2,737)	0	0	0	0.0
C&P FY23 R4 Court Services training staff	(2,255)	(2,255)	0	0	0	0.2
C&P FY23 BA5 Reporter of Decisions	(340)	(340)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$365,840)</b>	<b>(\$1,363,351)</b>	<b>\$997,511</b>	<b>\$0</b>	<b>\$0</b>	<b>8.5</b>

**TECHNICAL ADJUSTMENTS:** The request includes technical adjustments that include an increase of \$3.1 million cash funds and 10.0 FTE to reflect a true-up of informational cash funds expenditures and as summarized in the following table.

**TECHNICAL ADJUSTMENTS**

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
C&P Off of Attorney Regulation Counsel true-up	\$3,083,832	\$0	\$3,083,832	\$0	\$0	10.0
C&P Carr Building Lease Adjustment	69,042	68,342	(131,845)	132,545	0	0.0
C&P Indirect cost recoveries refinancing	0	403,707	0	(403,707)	0	0.0
<b>TOTAL</b>	<b>\$3,152,874</b>	<b>\$472,049</b>	<b>\$2,951,987</b>	<b>(\$271,162)</b>	<b>\$0</b>	<b>10.0</b>

# JUDICIAL INDEPENDENT AGENCIES SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	249,073,940	239,361,567	1,804,637	7,907,736	0	1,148.5
Other legislation	1,152,883	1,154,988	(961)	(1,144)	0	4.0
<b>TOTAL</b>	<b>\$250,226,823</b>	<b>\$240,516,555</b>	<b>\$1,803,676</b>	<b>\$7,906,592</b>	<b>\$0</b>	<b>1,152.5</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$250,226,823	240,516,555	\$1,803,676	\$7,906,592	\$0	1,152.5
<b>OSPD</b>						
OSPD R1 Comp Plan Maintenance	10,958,435	10,958,435	0	0	0	0.0
OSPD R2 Leased Space	705,612	705,612	0	0	0	0.0
OSPD R3 Central Support Staff	539,868	539,868	0	0	0	4.1
OSPD R4 Training	350,000	350,000	0	0	0	0.0
Centrally appropriated line items	6,953,237	6,953,237	0	0	0	0.0
Annualize prior year legislation and budget actions	3,443,738	3,443,738	0	0	0	43.7
Subtotal - OSPD	\$22,950,890	\$22,950,890	\$0	\$0	\$0	47.8
<b>OADC</b>						
OADC R1 EDI/HR Coordinator	140,409	140,409	0	0	0	0.9
OADC R2 Holistic Defense Coordinator	185,906	185,906	0	0	0	0.9
OADC R3 Post Conviction Unit	0	0	0	0	0	9.0
OADC R4 Appointment Specialist	85,526	85,526	0	0	0	0.9
OADC R5 Municipal Court Program Analyst	87,312	87,312	0	0	0	0.9
OADC R6 Social Worker Fellowships	0	0	0	0	0	1.8
OADC R7 Comp Plan Maintenance	131,182	131,182	0	0	0	0.0
OADC R8 Contractor Rate Increase - Attorneys	4,724,448	4,724,448	0	0	0	0.0
OADC R9 Contractor Rate Increase - Non-attorneys	1,361,808	1,361,808	0	0	0	0.0
OADC Technical Operating Alignment	0	0	0	0	0	0.0
Centrally appropriated line items	177,443	177,443	0	0	0	0.0
Annualize prior year legislation and budget actions	(13,619)	(13,619)	0	0	0	0.5
Subtotal - OADC	\$6,880,415	\$6,880,415	\$0	\$0	\$0	14.9
<b>OCR</b>						
OCR R1 Contractor Rate Increase - Attorneys	3,769,013	3,769,013	0	0	0	0.0
OCR R2 Court-appointed Counsel Caseload Adjustment	(362,203)	(634,018)	0	271,815	0	0.0
OCR R3 EDI Staff Attorney	181,935	181,935	0	0	0	1.0
OCR R4 Contractor Rate Increase - Non-attorneys	366,844	350,753	0	16,091	0	0.0
OCR R5 Admin Staff	109,291	109,291	0	0	0	1.1
OCR R6 Comp Plan Maintenance	175,171	152,851	0	22,320	0	0.0
OCR R7 Training Increase	80,000	0	0	80,000	0	0.0
Centrally appropriated line items	192,139	171,760	0	20,379	0	0.0
Annualize prior year legislation and budget actions	(33,301)	(27,101)	0	(6,200)	0	0.0
Subtotal - OCR	\$4,478,889	\$4,074,484	\$0	\$404,405	\$0	2.1
<b>ORPC</b>						
ORPC R1 Contractor Rate Increase - Attorneys	3,377,211	3,369,883	0	7,328	0	0.0
ORPC R2 Policy and Legislative Staff Attorney	185,839	185,839	0	0	0	1.0
ORPC R3 Paralegal	98,866	98,866	0	0	0	1.0
ORPC R4 Contractor Rate Increase - Non-attorneys	1,263,685	446,420	0	817,265	0	0.0
ORPC R5 Parent Advocacy Coordinator	113,458	113,458	0	0	0	1.0
ORPC R6 Medical Consultant	146,037	146,037	0	0	0	1.0



**JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES**

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Centrally appropriated line items	146,313	128,944	0	17,369	0	0.0
Annualize prior year legislation and budget actions	5,386	5,386	0	0	0	0.2
<b>Subtotal - ORPC</b>	<b>\$5,336,795</b>	<b>\$4,494,833</b>	<b>\$0</b>	<b>\$841,962</b>	<b>\$0</b>	<b>4.2</b>
<b>OCPO</b>						
OCPO R1 HR Support Services	110,803	110,803	0	0	0	1.0
OCPO R2 Client Services Analyst	103,052	103,052	0	0	0	1.0
OCPO R3 Community Engage and Outreach	129,095	129,095	0	0	0	0.5
OCPO R4 Comp Plan Maintenance	88,560	88,560	0	0	0	0.0
OCPO R5 Operating Restoration	10,000	10,000	0	0	0	0.0
OCPO R6 Contract Investigator Services	48,191	48,191	0	0	0	0.0
Centrally appropriated line items	131,991	131,991	0	0	0	0.0
Annualize prior year legislation and budget actions	(31,311)	(31,311)	0	0	0	0.0
<b>Subtotal - OCPO</b>	<b>\$590,381</b>	<b>\$590,381</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>2.5</b>
<b>IEC</b>						
IEC R1 Website Upgrade for HB21-1110	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	29,842	29,842	0	0	0	0.0
Annualize prior year legislation and budget actions	(1,867)	(1,867)	0	0	0	0.0
<b>Subtotal – IEC</b>	<b>\$77,975</b>	<b>\$77,975</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>OPG</b>						
Centrally appropriated line items	217,456	0	213,152	4,304	0	0.0
Annualize prior year legislation and budget actions	(41,541)	0	(35,446)	(6,095)	0	0.0
<b>Subtotal – OPG</b>	<b>\$175,915</b>	<b>\$0</b>	<b>\$177,706</b>	<b>(\$1,791)</b>	<b>\$0</b>	<b>0.0</b>
<b>CJD</b>						
CJD R1 Comp Plan Maintenance	128,977	128,977	0	0	0	0.0
CJD R2 Rule Revision Consultation	25,000	25,000	0	0	0	0.0
CJD R3 IT Services	25,000	25,000	0	0	0	0.0
Centrally appropriated line items	170,983	170,983	0	0	0	0.0
Annualize prior year legislation and budget actions	(430,061)	(430,061)	0	0	0	0.0
<b>Subtotal - CJD</b>	<b>(\$80,101)</b>	<b>(\$80,101)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Subtotal – Contractor Rate Increase	14,863,009	14,022,325	0	840,684	0	0.0
Subtotal – Centrally appropriated line items	8,019,404	7,764,200	213,152	42,052	0	0.0
Subtotal – Annualize prior year legislation-budget actions	2,897,424	2,945,165	(35,446)	(12,295)	0	44.4
<b>TOTAL</b>	<b>\$290,637,982</b>	<b>\$279,505,432</b>	<b>\$1,981,382</b>	<b>\$9,151,168</b>	<b>\$0</b>	<b>1,224.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$40,411,159</b>	<b>\$38,988,877</b>	<b>\$177,706</b>	<b>\$1,244,576</b>	<b>\$0</b>	<b>71.5</b>
Percentage Change	16.1%	16.2%	9.9%	15.7%	0.0%	6.2%

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.

The Judicial Independent Agencies submit independent budgets request that are neither reviewed nor approved by the Chief Justice or OSPB.

**REQUEST OVERVIEW:** The Independent Agencies' total requests include an increase of \$39.0 million General Fund representing a 16.2 percent General Fund increase.

The following three items account for 84.0 percent of the General Fund increase:

- The Contractor Rate Increase requests for the OADC, OCR, and ORPC include an increase of \$14.0 million General Fund. This item represents 36.0 percent of the increase; and a 5.8 percent General Fund increase over the prior year.
- The OSPD's Comp Plan Maintenance request includes an increase of \$11.0 million General Fund. This item represents 28.1 percent of the increase; and a 4.6 percent General Fund increase over the prior year.
- Centrally Appropriated Line Items – common policies determined by the Governor's Request – include an increase of \$7.8 million General Fund. This represents 19.9 percent of the increase; and a 3.2 percent General Fund increase over the prior year.

All other Independent Agency adjustments and requests total \$6.2 million General Fund. This represents 16.0 percent of the increase (or 2.6 percent over the prior year).

# OFFICE OF THE STATE PUBLIC DEFENDER SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – OSPD						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	130,021,877	129,866,877	155,000	0	0	1,050.3
Other legislation	(168,126)	(168,126)	0	0	0	0.0
<b>TOTAL</b>	<b>\$129,853,751</b>	<b>\$129,698,751</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>	<b>1,050.3</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$129,853,751	129,698,751	\$155,000	\$0	\$0	1,050.3
OSPD R1 Comp Plan Maintenance	10,958,435	10,958,435	0	0	0	0.0
OSPD R2 Leased Space	705,612	705,612	0	0	0	0.0
OSPD R3 Central Support Staff	539,868	539,868	0	0	0	4.1
OSPD R4 Training	350,000	350,000	0	0	0	0.0
Centrally appropriated line items	6,953,237	6,953,237	0	0	0	0.0
Annualize prior year legislation and budget actions	3,443,738	3,443,738	0	0	0	43.7
<b>TOTAL</b>	<b>\$152,804,641</b>	<b>\$152,649,641</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>	<b>1,098.1</b>
<b>INCREASE/(DECREASE)</b>	<b>\$22,950,890</b>	<b>\$22,950,890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>47.8</b>
Percentage Change	17.7%	17.7%	0.0%	0.0%	0.0%	4.6%

**OSPD R1 COMP PLAN MAINTENANCE:** The request includes an increase of \$11.0 million General Fund for compensation plan maintenance. The request is based entirely on recommendations from the OSPD's compensation survey completed by Logic Compensation Group, a third-party compensation consulting firm. The recommendations include: structural adjustments to occupational classification pay ranges to match the market; and salary adjustments to maintain current employee position within the adjusted range.

**OSPD R2 LEASED SPACE:** The request includes an increase of \$706,000 General Fund for leased space increases necessary to accommodate the additional paralegal staff approved last year.

**OSPD R3 CENTRAL SUPPORT STAFF:** The request includes an increase of \$540,000 General Fund and 4.1 FTE for administrative support staff related to the additional paralegal staff approved last year.

**OSPD R4 TRAINING:** The request includes an increase of \$350,000 General Fund for a new training line item and funding to accommodate the recent historical cost of staff training programs and initiatives, including continuing legal education (CLE) programs.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$7.0 million General Fund 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	\$4,532,004	\$4,532,004	\$0	\$0	\$0	0.0
Health, life, and dental	1,199,276	1,199,276	0	0	0	0.0
Paid Family and Medical Leave Insurance	379,172	379,172	0	0	0	0.0

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
AED	323,361	323,361	0	0	0	0.0
SAED	323,361	323,361	0	0	0	0.0
Leased space	203,896	203,896	0	0	0	0.0
Short-term disability	2,861	2,861	0	0	0	0.0
Vehicle lease payments	(10,694)	(10,694)	0	0	0	0.0
<b>TOTAL</b>	<b>\$6,953,237</b>	<b>\$6,953,237</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net increase of \$3.4 million General Fund, to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD FY23 R2 Paralegal Staff	\$2,078,079	\$2,078,079	\$0	\$0	\$0	40.3
OSPD FY23 R1 Public Defense Digital Age	1,411,389	1,411,389	0	0	0	2.2
OSPD FY23 R3 Discovery Clerk Staff	(45,730)	(45,730)	0	0	0	1.2
<b>TOTAL</b>	<b>\$3,443,738</b>	<b>\$3,443,738</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>43.7</b>

# OFFICE OF THE ALTERNATE DEFENSE COUNSEL

## SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – OADC						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	50,570,572	50,490,572	80,000	0	0	20.5
Other legislation	(4,919)	(4,919)	0	0	0	0.0
<b>TOTAL</b>	<b>\$50,565,653</b>	<b>\$50,485,653</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>	<b>20.5</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$50,565,653	50,485,653	\$80,000	\$0	\$0	20.5
OADC R1 EDI/HR Coordinator	140,409	140,409	0	0	0	0.9
OADC R2 Holistic Defense Coordinator	185,906	185,906	0	0	0	0.9
OADC R3 Post Conviction Unit	0	0	0	0	0	9.0
OADC R4 Appointment Specialist	85,526	85,526	0	0	0	0.9
OADC R5 Municipal Court Program Analyst	87,312	87,312	0	0	0	0.9
OADC R6 Social Worker Fellowships	0	0	0	0	0	1.8
OADC R7 Comp Plan Maintenance	131,182	131,182	0	0	0	0.0
OADC R8 Contractor Rate Increase - Attorneys	4,724,448	4,724,448	0	0	0	0.0
OADC R9 Contractor Rate Increase - Non-attorneys	1,361,808	1,361,808	0	0	0	0.0
OADC Technical Operating Alignment	0	0	0	0	0	0.0
Centrally appropriated line items	177,443	177,443	0	0	0	0.0
Annualize prior year legislation and budget actions	(13,619)	(13,619)	0	0	0	0.5
<b>TOTAL</b>	<b>\$57,446,068</b>	<b>\$57,366,068</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>	<b>35.4</b>
<b>INCREASE/(DECREASE)</b>	<b>\$6,880,415</b>	<b>\$6,880,415</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>14.9</b>
Percentage Change	13.6%	13.6%	0.0%	0.0%	0.0%	72.7%

**OADC R1 EDI/HR COORDINATOR:** The request includes an increase of \$140,000 General Fund and 0.9 FTE for an equity, diversity, and inclusion coordinator who will also serve as the human resources coordinator for the agency.

**OADC R2 HOLISTIC DEFENSE COORDINATOR:** The request includes an increase of \$186,000 General Fund and 0.9 FTE for a Holistic Defense Coordinator. The concept of holistic defense includes the use of social workers, clinical advocates, and resource advocates, in addition to attorneys, paralegals, and investigators to resolve cases more effectively and reduce recidivism.

**OADC R3 POST CONVICTION UNIT:** The request includes a net-neutral adjustment from the Conflict-of-interest Contracts to Personal Services totaling \$1.2 million to fund a 10-member Post Conviction Unit. The OADC currently contracts with attorneys for all legal services; however, the OADC believes it would be more effective and cost-effective to assign post-conviction/appellate cases to a more experienced and directed in-house team. The team would include five attorneys including a managing attorney, two investigators, a paralegal, a social worker, and an administrative assistant. Staff has received guidance from the Office of Legislative Legal Services that Section 21-2-103 (4), C.R.S., specifies that the OADC "shall provide legal representation for indigent persons by contracting with licensed attorneys and investigators..." **Although not requested by the agency, it appears that this request item may require legislation to accommodate this request.**

**OADC R4 APPOINTMENT SPECIALIST:** The request includes an increase of \$86,000 General Fund and 0.9 FTE for an appointment specialist to assist the appointment manager who is currently the only staff charged with intake and administration of case appointments.

**OADC R5 MUNICIPAL COURT PROGRAM ANALYST:** The request includes an increase of \$87,000 General Fund and 0.9 FTE for a municipal court program analyst to handle the financial administration and management aspects of the Municipal Courts Program. The program currently includes a coordinator and administrative assistant provided in S.B. 18-203 (Conflict-free Representation in Municipal Courts). While the program support staff are funded by General Fund, the Municipal Court Program itself is cash funded with a continuously appropriated cash fund.

**OADC R6 SOCIAL WORKER FELLOWSHIPS:** The request includes a net neutral adjustment from the Conflict-of-interest Contracts line item totaling \$197,000, and adding 2.0 FTE, to establish two, ongoing, two-year social worker fellowships modeled on the Greater Colorado and Inclusivity attorney fellowships approved last year. The Greater Colorado Fellow is intended to serve rural communities and the Inclusivity Fellow is for the targeted recruitment of forensic social workers who identify as Black, Indigenous, and people of color (BIPOC).

**OADC R7 COMP PLAN MAINTENANCE:** The request includes an increase of \$131,000 General Fund for compensation plan maintenance adjustments.

**OADC R8 CONTRACTOR RATE INCREASE - ATTORNEYS:** The request includes an increase of \$4.7 million General Fund for the multi-agency, attorney contractor rate increase request to fund an 18.0 percent increase in attorney contractor rates from \$85 to \$100 per hour.

**OADC R9 CONTRACTOR RATE INCREASE - NON-ATTORNEYS:** The request includes an increase of \$1.4 million General Fund for the multi-agency, non-attorney contractor rate increase request to fund an 18.0 percent increase in contractor rates for paralegals, investigators, social workers, and agency specific support contractors.

**OADC TECHNICAL OPERATING ALIGNMENT:** The request includes a net-neutral adjustment from the Conflict-of-interest Contracts line item to operating expenses totaling \$84,000 to accommodate increased costs related to IT infrastructure and Westlaw/Lexis subscriptions.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$177,000 General Fund 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	\$125,040	\$125,040	\$0	\$0	\$0	0.0
Health, life, and dental	34,857	34,857	0	0	0	0.0
AED	8,749	8,749	0	0	0	0.0
SAED	8,749	8,749	0	0	0	0.0
Short-term disability	48	48	0	0	0	0.0
<b>TOTAL</b>	<b>\$177,443</b>	<b>\$177,443</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$14,000 General Fund to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OADC FY23 R3 IS Director	\$3,739	\$3,739	\$0	\$0	\$0	0.1
OADC FY23 R2 Staff Acct	1,242	1,242	0	0	0	0.1
OADC FY23 R5 GC&I Fellowships	(12,400)	(12,400)	0	0	0	0.2
OADC FY23 R1 CAS	(6,200)	(6,200)	0	0	0	0.1
<b>TOTAL</b>	<b>(\$13,619)</b>	<b>(\$13,619)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.5</b>

# OFFICE OF THE CHILD'S REPRESENTATIVE SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – OCR						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	33,940,024	31,844,975	0	2,095,049	0	35.9
Other legislation	(7,385)	(6,666)	0	(719)	0	0.0
<b>TOTAL</b>	<b>\$33,932,639</b>	<b>\$31,838,309</b>	<b>\$0</b>	<b>\$2,094,330</b>	<b>\$0</b>	<b>35.9</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$33,932,639	31,838,309	\$0	\$2,094,330	\$0	35.9
OCR R1 Contractor Rate Increase - Attorneys	3,769,013	3,769,013	0	0	0	0.0
OCR R2 Court-appointed Counsel Caseload Adjustment	(362,203)	(634,018)	0	271,815	0	0.0
OCR R3 EDI Staff Attorney	181,935	181,935	0	0	0	1.0
OCR R4 Contractor Rate Increase - Non-attorneys	366,844	350,753	0	16,091	0	0.0
OCR R5 Admin Staff	109,291	109,291	0	0	0	1.1
OCR R6 Comp Plan Maintenance	175,171	152,851	0	22,320	0	0.0
OCR R7 Training Increase	80,000	0	0	80,000	0	0.0
Centrally appropriated line items	192,139	171,760	0	20,379	0	0.0
Annualize prior year legislation and budget actions	(33,301)	(27,101)	0	(6,200)	0	0.0
<b>TOTAL</b>	<b>\$38,411,528</b>	<b>\$35,912,793</b>	<b>\$0</b>	<b>\$2,498,735</b>	<b>\$0</b>	<b>38.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$4,478,889</b>	<b>\$4,074,484</b>	<b>\$0</b>	<b>\$404,405</b>	<b>\$0</b>	<b>2.1</b>
Percentage Change	13.2%	12.8%	0.0%	19.3%	0.0%	5.8%

**OCR R1 CONTRACTOR RATE INCREASE - ATTORNEYS:** The request includes an increase of \$3.8 million General Fund for the multi-agency, attorney contractor rate increase request to fund an 18.0 percent increase in attorney contractor rates from \$85 to \$100 per hour.

**OCR R2 COURT-APPOINTED COUNSEL CASELOAD ADJUSTMENT:** The request includes a net decrease of \$362,000 total funds, including a decrease of \$634,000 General Fund for a projected decrease in caseload and an increase of \$272,000 reappropriated funds from federal Title IV-E funds for additional representation in caseload funded by Title IV-E funds.

**OCR R3 EDI STAFF ATTORNEY:** The request includes an increase of \$182,000 General Fund and 1.0 FTE for a staff attorney to lead equity, diversity, and inclusion initiatives and awareness for the agency.

**OCR R4 CONTRACTOR RATE INCREASE - NON-ATTORNEYS:** The request includes an increase of \$367,000 total funds, including an increase of \$351,000 General Fund for the multi-agency, non-attorney contractor rate increase request to fund an 18.0 percent increase in contractor rates for case consultants, licensed case consultants, and paralegals.

**OCR R5 ADMIN STAFF:** The request includes an increase of \$109,000 General Fund and a net increase of 1.1 FTE for adjustments to two positions: to move the Case Operations Assistant from half- to full-time (+0.5 FTE) in support of the Foster Youth in Transition Program created in H.B. 21-1094; and to reclassify the current 0.4 FTE staff assistant position to a full time Accountant II position (+0.6 FTE) to better support finance and operations functions.



**OCR R6 COMP PLAN MAINTENANCE:** The request includes an increase of \$175,000 total funds, including an increase of \$153,000 General Fund for compensation plan maintenance adjustments.

**OCR R7 TRAINING INCREASE:** The request includes an increase of \$80,000 reappropriated funds originating from federal Title IV-E funds for enhanced training initiatives and programs.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$192,000 total funds, including an increase of \$172,000 General Fund, 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	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
Leased space	14,114	14,114	0	0	0	0.0
AED	5,914	5,371	0	543	0	0.0
SAED	5,914	5,371	0	543	0	0.0
Health, life, and dental	(17,676)	(19,810)	0	2,134	0	0.0
Short-term disability	(153)	(138)	0	(15)	0	0.0
<b>TOTAL</b>	<b>\$192,139</b>	<b>\$171,760</b>	<b>\$0</b>	<b>\$20,379</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$33,000 total funds, including a decrease of \$27,000 General Fund, to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCR FY23 R2 Staff Attorney	\$6,699	\$12,899	\$0	(\$6,200)	\$0	0.0
OCR FY23 R4 IT Operating	(40,000)	(40,000)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$33,301)</b>	<b>(\$27,101)</b>	<b>\$0</b>	<b>(\$6,200)</b>	<b>\$0</b>	<b>0.0</b>

# OFFICE OF THE RESPONDENT PARENTS' COUNSEL

## SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – ORPC						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	31,191,058	25,529,320	48,000	5,613,738	0	15.8
Other legislation	(4,193)	(3,907)	0	(286)	0	0.0
<b>TOTAL</b>	<b>\$31,186,865</b>	<b>\$25,525,413</b>	<b>\$48,000</b>	<b>\$5,613,452</b>	<b>\$0</b>	<b>15.8</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$31,186,865	25,525,413	\$48,000	\$5,613,452	\$0	15.8
ORPC R1 Contractor Rate Increase - Attorneys	3,377,211	3,369,883	0	7,328	0	0.0
ORPC R2 Policy and Legislative Staff Attorney	185,839	185,839	0	0	0	1.0
ORPC R3 Paralegal	98,866	98,866	0	0	0	1.0
ORPC R4 Contractor Rate Increase - Non-attorneys	1,263,685	446,420	0	817,265	0	0.0
ORPC R5 Parent Advocacy Coordinator	113,458	113,458	0	0	0	1.0
ORPC R6 Medical Consultant	146,037	146,037	0	0	0	1.0
Centrally appropriated line items	146,313	128,944	0	17,369	0	0.0
Annualize prior year legislation and budget actions	5,386	5,386	0	0	0	0.2
<b>TOTAL</b>	<b>\$36,523,660</b>	<b>\$30,020,246</b>	<b>\$48,000</b>	<b>\$6,455,414</b>	<b>\$0</b>	<b>20.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$5,336,795</b>	<b>\$4,494,833</b>	<b>\$0</b>	<b>\$841,962</b>	<b>\$0</b>	<b>4.2</b>
Percentage Change	17.1%	17.6%	0.0%	15.0%	0.0%	26.6%

**ORPC R1 CONTRACTOR RATE INCREASE - ATTORNEYS:** The request includes an increase of \$3.4 million General Fund for the multi-agency, attorney contractor rate increase request to fund an 18.0 percent increase in attorney contractor rates from \$85 to \$100 per hour.

**ORPC R2 POLICY AND LEGISLATIVE STAFF ATTORNEY:** The request includes an increase of \$186,000 General Fund and 1.0 FTE for a policy and legislative staff attorney position to support increased policy tracking, oversight, and coordination across the networks of local, state, and federal legislation and policies and to better support work with legislative committees engaged in child welfare reform.

**ORPC R3 PARALEGAL:** The request includes an increase of \$99,000 General Fund and 1.0 FTE for a staff paralegal position to support daily operations of the agency with research, coordination, and communications.

**ORPC R4 CONTRACTOR RATE INCREASE - NON-ATTORNEYS:** The request includes an increase of \$1.2 million total funds, including \$446,000 General Fund for the multi-agency, non-attorney contractor rate increase request to fund an 18.0 percent increase in contractor rates for paralegals, investigators, social workers, and parent and family advocates.

**ORPC R5 PARENT ADVOCACY COORDINATOR:** The request includes an increase of \$113,000 General Fund and 1.0 FTE for a parent advocacy coordinator to enhance the voice of parents and families in the child welfare and judicial systems.

**ORPC R6 MEDICAL CONSULTANT:** The request includes an increase of \$146,000 General Fund and 1.0 FTE for a medical consultant position to serve as a legal expert and resource for family defense legal teams.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$146,000 total funds including \$129,000 General Fund 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	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
Health, life, and dental	15,558	6,779	0	8,779	0	0.0
AED	10,175	9,612	0	563	0	0.0
SAED	10,175	9,612	0	563	0	0.0
Short-term disability	121	117	0	4	0	0.0
<b>TOTAL</b>	<b>\$146,313</b>	<b>\$128,944</b>	<b>\$0</b>	<b>\$17,369</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net increase of \$5,000 General Fund and 0.2 FTE to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
ORPC FY23 R2 EDI Specialist	\$4,888	\$4,888	\$0	\$0	\$0	0.1
ORPC FY23 R3 Social Work Outreach Coord	498	498	0	0	0	0.1
<b>TOTAL</b>	<b>\$5,386</b>	<b>\$5,386</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.2</b>

# OFFICE OF THE CHILD PROTECTION OMBUDSMAN

## SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – OCPO						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	1,355,945	1,355,945	0	0	0	10.5
Other legislation	195,467	195,467	0	0	0	0.0
<b>TOTAL</b>	<b>\$1,551,412</b>	<b>\$1,551,412</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>10.5</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$1,551,412	1,551,412	\$0	\$0	\$0	10.5
OCPO R1 HR Support Services	110,803	110,803	0	0	0	1.0
OCPO R2 Client Services Analyst	103,052	103,052	0	0	0	1.0
OCPO R3 Community Engage and Outreach	129,095	129,095	0	0	0	0.5
OCPO R4 Comp Plan Maintenance	88,560	88,560	0	0	0	0.0
OCPO R5 Operating Restoration	10,000	10,000	0	0	0	0.0
OCPO R6 Contract Investigator Services	48,191	48,191	0	0	0	0.0
Centrally appropriated line items	131,991	131,991	0	0	0	0.0
Annualize prior year legislation and budget actions	(31,311)	(31,311)	0	0	0	0.0
<b>TOTAL</b>	<b>\$2,141,793</b>	<b>\$2,141,793</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>13.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$590,381</b>	<b>\$590,381</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>2.5</b>
Percentage Change	38.1%	38.1%	0.0%	0.0%	0.0%	23.8%

**OCPO R1 HR SUPPORT SERVICES:** The request includes an increase of \$111,000 General Fund and 1.0 FTE for a Human Resource Analyst II position to function as human resources (HR) support services manager.

**OCPO R2 CLIENT SERVICES ANALYST:** The request includes an increase of \$103,000 General Fund and 1.0 FTE for an additional client services analyst position due to an increase in caseload. The Client Services Team, the primary operational unit for the program, is charged with reviewing and responding to concerns and questions brought to the agency by citizens and currently consists of five analysts.

**OCPO R3 COMMUNITY ENGAGE AND OUTREACH:** The request includes an increase of \$129,000 General Fund and 0.5 FTE for three community engagement and outreach components: (1) an increase of \$54,000 and 0.5 FTE to transition the Public Information Coordinator to full time; (2) one-time funding of \$35,000 for an equity, diversity, and inclusion contract consultant to evaluate the agency's culture, processes, and program landscape; and (3) an increase of \$40,000 to fund the Tori Shuler Youth Program for youth outreach initiatives and programs.

**OCPO R4 COMP PLAN MAINTENANCE:** The request includes an increase of \$89,000 General Fund for compensation plan maintenance adjustments.

**OCPO R5 OPERATING RESTORATION:** The request includes an increase of \$10,000 General Fund for the restoration of an equivalent base reduction taken in FY 2020-21 that previously supported IT infrastructure, licenses, and subscriptions, accommodated through shared licenses and vacancy savings.

**OCPO R6 CONTRACT INVESTIGATOR SERVICES:** The request includes an increase of \$48,000 General Fund for a part-time contract investigator.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$3.5 million General Fund 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	\$51,605	\$51,605	\$0	\$0	\$0	0.0
Health, life, and dental	47,692	47,692	0	0	0	0.0
AED	13,855	13,855	0	0	0	0.0
SAED	13,855	13,855	0	0	0	0.0
Paid Family and Medical Leave Insurance	4,636	4,636	0	0	0	0.0
Short-term disability	348	348	0	0	0	0.0
<b>TOTAL</b>	<b>\$131,991</b>	<b>\$131,991</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$366,000 total funds, including a decrease of \$1.4 million General Fund, to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$1,552	\$1,552	\$0	\$0	\$0	0.0
OCPO H.B. 22-1240 Mandatory Reporters	(13,500)	(13,500)	0	0	0	0.0
OCPO FY23 R9 Office Infrastructure	(9,300)	(9,300)	0	0	0	0.0
OCPO H.B. 22-1375 Child Res Trtmt	(8,000)	(8,000)	0	0	0	0.0
OCPO FY23 R8 Pub Info Coord	(2,063)	(2,063)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$31,311)</b>	<b>(\$31,311)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

# INDEPENDENT ETHICS COMMISSION SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – IEC						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	273,878	273,878	0	0	0	1.5
Other legislation	(299)	(299)	0	0	0	0.0
<b>TOTAL</b>	<b>\$273,579</b>	<b>\$273,579</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.5</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$273,579	273,579	\$0	\$0	\$0	1.5
IEC R1 Website Upgrade for HB21-1110	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	29,842	29,842	0	0	0	0.0
Annualize prior year legislation and budget actions	(1,867)	(1,867)	0	0	0	0.0
<b>TOTAL</b>	<b>\$351,554</b>	<b>\$351,554</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$77,975</b>	<b>\$77,975</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	28.5%	28.5%	0.0%	0.0%	0.0%	0.0%

**R1 WEBSITE UPGRADE FOR HB21-1110:** The request includes an increase of \$50,000 General Fund for a website upgrade in compliance with H.B. 21-1110 (CO Laws for Persons with Disabilities).

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$30,000 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$17,533	\$17,533	\$0	\$0	\$0	0.0
Salary survey	8,683	8,683	0	0	0	0.0
AED	1,435	1,435	0	0	0	0.0
SAED	1,435	1,435	0	0	0	0.0
Paid Family and Medical Leave Insurance	726	726	0	0	0	0.0
Short-term disability	30	30	0	0	0	0.0
<b>TOTAL</b>	<b>\$29,842</b>	<b>\$29,842</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$2,000 General Fund to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$261	\$261	\$0	\$0	\$0	0.0
IEC FY23 R1 IEC Staffing	(2,128)	(2,128)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$1,867)</b>	<b>(\$1,867)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

# OFFICE OF PUBLIC GUARDIANSHIP SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – OPG						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	1,720,586	0	1,521,637	198,949	0	14.0
Other legislation	(1,100)	0	(961)	(139)	0	0.0
<b>TOTAL</b>	<b>\$1,719,486</b>	<b>\$0</b>	<b>\$1,520,676</b>	<b>\$198,810</b>	<b>\$0</b>	<b>14.0</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$1,719,486	0	\$1,520,676	\$198,810	\$0	14.0
Centrally appropriated line items	217,456	0	213,152	4,304	0	0.0
Annualize prior year legislation and budget actions	(41,541)	0	(35,446)	(6,095)	0	0.0
<b>TOTAL</b>	<b>\$1,895,401</b>	<b>\$0</b>	<b>\$1,698,382</b>	<b>\$197,019</b>	<b>\$0</b>	<b>14.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$175,915</b>	<b>\$0</b>	<b>\$177,706</b>	<b>(\$1,791)</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	10.2%	0.0%	11.7%	(0.9%)	0.0%	0.0%

**OPG NO REQUESTS:** The OPG did not submit a budget request item.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$217,000 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
Health, life, and dental	\$118,760	\$0	\$118,365	\$395	\$0	0.0
Salary survey	63,613	0	60,017	3,596	0	0.0
AED	32,969	0	32,815	154	0	0.0
SAED	32,969	0	32,815	154	0	0.0
Paid Family and Medical Leave Insurance	3,921	0	3,914	7	0	0.0
Short-term disability	940	0	942	(2)	0	0.0
Legal services	(35,716)	0	(35,716)	0	0	0.0
<b>TOTAL</b>	<b>\$217,456</b>	<b>\$0</b>	<b>\$213,152</b>	<b>\$4,304</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$42,000 total funds to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$1,859	\$0	\$1,754	\$105	\$0	0.0
OPG FY23 R1/BA1 OPG Staff	(43,400)	0	(37,200)	(6,200)	0	0.0
<b>TOTAL</b>	<b>(\$41,541)</b>	<b>\$0</b>	<b>(\$35,446)</b>	<b>(\$6,095)</b>	<b>\$0</b>	<b>0.0</b>

# COMMISSION ON JUDICIAL DISCIPLINE SUMMARY: FY 2022-23 APPROPRIATION & FY 2023-24 REQUEST

JUDICIAL DEPARTMENT – CJD						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 APPROPRIATION:</b>						
HB 22-1329 (Long Bill)	0	0	0	0	0	0.0
Other legislation	1,143,438	1,143,438	0	0	0	4.0
<b>TOTAL</b>	<b>\$1,143,438</b>	<b>\$1,143,438</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>4.0</b>
<b>FY 2023-24 REQUESTED APPROPRIATION:</b>						
FY 2022-23 Appropriation	\$1,143,438	1,143,438	\$0	\$0	\$0	4.0
CJD R1 Comp Plan Maintenance	128,977	128,977	0	0	0	0.0
CJD R2 Rule Revision Consultation	25,000	25,000	0	0	0	0.0
CJD R3 IT Services	25,000	25,000	0	0	0	0.0
Centrally appropriated line items	170,983	170,983	0	0	0	0.0
Annualize prior year legislation and budget actions	(430,061)	(430,061)	0	0	0	0.0
<b>TOTAL</b>	<b>\$1,063,337</b>	<b>\$1,063,337</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>4.0</b>
<b>INCREASE/(DECREASE)</b>	(\$80,101)	(\$80,101)	\$0	\$0	\$0	0.0
Percentage Change	(7.0%)	(7.0%)	0.0%	0.0%	0.0%	0.0%

**CJD R1 COMP PLAN MAINTENANCE:** The request includes an increase of \$129,000 General Fund for compensation plan maintenance adjustments.

**CJD R2 RULE REVISION CONSULTATION:** The request includes an increase of \$25,000 General Fund for consultation services to review and revise the current Colorado Rules of Judicial Discipline.

**CJD R3 IT SERVICES:** The request includes an increase of \$25,000 General Fund for IT infrastructure and related services, licenses, and subscriptions.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$171,000 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$66,042	\$66,042	\$0	\$0	\$0	0.0
AED/SAED	44,340	44,340	0	0	0	0.0
Legal services	33,207	33,207	0	0	0	0.0
Salary survey	24,705	24,705	0	0	0	0.0
Paid Family and Medical Leave Insurance	2,024	2,024	0	0	0	0.0
Short-term disability	665	665	0	0	0	0.0
<b>TOTAL</b>	<b>\$170,983</b>	<b>\$170,983</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS:** The request includes a net decrease of \$430,000 General Fund to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.



ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$739	\$739	\$0	\$0	\$0	0.0
CCJD S.B. 22-201 Comm on Jud Discipline	(430,800)	(430,800)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$430,061)</b>	<b>(\$430,061)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

## ISSUE: ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES

The creation of independent agencies in the Judicial Department has increased in recent years. This organizational structure has delivered highly effective and efficient, dedicated mission services for the provision of Judicial-system or Judicial-adjacent services and programs. However, the proliferation has generated increased administrative complexity for the budget process; and will generate administrative resource inefficiencies if more consistent administrative and fiscal support is addressed separately for each agency. The current and future use of the independent agency model for judicial-system and -adjacent programs requires a more sustainable solution for the provision of administrative and fiscal support services and to streamline budget administration and processes.

### SUMMARY

- There are currently eight independent agencies located in the Judicial Department. The four newer and smaller agencies rely on memorandums of understanding (MOUs) with the State Court Administrator's Office (SCAO) for the provision of administrative and fiscal support services.
- There is interest from the Courts that independent agency status would be beneficial or more appropriate for at least two additional programs or offices currently located in the Courts' budget.
- The four smaller independents generally believe they are not adequately served by the SCAO. The SCAO has never received dedicated funding to support the independent agencies and would prefer to be relieved of this responsibility.
- The Office of the Child Protection Ombudsman (OCPO) has requested one HR support staff for FY 2023-24 to accommodate a current, critical need.
- The Commission on Judicial Discipline (CJD) has support from the Judicial Department for administrative and fiscal support services only through the current fiscal year; the CJD will be submitting a budget amendment to request an additional two to four administrative staff to support the CJD beginning in FY 2023-24.

### RECOMMENDATION

Staff recommends that the Committee pursue legislation to create an Administrative Services for Independent Agencies (ASIA) "division" as an independent agency within the Judicial Department budget structure.

ASIA will serve as a centralized administrative support services unit for the current four smaller independent agencies and any additional independent agencies added in the future. The ASIA division would be governed by a board comprised of each director of the smaller four independent agencies and any independent agencies added in the future.

## DISCUSSION

### **INDEPENDENT AGENCIES OVERVIEW**

There are currently eight independent agencies located in the Judicial Department. The agencies and the year of their establishment as an independent agency, include:

- Office of the State Public Defender (OSPD), established (as an independent agency) 1970
- Office of the Alternate Defense Counsel (OADC), established 1996
- Office of the Child's Representative (OCR), established 2000
- Independent Ethics Commission (IEC), established 2006
- Office of the Respondent Parents' Counsel (ORPC), established 2014
- Office of the Child Protection Ombudsman (OCPO), established 2015 (originally est. 2010)
- Office of Public Guardianship (OPG), established 2017
- Commission on Judicial Discipline (CJD), established 2022

The creation of independent agencies in the Judicial Department has increased in recent years, with four added in the last eight years, and there is interest from the Courts that independent agency status would be beneficial or more appropriate for at least two additional programs or offices currently located in the Courts' budget.

As addressed in a separate issue in this briefing document, the Courts have submitted a response to an RFI recommending that the Bridges Program be relocated and restructured as an independent agency. Additionally, the Courts have discussed and recommended to staff, consistent with last year's legislative action for the Commission on Judicial Discipline, that the Office of Judicial Performance Evaluation, established in Article 5.5 of Title 13, C.R.S., as an office overseen by an independent commission, might be better placed in the budget structure as an independent agency.

### **CENTRAL ADMINISTRATIVE AND FISCAL SERVICES**

As judicial independent agencies mature there is an organizational need to provide increased administrative and fiscal support internally through the creation of administrative support staff within each agency. Given its scale and longevity as an independent agency, the OSPD takes care of all of its internal administrative and fiscal support service needs.

Additionally, the OADC, the OCR, and the ORPC, the three agencies primarily engaged in contracting legal services for indigent defendants and participants in the child welfare adjudication process, also have been staffed with internal administrative and fiscal support staff for most administrative and fiscal processes; although the SCAO continues to provide payroll services for these three agencies.

The current four, smaller and younger agencies are statutorily provided administrative and fiscal support services through MOUs with the SCAO. However, the SCAO has never been provided additional support staff within the fiscal note process with the statutory establishment of each independent agency. And with each new independent agency, the MOUs with the SCAO have become leaner and include fewer guarantees of service.

Most recently, Section 13-5.3-103 (3), C.R.S., added in S.B. 22-201 (Commission on Judicial Discipline) specifies that the Judicial Department (SCAO) would provide the CJD with accounting support, IT support, HR and payroll services, and similar support services through June 30, 2023. For

FY 2023-24, the CJD will require additional resources for the provision of administrative and fiscal support services. Although not included in the November 1 request, staff has communicated with CJD and anticipates receiving a budget amendment for those services.

Finally, the SCAO, due to its recent organizational need to focus on its internal administrative support and fiscal controls processes, recognizes that it is no longer able to serve this purpose reasonably or effectively, and is generally supportive of relief from this responsibility.

As it relates, the OCPO began experiencing difficulties and complexities created by an internal HR problem that began about nine months ago. The SCAO provided initial and ongoing communications to the OCPO that the SCAO would not provide HR consulting services for OCPO on its HR issue and that OCPO should seek legal services help from the Attorney General's office for this issue – a generally much more expensive solution than consulting HR professionals and an operationally inappropriate solution for actively addressing an ongoing HR problem.

The OCPO did what it could internally, assigning the Deputy Ombudsman to this task that took more than 300 hours of the Deputy's time over six months through August; equivalent to a third of available work hours that were not available for regular responsibilities. After considering consulting help, the OCPO has instead opted to hire a contract HR support position due to the ongoing scale of the time commitment to address its issue. The OCPO has submitted a budget request for FY 2023-24 for funding and authority to make this a full time staff position and will be submitting a matching supplemental in January for funding for the remaining months in the current year.

From the staff perspective, the OCPO is experiencing a verified and documented need for fairly significant HR support services and therefore this request is a reasonable solution for the immediate needs of the Office. Similarly, the CJD will require administrative and fiscal support services at the end of the current fiscal year. Barring a more efficient solution, staff would generally support the additional two to four administrative support staff that would be necessary to support those functions as well as the additional HR staff support requested by the OCPO. Not efficient, but necessary based on the current circumstances.

The Committee can continue to fund one-off requests each time an independent agency requires central administrative or fiscal services that are not being provided through the SCAO, whether adequately based on interpretations of the MOU or by statute. However, this will create larger staff patterns across agencies for central services that could be addressed more efficiently through consolidation of these services. Staff has had ongoing conversations with these agencies for more than a year in seeking a solution and these agencies also recognize and acknowledge that they would prefer to be fully engaged in their mission and purpose and not in overseeing administrative staff resources and processes.

### **BENEFITS AND COSTS OF THE INDEPENDENT AGENCY STRUCTURE**

The independent agency organizational structure has delivered highly efficient and effective, dedicated mission services for the provision of Judicial-system or Judicial-adjacent services and programs. However, the proliferation has also generated increased administrative complexity and effort for the legislative budget process. Due to the statutory designation, each independent agency is accommodated as a sovereign budget entity within the legislative budget process.

While this process work includes only a minimum of additional Committee time and interaction in budget hearings primarily, there is the attendant decision work and related Committee discussions that accompany each agency's full list of decision items. Additionally, staff is charged with the full budget analysis responsibilities that accompany any department or agency budget assignment for each independent agency. This includes information collection and discussions with each agency on each budget item. It is not unusual for agencies to have slightly different methods and practices for reporting budget data and for requesting budget items. A consolidated, centralized budget office could take a uniform approach, simplifying JBC staff's workload in processing data, understanding requests, in requesting additional information for analysis, and in making coordinated recommendations to the Committee where there is theme or policy overlap across agency requests.

While a streamlined budget process will never eliminate the statutory agency sovereignty that accompanies each agency's internal decision to submit a request for additional resources, it is more likely that a single budget office for these agencies might just as likely deliver consolidated requests for similar items across agencies. For example, in most years, most independent agencies submit a Compensation Plan Maintenance request in order to increase staff retention and avoid compression pay issues and bunching at the bottom of the range that significantly afflicts executive branch agencies. If consolidated, all positions across agencies could be addressed in a single request item as coordinated with the HR professional managing and maintaining the compensation and HR processes for the agencies. With a single administrative office providing fiscal and HR support, it would be in the interest of the agencies to maintain a consolidated compensation plan across agencies regardless of the unique roles and positions in each agency. That is just one example of how fiscal and budget processes could be enhanced and streamlined through the centralized provision of fiscal services.

In the short run, regardless of any future independent agencies, there are currently four independents that to one degree or another believe that the SCAO is not providing adequate support services; and, to be clear, the IEC at 1.5 FTE, and holding the earliest and most generous MOU with the SCAO, has not expressed the same level of concerns with services from the SCAO. Nevertheless, all four agencies would significantly benefit from an improved solution for their administrative and fiscal support needs; and the budget process would be streamlined and JBC staff would experience reduced complexity.

In the long run, there are two potential solutions to address this issue:

1. Stop the creation of additional independent agencies and fund separate administrative staff support for each agency; or
2. Create a more efficient system for the administrative and fiscal support of the current agencies, while streamlining the legislative budget process for these agencies, and provide a sustainable model for the addition of future independent agencies.

### **JBC STAFF OBSERVATIONS**

For all of its complexity and budget workload, staff believes that the independent agencies are incredibly effective and efficient in delivering on policy purposes established in statute. Unlike large organizations, and traditional department organizational structures with hierarchical layers of management and attendant bureaucracy, the independent agencies, guided by their governing boards and commissions, are almost fully engaging all the resources appropriated to them to deliver on their statutory purpose. And yes, because of their scale they are nimble and even entrepreneurial and resourceful in their approach; however, more critically, they are tightly focused on their mission. Think

of each of them as a JBC staff office unit and the sense of mission, purpose, expertise, and resource efficiency that comes with that model at each agency.

When staff began this assignment, staff had no idea how powerful this concept actually works in practice for delivering results. The key is – can we, on the legislative side, withstand the "pain" and "trouble" that multiple small agencies bring to the budget process. Staff believes it is entirely worth the effort to retain the use of the independent agency model. Staff also believes that it is possible to more efficiently deliver central administrative and fiscal services on an ongoing basis, while also streamlining and reducing the workload impacts on the legislative budget process.

**CONCLUSION**

Staff recommends that the Committee pursue legislation to create an Administrative Services for Independent Agencies (ASIA) "division" as an independent agency within the Judicial Department budget structure.

*RECOMMENDED OPERATING STRUCTURE AND COST*

Staff recommends initial staffing of 5.5 FTE as follows:

- 1.0 FTE Director (modeled on a CFO/CAO)
- 1.0 FTE Admin/Office Manager (to include purchasing and contracts responsibilities)
- 1.0 FTE HR Analyst IV
- 1.0 FTE Budget Analyst IV
- 1.0 FTE Accountant II (or III)
- 0.5 FTE Payroll Analyst I

Staff estimates a first year cost of approximately \$650,000-700,000 to stand up this agency. Staff will have a more defined appropriation recommendation at figure setting and will recommend that the funding be provided through appropriations in a bill for this purpose.

INDEPENDENT AGENCIES ANTICIPATED TO BE SERVED BY ASIA		
	FTE	FY 2023-24 Request
Current Small Indies		
Office of the Child Protection Ombudsman	13.0	\$2,141,793
Independent Ethics Commission	1.5	351,554
Office of Public Guardianship	14.0	1,895,401
Commission on Judicial Discipline	4.0	1,063,337
<b>subtotal</b>	<b>32.5</b>	<b>\$5,452,085</b>
Potential Additional Indies		
Bridges* (Statewide Behavioral Health Court Liaison Program)	12.0	\$2,802,491
Office of Judicial Performance Evaluation	2.0	863,433
<b>subtotal</b>	<b>14.0</b>	<b>\$3,665,924</b>
<b>Total</b>	<b>46.5</b>	<b>\$9,118,009</b>
ASIA estimated operating base	5.5	\$700,000
ASIA percentage on indie base	11.8%	7.7%
* Bridges does not include program expansion recommended in the RFI response.		

As outlined in the table, at an estimated \$700,000 operating base, ASIA represents approximately a 7.7 percent increase on the total funds appropriations for anticipated agencies served; and reflects approximately a 7.1 percent share of total funding across agencies served in this model.

#### *RECOMMENDED STATUTORY ORGANIZATIONAL STRUCTURE*

ASIA will serve as a centralized administrative support services unit for the current four smaller independent agencies and any additional independent agencies added in the future. The ASIA division would be governed by a board comprised of each director of the smaller four independent agencies and any independent agencies added in the future. The board would be charged with hiring and overseeing a director, and, with the director, establishing policies for the delivery of central administrative and fiscal services to the independent agencies, including a consolidated budget submission and function as a primary point of contact for budget and fiscal purposes.

ASIA would be charged with providing budget, accounting, payroll, and human resource (HR) services, as well as assistance with purchasing and contracts. In addition to the full menu of fiscal and administrative services provided to the four smaller independents, the ASIA would also be charged with providing payroll services for the next three larger independent agencies – OADC, OCR, and ORPC. (Currently, only the OSPD takes care of its own payroll; all other independents rely on the SCAO for payroll services.)

On its surface, this structure is unusual or unorthodox relative to standard or traditional state agency hierarchical structures. However, keep in mind that this central administrative office needs to be organizationally placed to serve all of the agencies, in which all of the agencies are independent in themselves. There is no overarching lead agency under which to place this office. So while unusual in structure – as it would be constructed and established in statute – the actual work of the office under official guidance from the directors, would be fairly practical, minimal, and not technically or organizationally complicated. The policies for the office would be established through that governance structure and should, on that basis, deliver organizational results and outcomes that are in the agencies' interest in the same manner as internally managed staff.

#### **OTHER CONCEPTS CONSIDERED AND NOT INCLUDED IN THE RECOMMENDATION**

##### *IT SERVICES*

Staff considered including information technology services as a central administrative service. However, each independent agency, due to the specific nature of its purpose and mission, often requires internal ownership and confidentiality of its IT systems and data. Basically, IT systems are program-centered and unique at each agency. The agencies feel ownership of their systems as integral to ownership of their purpose and programs. Through conversations with the independents, staff does not believe there is a good reason to consolidate or include centralized IT services as part of the ASIA recommendation. If organizational evolution of this unit determines at some point in the future that there is good reason to consolidate the provision of some aspect of IT services, that can be addressed through the budget process at that point.

##### *INCLUSION OF THE LARGER INDEPENDENT AGENCIES*

Staff does not recommend attempting to include the larger independents – OADC, OCR, or ORPC. These agencies have administrative and fiscal support staff, including for over 20 years in the case of the OADC and OCR. While the ASIA will provide payroll services for these agencies, these agencies do not believe they require a solution for a problem they do not experience. While there may be some efficiencies gained, due to the size and maturity of these organizations, staff believes actual efficiencies

would be minimal and does not recommend attempting to force these three agencies into this model of service provision. Staff would rather solve this problem for the current four that need this solution and for the future of independent agencies, and accept that the existing system for these three larger agencies is already established and not in need of change.



## ISSUE: BRIDGES PROGRAM INDEPENDENT AGENCY

The State Court Administrator's Office (SCAO) and the Bridges Program submitted their response to RFI #5 that requested the SCAO to study the future of the Bridges Program. The RFI response includes recommendations to expand the program over three years to build capacity to serve the current estimated need for competency cases and to position the Program as an independent agency in the Judicial Branch.

### SUMMARY

- The Bridges Program, officially known as the Statewide Behavioral Health Court Liaison Program, was established by S.B. 18-251, *Statewide Behavioral Health Court Liaison Program*, and codified in Section 16-11.9-201, et seq., C.R.S. The Program began serving participants in the spring of 2019 and currently includes 29 Court Liaisons across Colorado's 22 judicial districts.
- One of the primary intentions was to mitigate the delay defendants experience in accessing competency services, which leads to significant decompensation of mental health in jail settings. Liaisons also address more comprehensive needs of a defendant beyond competency (such as mental health, housing, and transportation), thereby supporting long-term stability and positive outcomes, while reducing the burden on the court system and jails.
- In FY 2021-22, Bridges served approximately 2,400 participants, including 2,000 competency participants. On June 30, 2022 (point in time metrics), 29 liaisons were serving: a competency caseload of 866 participants involved in 1,925 cases or 34.9 percent of the total competency caseload (2,484 participants involved in 5,521 competency cases); and a total caseload of 1,100 total participants, including non-competency, *early intervention* participants.
- Total annual competency caseload increased from 3,896 in FY 2019-20 to 5,106 in FY 2020-21 to 6,352 in FY 2021-22, and is anticipated to continue increasing for the foreseeable future. Bridges competency case appointments likewise increased from 1,111 to 1,710 to 1,920 over those years.
- Over the 2022 interim, a series of nine stakeholder meetings and additional conversations were conducted to respond to RFI #5. The response recommends establishing the Bridges Program as an independent agency, governed by a board of commissioners, within the Judicial Department.
- The response recommends increasing the annual budget over three years from \$2.8 million to \$14.0 million (\$4.9 million in FY 2023-24) for Bridges to fully support individuals engaged in the competency system; adding 67 additional court liaisons (16, 33, and 18) over three years for a total of 96 court liaisons by June 30, 2026.

### RECOMMENDATION

Staff recommends that the Committee pursue legislation to reposition the Bridges Program as an independent agency in the Judicial Department. Staff further recommends that the Committee consider funding an expansion for the Program along the lines suggested in the RFI response. Staff will present a specific funding recommendation for this item at figure setting and will recommend that funding be appropriated in a bill establishing Bridges as an independent agency.

## DISCUSSION

### **BRIDGES PROGRAM OVERVIEW**

The Bridges Program was established by S.B. 18-251 (Statewide Behavioral Health Court Liaison Program) in Section 16-11.9-201, et seq., C.R.S. The program began serving participants in the spring of 2019 and currently includes 29 Court Liaisons (9.0 FTE and 20 contractors) across Colorado's 22 judicial districts serving approximately 2,400 participants annually with significant mental or behavioral health challenges and who are also involved in the criminal justice system.

The statutory legislative declaration in Section 16-11.9-201, C.R.S., concludes:

*Therefore, the general assembly declares that a statewide behavioral health court liaison program must provide a method for collaboration and consultation among behavioral health providers, district attorneys, and defense attorneys about available community-based behavioral health services and supports, competency evaluations, restoration to competency services, and other relevant decisions and issues facing individuals with mental health or co-occurring behavioral health conditions who are involved with the criminal justice system, including appropriateness for community treatment and resource availability.*

Section 16-11.9-203 (1)(b) and (2), C.R.S., describe the purpose of the Program as follows:

*(1)(b) The purpose of the program is to identify and dedicate local behavioral health professionals as court liaisons in each state judicial district. The court liaisons shall facilitate communication and collaboration between judicial and behavioral health systems.*

*(2) The program is designed to keep judges, district attorneys, and defense attorneys informed about available community-based behavioral health services, including services for defendants who have been ordered to undergo a competency evaluation or receive competency restoration services pursuant to article 8.5 of this title 16. The program is further designed to promote positive outcomes for individuals living with mental health or co-occurring behavioral health conditions.*

During the 2022 legislative session and budget process, members of the Committee requested that staff prepare and include an RFI for the Bridges Program with the intention of identifying the need for additional resources to expand capacity to address unmet need statewide based on the Program's work since its inception. Based on conversations with the SCAO and the Bridges Program, staff additionally identified a need to consider conflicts and restrictions identified or experienced based on the current organizational placement and structure of the Program.

The RFI response further communicates the work of the Bridges Program as follows:

*Legislation creating the Bridges Program speaks to the disparities typically experienced by this population and tasks the program with promoting positive outcomes for participants. The values of the program are person-centered, solution-focused, and collaborative. Liaisons are generalists, boundary spanners, and creative problem solvers who work to identify need and help connect participants to appropriate services, in part by avoiding or reducing the multitude of complex barriers that exist for participants.*

*Not only do court liaisons provide support to participants, they also function as court appointed experts, who provide more information for legal problem-solving and decision-making. They inform courts and attorneys of participant need, available community-based services, and individual and systemic barriers and related solutions. While liaisons are neutral in legal proceedings, they advocate for the best interests of the participant's behavioral health both in and out of the court setting. Liaisons communicate with courts and attorneys through*

*approximately 8,000 reports and 6,000 court appearances annually. By statute, priority is given to serve participants who are also involved in the competency system (due to a question of their ability to aid and assist in their own defense). Currently, 84% of Bridges participants are in the competency process, and 16% are non-competency.*

## **RFI RECOMMENDATIONS**

From mid-July through mid-October, the SCAO and the Bridges Program conducted a series of nine public stakeholder meetings and received input from the National Center for State Courts, focus groups, and individual consultations in arriving at its recommendations for the organization and expansion of the Bridges Program. The response identifies four general recommendations: expansion, location, resources, and framework.

As follows, staff has re-ordered the recommendations to address this sequence of recommendations in a way that better expresses a more logical, fiscal sequence of decision points for the Committee to consider: first, organizational structure, identified as *location*; second, staff and organizational resources (scale and capacity), identified as *expansion*; and third, cost of expansion, identified as *resources*. Staff adds a fourth discrete item as a point of consideration: system cost avoidance. This item is included in the RFI response narrative within the resources recommendation. However, while not a point of recommendation, this item captures the costs savings estimates based on currently available system metrics, and should be a prime point of consideration related to capacity expansion.

### *ORGANIZATIONAL STRUCTURE (LOCATION):*

**Establish the Bridges Program as an independent agency, governed by a board of commissioners, within the Colorado Judicial Branch to allow the program to function as a neutral party without any potentially conflicting allegiance to the mission of any other state agency or the Courts.**

As the program has matured, the role of the court liaison has become more defined, with liaisons functioning as court-appointed mental health advocates. Courts increasingly turn to liaisons to make recommendations based on the mental health needs of a participant. Judicial officers more often make decisions with confidence, rather than a sense of hope and chance, from information provided by liaisons for critical and complex case decisions, such as release from custody, case dismissal, and issuance of show cause orders.

Liaisons also work as mental health advocates in the community, both challenging and collaborating with systems, and identifying resources, to ensure that each participant's and all participants mental health, community resource, and related life stability needs are met. Sometimes the mental health needs of a participant necessitate that the liaison facilitate second opinions or make recommendations to the court that differ from a course of action occurring with a third party – most commonly an Office of Civil and Forensic Mental Health (OCFMH, formerly Office of Behavioral Health or OBH) provider or the jails.

The behavioral health court liaison role would benefit from independence from the following:

- Its current location in the Courts and the Courts' institutional role of neutrality related to defendants in the criminal justice system; as compared to Bridges Program advocacy for

participant health, stability, and sustainability outcomes that simultaneously reduce justice system involvement and resources.

- Organizational placement within the Department of Human Services (DHS) – as a study consideration. Independence is recommended relative to DHS lead involvement with and direct provision of clinical services for competency; and compares to Bridges Program neutrality regarding the selection and use of participant service providers and the ability to advocate when there are systems conflicts undermining the best behavioral health interests of the participant.

***Related points of consideration:***

*Maintain Proximity to the Courts:* Establish the independent agency within the Judicial Branch in order to maintain close proximity and direct access to courts, thereby facilitating the statutory duties of court liaisons to inform courts and attorneys of participant needs and community-based services. As created in statute, the Behavioral Health Court Liaison was always intended and positioned as a Court or judicial process relief function to "comprehensively bridge the criminal justice system and the community behavioral health systems across the state..."

*Contribute to Community Capacity Building:* Establishment within the Judicial Branch, provides the Program and Liaisons to build local community capacity through the integrated relationships between judicial districts, the counties in which they are located, and community-based resources.

*Protect Confidentiality of Participant Information:* Independence protects confidentiality of participant information, particularly in liaison communications with defense counsel for the purpose of achieving improved participant health outcomes.

*Fully Access Resources:* Independence allows the Program to access all possible resources necessary to comprehensively serve the target population, including access to state funding, private gifts, and grants that may not otherwise be available to a Courts program.

*Maintain Neutrality:* Independence provides maximum opportunity to maintain neutrality and the ability to advocate when there are systems conflicts undermining the best behavioral health interests of the participant.

*Deepen Program Expertise and Upward Mobility:* Independence provides for a governing board and organizational structure that deepens the expertise throughout the organization, retains a flat administrative structure, and supports long-term career path opportunities and professional growth for liaisons.

Independence more completely enables the Bridges Program to address the best behavioral health interests of participants:

by creating a specialized, statutorily defined, mission-driven organization that provides liaisons with the training, support, flexibility, and expertise to:

- meet participants where their needs are,
- engage with meaningful services and supports,
- problem solve collaboratively with courts and providers, and
- address both individual and systemic barriers to participant well-being and stability within their communities.

2. ORGANIZATIONAL RESOURCES (EXPANSION):

**Expand the program to fully meet the competency need in the State by adding 67 additional court liaisons, including 16 in FY 2023-24, 33 in FY 2024-25, and 18 in FY 2025-26, bringing the total to 96 court liaisons by June 30, 2026. The following table outlines the recommended staff expansion.**

BRIDGES PROGRAM RECOMMENDED STAFF EXPANSION				
	Admin FTE	Direct Program FTE	Liaison FTE (and contractors)	Total FTE
FY 2023-24 Base	2.0	1.0	29.0	32.0
FY 2023-24 Rec	6.0	14.0	45.0	65.0
FY 2024-25	8.0	14.0	78.0	100.0
FY 2025-26	8.0	14.0	96.0	118.0
FY 2026-27	8.0	14.0	96.0	118.0

Direct program FTE include 12 liaison supervisors and 2 liaison program directors at full expansion. The current program includes 29 liaisons, including 9.0 FTE and 20 contract liaisons. The program is currently granted authority to flexibly fill liaison positions on either a staff or contractor basis, based on early program challenges in identifying contractors statewide. It is staff's understanding that the Program anticipates retaining flexibility in order to continue to work with successful contractors. The Program sees this as a performance-driven question rather than a structural question. The ongoing renewal of contracts will be based on meeting performance standards. From an organizational planning perspective, the expansion plan is communicated from a staff model but can be considered as a hybrid model.

***Program Capacity***

In FY 2021-22, the Bridges Program experienced a 107 percent increase in participants over the previous two years. The Bridges Program states that liaisons are currently serving a maximum capacity of competency and non-competency cases. The current liaison competency caseload averages 30 participants involved in 66 cases.

On June 30, 2022 (point in time metrics), liaisons were serving a competency caseload of 866 participants involved in 1,925 cases. On June 30, 2022, there were 1,618 participants involved in 3,596 cases who were unserved by the program. The current Bridges Program is serving 34.9 percent of the total competency caseload. With an expansion to 98 liaisons, calculated on current competency caseload totals (not including an anticipated caseload increase over four years), the liaison caseload would average 25 participants involved in 56 cases.

Additionally, Bridges is also charged with serving *early intervention* participants in non-competency cases. These are justice-involved individuals who are experiencing significant mental or behavioral health challenges who have not yet experienced decompensation of mental health that leads to the competency process. On June 30, 2022, liaisons were serving 184 early intervention participants involved in 367 non-competency cases; an average of six additional participants involved in 13 cases per liaison; or a total competency plus non-competency caseload of 36 participants involved in 79 cases per liaison.

Bridges estimates that it is serving 6.4 percent of early intervention participants of an estimated total of 2,881 individuals involved in 5,761 non-competency cases with high degrees of mental or behavioral

health challenges who could benefit from the support of a court liaison and remain diverted from the competency process.

***Related points of consideration:***

*Avoid Duplication of Efforts:* Collaborate with the Forensic Support Team in the OCFMH to identify areas where there may be duplication of efforts for individuals awaiting restoration services while in custody and redirect resources to better serve out-of-custody, early intervention, and post-competency individuals. (OCFMH estimates that 12 percent of the competency population at any point in time are unlikely to be released from custody and therefore less likely to require support of a liaison in terms of community-based case planning.)

*Early Intervention:* Enhance the Program's ability to divert individuals from the competency process entirely by serving all justice-involved individuals who are experiencing significant mental or behavioral health challenges, regardless of competency status.

*Equity of Access:* Utilize early intervention appointments more equitably to confer the benefits of the Bridges Program on populations who are overrepresented in the criminal justice system and reduce the negative impacts of long wait times for competency services.

*Post-Competency:* Enhance the ability of the Bridges Program to prevent the revolving door out of and back into the competency system by serving participants one they are found by the court to be either "permanently incompetent to proceed" or "competent to proceed" after undergoing competency services.

*Post-Legal System Involvement:* Extend the length of time a court liaison may work with justice-involved individuals for 60-90 days beyond final case disposition. Lengthen involvement in order to provide support during typically high need times of transition from courts, jails, and the state hospital and to provide a further bridge to case management and care outside the criminal justice or corrections systems.

***3. COST OF EXPANSION (RESOURCES):***

**Over three years, increase the annual budget from \$2.8 million to \$14.0 million for the Bridges Program to fully support individuals engaged in the competency system and expand services to create universal access within the criminal justice system to the Bridges Program. Create and sustain a participant services fund funded at \$500,000 per year. And provide the necessary administrative and infrastructure support for the program.**

The current base appropriation for FY 2023-24 totals \$2.8 million. The recommended expansion proposes a budget of:

- \$4.9 million for FY 2023-24;
- \$10.5 million for FY 2024-25; and
- \$13.6 million for FY2025-26;
- with an annualized, full-year total of \$14.0 million for FY 2026-27.

BRIDGES PROGRAM RECOMMENDED FUNDING FOR EXPANSION							
	Admin FTE	Admin Approp	Program FTE and Contractors	Program Approp	Total FTE	Total Approp	Annual Net Increase
FY 2023-24 Base	2.0	\$224,599	30.0	\$2,577,892	32.0	\$2,802,491	
FY 2023-24 Rec	6.0	966,823	59.0	3,989,623	65.0	4,956,446	2,153,955
FY 2024-25	8.0	1,372,753	92.0	9,132,771	100.0	10,505,523	5,549,077
FY 2025-26	8.0	1,395,337	110.0	12,181,249	118.0	13,576,586	3,071,063
FY 2026-27	8.0	1,418,674	110.0	12,622,228	118.0	14,040,902	464,316

In year four, leadership and administrative support totals \$1.4 million and 8.0 FTE or 10.1 percent of total funding and 6.8 percent of FTE. Direct liaison program funding totals \$12.6 million and 110.0 FTE or 89.9 percent of total funding and 93.2 percent of FTE.

Annual net increases total \$2.2 million, \$5.5 million, \$3.1 million, and \$0.4 million. This expansion suggests a realistic and achievable, incremental increase in appropriations for organizational and staff resources over this four-year period to full capacity.

### ***Expansion Details***

Year One:

- In the first half of FY 2023-24, hire four administrative staff and establish the infrastructure for an independent agency.
- In the second half of FY 2023-24, hire three additional administrative staff, 11 additional liaison supervisors, and 16 new court liaisons for a total of 45 liaisons in order to increase services to meet approximately 54 percent of the competency need and begin to expand services to early intervention and post-competency populations.
- Increase the FY 2023-24 budget by \$2.2 million to support this expansion, for a total budget of \$4.9 million and an annual service capacity of approximately 3,690 participants and 4,410 new cases by close of FY 2023-24.

Year Two:

- In the first half of FY 2024-25, launch the participant services fund, hire two additional administrative staff, and 15 new court liaisons.
- In the second half of FY 2024-25, add 18 new court liaisons for a total of 78 liaisons in order to increase services to meet approximately 95 percent of the competency need and expand services to early intervention and post-competency populations.
- Increase the FY 2024-25 budget by an additional \$5.5 million to support this expansion, for a total budget of \$10.5 million and an annual service capacity of approximately 6,396 participants and 7,644 new cases by close of FY 2024-25.

Year Three:

- In the first half of FY 2025-26, add 18 new court liaisons.
- In the second half of FY 2025-26, add 18 new court liaisons for a total of 96 liaisons in order to increase services to meet 95-100 percent of the competency need and 5-20 percent of the early intervention and post-competency populations.
- Increase the FY 2025-26 budget by \$3.1 million to support this expansion, for a total budget of \$13.6 million and an annual service capacity of approximately 7,872 participants and 9,408 new cases by close of FY 2025-26.

Year Four:

- In FY 2026-27, establish a \$14.0 million annual operating budget for the Bridges Program as an independent agency with an annual service capacity of approximately 7,872 participants and 9,408 new cases.

#### 4. SYSTEM COST AVOIDANCE:

Supporting participants successfully out of custody and into community-based services represents significant cost avoidance across systems. Bridges Program participants are most costly for services provided in custody, for the competency evaluation and restoration process, and in terms of recidivism. Creating alternative interventions, particularly those designed to address long-term stability, can avoid and reduce these criminal justice system costs.

A formal economic evaluation, planned for the next two-to-five years, will enable Bridges to more accurately assess the economic impact of the program by measuring cost avoidance for jails, hospitalizations, competency wait time, fines, new crime arrests, new crime prosecution, failure to appear arrests, and future court involvement. Currently, general research regarding jail cost avoidance suggests significant net criminal justice system savings.

According to a report by the Vera Institute of Justice, in 2015 it cost \$39,303 annually to jail one person in Colorado (\$3,275 per month, \$756 per week, \$108 per day). On that basis, for each Bridges participant who is released from custody, there is a jail cost avoidance of \$108 per day. The average Bridges Program cost is \$3 per day. A net system savings on identifiable jail cost of \$105 per day for each participant released from custody.

Competency cases have an average case length of more than 450 days. For each Bridges competency participant who is released from custody, there is a potential jail cost avoidance of up to \$48,600 over 450 days. A Bridges Program cost of \$1,350 over 450 days, generates a potential net system savings of approximately \$47,000 per competency participant released from custody.

The program currently experiences an annual service level of approximately 2,000 competency participants of which approximately half are on bond prior to appointment. An estimated additional 333 were transitioned out of custody, a third of those in custody at appointment.

At a potential net system savings of \$47,000, this generates potential system savings of approximately \$15.6 million per year. At a full capacity service level of 6,444 competency participants, the Program is projected to support an estimated 1,074 competency participants who transition out of custody, generating potential system saving of approximately \$50.5 million per year.

Exclusively on the basis of estimated jail custody savings of \$50.5 million, the expansion recommendation of an additional \$11.2 million represents a return on investment of 449 percent at full capacity for competency cases; every dollar spent on Bridges saves up to \$4.49 in jail cost.

System costs also include medical care and hospitalizations, new crime arrests and prosecution and long term recidivism, current judicial process efficiencies and long-term judicial system cost avoidance. Those system costs will be addressed in the planned evaluation. Additional costs are those borne by the Department of Human Services related to fines for the consent decree regarding competency services; at this time, staff has no way of estimating a potential impact on outcomes related to the



consent decree. Nevertheless, one of the primary intentions of the legislation that created the Bridges Program was to mitigate the critical delay defendants experience in accessing competency services, which leads to significant decompensation of mental health in jail settings.

**RFI #5**

- 1 Judicial Department, Statewide Behavioral Health Court Liaison Program -- The State Court Administrator's Office is requested to study the future of the Statewide Behavioral Health Court Liaison Program, also known as the Bridges Program, and report recommendations by January 1, 2023. The study conducted by the Department shall be done in consultation with interested stakeholders including, but not limited to, the Office of State Public Defender, the Colorado District Attorneys' Council, the Office of the Attorney General, the Behavioral Health Administration, Colorado Counties Incorporated, Alternative Defense Counsel, Chief Judges, Court Executives, County Jails, Bridges contracted agencies, community service providers, organizations/individuals that represent the needs of individuals with lived experience in Colorado, and Judicial employees. This consultation may include surveys, focus groups, informational meetings, and other collaborative data collection methods. The study shall analyze options for the most appropriate location and organizational structure for the Bridges Program within state government, including the need for potential expansion of program services. The Bridges Program operates most effectively on behalf of the people of Colorado when the program can advocate for the program's participants as a neutral party without allegiance or obligation to the primary mission of any other state agency. The Bridges Program has proven to be a tremendous success at helping serve Coloradans in crisis and has helped address a systemic, costly, legally challenging issue related to the backlog of competency evaluations in the criminal justice system. However, the Bridges program remains underfunded and unable to meet the demands of the criminal justice and behavioral health systems. To that end, the study should also analyze the appropriate level of resources necessary and framework for the program to meet the demands of the criminal justice and behavioral health systems.

## ISSUE: INCREASED FLEXIBILITY FOR THE AGENCY PROVISION OF COURT-APPOINTED COUNSEL

The three independent agencies that provide legal representation through contracts with attorneys, 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 an 18 percent increase in attorney contractor rates from \$85 to \$100 per hour. All three face similar concerns related to contractor retention at an hourly rate that is less than the average market salary and comparable contract rates for attorneys. While a contractor rate increase may be appropriate or even necessary, there may be additional policies that would provide flexibility to the independent agencies to augment a solution based solely on increased funding.

### SUMMARY

- While the Office of the State Public Defender provides legal representation entirely through staff attorneys, the OADC, the OCR, and the ORPC all provide legal representation predominantly through contract attorneys.
- The OCR, in addition to its 270 contractors statewide, also includes its El Paso County office, which predates the establishment of the OCR by one year, and consists of 12 staff attorneys and five staff case consultants. In FY 2018-19, the last year before pandemic caseload impacts, the average cost per case in El Paso County was \$1,725. The statewide contractor average cost for D&N cases that year was \$2,187.
- The FY 2021-22 cost per case for the Office of the State Public Defender (staff attorney model) was \$646; the cost per case for the OADC (contractor attorney model) was \$1,581. While there is a need for both models for indigent defense in Colorado, and the OADC has reduced its cost per case average over the last 10 years (from \$1,705 in FY 2012-13), the staff model will generally cost less than a contractor model.
- For FY 2022-23, the OADC was approved for two fellowship positions, funded through an offset from its court-appointed counsel appropriation, to hire two, two-year fellowship positions to nurture two young attorneys for hard-to-contract demographics – practice in rural areas and for attorneys who are Black, indigenous, and people of color (BIPOC). The OADC has requested an additional two fellowships for social worker positions for the same purpose for FY 2023-24.
- All three attorney contractor agencies received a \$5 per hour legal contractor increase in FY 2022-23 (originally approved in 2020, prior to the pandemic downturn). Nevertheless, all three agencies request an additional increase in attorney contractor rates due to challenges with contractor retention experienced in the current inflationary price and wage market.

### RECOMMENDATION

Staff recommends that the Committee:

1. Add a footnote in the Long Bill for the OADC, the OCR, and the ORPC, that would provide flexibility for each office to create a schedule or range of rates for attorney contractors:

- on the basis of case type (complexity) and attorney experience (either as a contractor or generally); and
- that is projected to generate an average expenditure for contractors that is equal to the target/average contractor rate.

2. Add a footnote in the Long Bill for the OCR and the ORPC, that would provide an option, but not a requirement, that each agency may create an in-house, legal services unit of up to 10.0 FTE, consisting of attorneys and legal team support staff from the spending authority provided for the court-appointed counsel appropriation. Staff further recommends the addition of an RFI, due November 1, detailing agency action taken related to the footnote, and, if implemented, agency experience generally and caseload-cost data comparisons for the in-house unit and contract attorneys.

While staff prefers to include the OADC, staff has received counsel from the Office of Legislative Legal Services (OLLS) that, in their opinion, statute restricts the OADC to provide legal counsel only through contracted attorneys. Staff does not read the relevant statutes as including such a restriction; however, the OLLS are the attorneys for the General Assembly and in order to prevent a potential lawsuit on this issue, OLLS recommends adding a clarification to the OADC statutes to expressly allow hiring staff attorneys for this purpose as well as for the OADC's request for its post-conviction unit.

## DISCUSSION

### **ATTORNEY CONTRACTOR RATE INCREASE REQUEST**

The three independent agencies, OADC, OCR, and ORPC, have requested a contractor rate increase for attorneys for FY 2023-24. The increase request of \$15 per hour, from \$85 to \$100, represents a 17.7 percent increase. This follows an increase approved for FY 2022-23 of an additional \$5 per hour. An increase of \$4 per hour (5.0 percent) was originally requested and approved in 2020, prior to the pandemic, but rescinded due to the budget downturn.

The agencies generally identify the following reasons:

- Salaries and total compensation for private attorneys remain significantly greater than the earnings of agency contract attorneys.
- Hourly rates for other contract public attorneys remain greater than rates paid to agency contract attorneys.
- The Consumer Price Index has increased in the most recent period at a significantly greater rate causing general wage inflation for attorney pay particularly. The September 2022, Legislative Council Staff (LCS) revenue forecast estimates an 8.2 percent CPI for 2022 for the Denver-Aurora-Lakewood core, which is often used as a proxy for the inflation rate of Colorado.
- The agencies are experiencing increased challenges in attorney contractor retention in the current period related to inflationary job market pressures.

## CONTRACTOR RATE RESPONSIBILITIES IN STATUTE

Section 13-91-105 (1)(a)(VI), C.R.S., requires the OCR as follows (emphasis added):

***13-91-105. Duties of the office of the child's representative – guardian ad litem and counsel for youth programs.*** (1) *In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall:*

*(a) Enhance the provision of GAL or counsel for youth services in Colorado by:*

*(VI) Establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem or counsel for youth that take into consideration the caseload limitations placed on guardians ad litem or counsel for youth and that are sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem or counsel for youth;*

Section 13-92-104 (1)(b), C.R.S., requires the ORPC as follows (emphasis added):

***13-92-104. Duties of the office of the respondent parents' counsel.*** (1) *The office has the following duties, at a minimum:*

*(b) Establishing fair and realistic state rates by which to compensate respondent parent counsel. The state rates must take into consideration any caseload limitations placed upon respondent parent counsel and must be sufficient to attract and retain high-quality, experienced attorneys to serve as respondent parent counsel.*

Section 21-2-105 (2), C.R.S., requires the OADC as follows (emphasis added):

***21-2-105. Contracts with attorneys and investigators.*** (2) *Contracts made pursuant to this section shall provide for reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed and paid from state funds appropriated therefor. The office of alternate defense counsel shall review the bills submitted for reimbursement by any contract attorney or investigator and may approve or deny the payment of such bills in whole or in part based on the terms set forth in the contract negotiated between the alternate defense counsel and the contract attorney or investigator.*

While the OCR and ORPC are charged with establishing "fair and realistic state rates", the OCR is charged with providing "reasonable compensation".

## PRIVATE ATTORNEY MARKET RATE

The ORPC provided the following data: Bureau of Labor Statistics (BLS) identifies that the 2021 base average annual salary for Colorado attorneys was \$141,760. Additionally, BLS identifies that salary accounts for 68.8 percent of total compensation, suggesting total compensation for attorneys of \$206,047. This metric compares to the contractor rate of \$85 per hour x 2,080 hours per year (40 hours x 52 weeks), or total potential contractor revenue of \$176,800 for a contractor who might bill for every full time hour in the year. As a contractor, that total revenue is not simply salary – the contract attorney is also responsible for benefits and administrative office overhead within that contract revenue.

Before taking account of the cost of administrative overhead, the ORPC provides a reasonable methodology to arrive at its estimated value of the current contractor rate relative to the market rate for a private salaried attorney of 54.6 percent and a contractor rate of \$146.28 as equivalent to the market rate for a private salaried attorney. Similarly, the Colorado Bar Association's (CBA) most recent Economics of Law Practice Survey from 2017 reported \$254 as the median hourly rate for a solo practitioner.

#### FEDERAL CONTRACT ATTORNEY RATES

The Equal Access to Justice Act (EAJA) authorizes the payment of attorney fees to a prevailing party in an action against the United States. The EAJA attorney rate for the Western region was set at \$125 in 1985, is adjusted for inflation annually, and is currently \$245.56, or 2.9 times the current \$85 agency rate. More representative of agency legal services, the Federal Criminal Justice Act rate paid to independent contractors for representing indigent defendants in federal court is currently \$158. The current agency rate represents 53.8 percent of the equivalent federal rate.

#### RECENT CONTRACTOR RETENTION EXPERIENCE

The ORPC reports that over the last three years, the percentage of attorneys accepting full-time salaried positions with benefits as their number one reason for leaving ORPC contract work increased from 13 percent in FY 2019-20 to 31 percent in FY 2020-21 to 47 percent in FY 2021-22.

The OCR states that it "is on the brink of an attorney shortage in several judicial districts, has exhausted all available applicants to fill the needs in some districts, and is increasingly relying on less experienced and out-of-district attorneys to fill district needs in several rural and front range jurisdictions." The OCR further reports that new contract applications have declined from just under 100 received in FY 2018-19 to just over 50 received in FY 2021-22.

The OADC states (emphasis added):

*The OADC believes and has extensive anecdotal evidence that experienced contractors would decline OADC work if the rates paid to contractors do not remain competitive. Experienced contractors are more effective and efficient. There may be a steady supply of newly minted inexperienced lawyers who will do OADC work, but history shows that new, inexperienced lawyers lack competency in various areas of criminal and youth defense representation. The lack of competencies ultimately costs OADC more money in inefficiencies, additional training, mentoring, oversight, and post-conviction (ineffective assistance of counsel) claims.*

As suggested in the comments, both ORPC and OCR involved in representation in child welfare cases are finding it harder to refill contract positions that are leaving contract service for salaried positions. Additionally, the OADC reports that it has less concern about finding contractors and more concern with the increased costs and inefficiencies that come with inexperienced contract attorneys. The State benefits from a more stable and experienced attorney contractor workforce for all of these agencies, suggesting an additional increase in contractor rates may be fiscally effective as well as urgent or necessary as stated by all three agencies.

#### TOTAL COST OF CONTRACTOR RATE INCREASE

The contractor rate increase totals \$15.8 million, including \$15.0 million General Fund. The following table outlines the cost by agency along with the increase on the budget base for each of the independent agencies.

CONTRACTOR RATE INCREASE COST AND INCREASE ON BASE		
	Total Request	Increase on Agency Base
Attorneys		
OADC	\$4,724,448	9.3%
OCR	3,769,013	11.1%
ORPC	3,377,211	10.8%
Courts (estimated)	781,847	
<b>Subtotal - attorneys</b>	<b>\$12,652,519</b>	

CONTRACTOR RATE INCREASE COST AND INCREASE ON BASE		
	Total Request	Increase on Agency Base
Non-attorneys		
OADC	\$1,361,808	2.7%
OCR	366,844	1.1%
ORPC	1,263,685	4.1%
Courts (estimated)	197,086	
<b>Subtotal - non-attorneys</b>	<b>\$3,189,423</b>	
<b>Total Contractor Rate Increase</b>	<b>\$15,841,942</b>	

While the requested 18 percent increase may be appropriate and necessary, staff is concerned by the significant increase this request represents when compared to the independent agency base budget.

- The OADC shows a total increase of 12.0 percent on its budget with this request;
- The OCR increases 12.2 percent; and
- The ORPC increases 14.9 percent on its base budget.

#### *AGENCY-DETERMINED CONTRACTOR RATE SCHEDULES*

The independent agencies, best as staff understands, have only ever paid attorney contractors at a single, standard rate per hour. However, there appears to be no restriction in statute that would prevent the agencies from establishing a range of rates in a rate schedule that better addresses case type and complexity and attorney experience.

Regardless of how the Committee may choose to act on the rate increase, having the agencies establish internally determined contractor rate schedules would primarily address the issue of increasing rates for more experienced attorneys; the issue that the OADC identifies as its primary concern.

Similarly, the OCR and ORPC, with their more unique case types, can better compensate attorney contractors based on complexity of case type as well as experience. As with the OADC, the OCR and ORPC might be able to retain more of their experienced contractors on the basis of higher rates paid to experienced contractors.

#### *ACCESS TO STUDENT LOAN FORGIVENESS PROGRAMS*

The ORPC states in its request (emphasis added):

*All of these expenses do not take into account the burden of student loans. While most attorneys who represent indigent clients are eligible for Public Service Loan Forgiveness, a federal program which forgives all federal student loans after ten years of eligible service, contract attorneys are not eligible for such forgiveness because they are independent contractors. Due to the burden of student loans, which often reach into six figures for attorneys, many contract attorneys have left this work to do public service work as an employee in order to be eligible for loan forgiveness and benefits. In a recent survey, 90% of lawyers with student debt reported delaying major life milestones like homeownership and having children due to their loans. Recruiting new attorneys, which is vital to the continuation of the agency's mission, is difficult as attorneys coming out of law school graduate with more and more debt. A higher hourly rate would help contract attorneys pay their student loan debt and disincentivize leaving RPC work to enter other public service work as an employee.*

The Federal Student Aid website includes the following on its Q and A page (emphasis added):

*What counts as a government employer for the PSLF Program?*

*Any U.S. federal, state, local, or tribal government agency is considered a government employer for the PSLF Program. This includes employers such as the U.S. military, public elementary and secondary schools, public colleges and universities, public child and family service agencies, and special governmental districts (including entities such as public transportation, water, bridge district, or housing authorities).*

*A government contractor isn't considered a government employer.*

In ongoing conversations with JBC staff, all agencies continue to state this issue of lack of access to student loan forgiveness for contractors as a possibly significant, structural challenge faced by attorney contractors. While there is no way to convince federal authorities of a change to accommodate our state agency attorney contractors, it appears that there might be a fiscal advantage to finding a way to provide this benefit, particularly to contractors who would significantly benefit from such programs, and who, on the margin, would choose to continue to provide legal services for these agencies. The solution is to hire these contractors as employees rather than contract.

The greatest advantage would be the opportunity to build a dedicated attorney workforce, particularly trained and invested in the particular service work of each agency, with increased managerial oversight and more effective allocation of legal services for difficult case types or areas of the State. The disadvantage is the additional management and administrative oversight required for each additional staff position as compared to the current model of contractor management and oversight.

Consistent with the model employed by the OADC for its fellowships last year, as well as the OCR El Paso County office model, perhaps it is reasonable to provide the agencies with some budget flexibility that would allow each agency to determine if it might be beneficial to build an in-house attorney unit. It is also reasonable, and consistent with the fellowships for OADC, that the costs be offset by appropriations already provided in the court-appointed counsel line item. This would allow each agency to potentially add legal staff as employees instead of contractors, that might retain some contractors ready to forego contract status for other full-time salaried positions in the market.

Although staff is not suggesting a "pilot" program, staff does see this as an experimental opportunity. On that basis, staff proposes modeling the potential staff unit on the OADC request for its post-conviction appellate unit: a total of 10 staff members, including attorneys and support staff. It is staff's belief that to make such an internal staff unit functional and efficient, and worth the management team's expenditure of attention, energy, and oversight, a certain economy of scale should be provided. While an allowance of up to 10 FTE may appear arbitrary, staff is generally comfortable with the OADC request for its appellate unit, with a lead attorney, four staff attorneys, a paralegal, two investigators, a social worker, and an administrative support staff. While agency "frontline" attorney units may not require two investigators, as might be necessary for an appellate unit at OADC, each agency could best determine that mix of attorneys and support staff.

#### **OLLS LEGAL ISSUE FOR OADC**

In researching this recommendation, staff conferred with attorneys at the OLLS. They expressed a concern with Sections 21-2-103 (4) and 21-2-105 (1), C.R.S., as follow (emphasis added):

**21-2-103. Representation of indigent persons – definition.** (4) *The office of alternate defense counsel shall provide legal representation for indigent persons by contracting with licensed attorneys and investigators pursuant to section 21-2-105.*

**21-2-105. Contracts with attorneys and investigators.** (1) *On and after January 1, 1997, the alternate defense counsel shall contract, where feasible, without prior approval of the court, for the provision of attorney services for cases described in section 21-2-103 (1). To provide for adequate legal representation of indigent persons, the office of alternate defense counsel may contract, where feasible, without prior approval of the court, for the provision of investigative services for cases described in section 21-1-103 (1). The office of alternate defense counsel shall establish, where feasible, a list of approved contract attorneys to serve as counsel and a list of approved investigators to provide investigative services in such cases. As a condition of placement on the approved list, the contracting attorney or investigator shall agree to provide services based on the terms to be established in a contract, at either a fixed fee or the hourly rate for reimbursement set by the supreme court. Terms of the contract shall be negotiated between the alternate defense counsel and the contract attorney or investigator. Contracts made with an attorney shall specify that the services shall be provided subject to the Colorado rules of professional conduct.*

While the first provision states that the OADC shall contract, it states that it shall do so "pursuant to section 21-2-105"; so both provisions should be read together. As staff reads the second provision, the plain meaning of the modifier, "where feasible" would appear to allow the OADC flexibility in its requirement to exclusively contract for attorney services.

However, OLLS points out that there is case law regarding this statute in which the court specifically addressed the term, "where feasible" that is used in the second instance requiring the establishment of a list. In OLLS opinion, regardless of the different use of the same modifier in the first case does not in itself relieve the OADC of having to contract.

While staff continues to believe there is flexibility provided in statute on this issue based on the plain meaning of the modifier, staff is not the attorney of the General Assembly. Staff is also swayed by the OLLS counsel that in the event there were a future court challenge, there is some legal risk in not adding a clarification to statute that expressly allows the OADC to hire attorney services rather than contract. Additionally, this issue remains for the OADC's budget request for its post-conviction unit.

The Committee may wish to add a statutory clarification that provides flexibility for the OADC.



## ISSUE: COUNTIES SPECIAL FUNDING REQUEST 23<sup>RD</sup> JD

The Counties of Arapahoe, Douglas, Elbert, and Lincoln and the 18<sup>th</sup> Judicial District Attorney's Office have submitted a special request for state funding for the formation of the 23<sup>rd</sup> Judicial District that will begin in January 2025. This request totals \$10.0-10.2 million as currently identified.

### SUMMARY

- House Bill 20-1026, *Create Twenty-third Judicial District*, creates the 23<sup>rd</sup> Judicial District (JD) for Douglas, Elbert, and Lincoln Counties, currently residing in the 18<sup>th</sup> JD with Arapahoe County, effective January 7, 2025.
- While the non-statutory legislative declaration expresses a legislative intent to assist the counties, Section 13-5-123.2, C.R.S., assigns sole fiscal responsibility for the transition to the Judicial Department.
- The statutory provisions also provide that the Counties be engaged for input by the Judicial Department as a part of State Measurement for Accountable, Responsive, and Transparent or SMART Act reporting related to the transition.
- The Legislative Council Staff (LCS) fiscal note identifies state costs for the Judicial Department and the state's share of salary costs for the elected District Attorney (appropriated in the Department of Law). The fiscal note does not identify or speak to state responsibility for local costs.

### RECOMMENDATION

Staff will not present a recommendation on this item as it is initiated outside of the official budget request authority of the Judicial Department. Staff simply presents this item as a special request received in the context of the budget request from a source outside of the standard state budget process for consideration by the Committee and General Assembly. If the Committee wishes to fund all or a portion of this request, additional funding should be provided in legislation for this purpose.

Additionally, the Committee may wish to request information from the Judicial Department on its expenditures to date, as well as anticipated expenditures, in order to better determine the scope and scale of the Courts' need for and use of resources and to better understand the counties' concerns.

### DISCUSSION

#### **H.B. 20-1026**

Under current law, the 18th Judicial District (JD) consists of Arapahoe, Douglas, Elbert, and Lincoln counties and has 24 district court judges. Beginning January 7, 2025, the bill removes Douglas, Elbert, and Lincoln counties from the 18th JD and creates a new 23rd JD comprised of those counties. The bill reduces the number of judges in the 18th JD by 7 judges to 17 judges and assigns eight judges to the 23<sup>rd</sup> JD, thereby increasing the number of judges statewide by one judge. In November 2024, Arapahoe County will hold an election for the district attorney for the 18th JD, while Douglas, Elbert, and Lincoln counties will hold an election for the new district attorney for the 23rd JD.

The bill includes the following in the non-statutory legislative declaration:

**SECTION 1. Legislative declaration.** (1) *The general assembly hereby finds and declares that:*  
(g) *The general assembly recognizes that Arapahoe, Douglas, Elbert, and Lincoln counties will face one-time transition costs through the revision of judicial district boundaries and the general assembly will make its best effort to understand those costs and assist Arapahoe, Douglas, Elbert, and Lincoln counties in the transition; and*

While the legislative declaration suggests an intent, the statutory provisions do not provide a legal process or fiscal mechanism to address that intent. The bill assigns fiscal responsibility for the transition to the Judicial Department as follows:

**13-5-123.2 Twenty-third judicial district – elections in 2024 – reports – repeal.**

(1)(b) For state fiscal years 2020-21 to 2024-25, as part of its annual budget requests to the joint budget committee of the general assembly, the judicial department shall include details about any budget requests related to the preparation for and creation of the twenty-third judicial district.

The bill assigns the following responsibility to the Judicial Department related to communicating with the counties (emphasis added):

(1)(a) Notwithstanding section 24-1-136 (11)(a)(I), commencing with the presentation in 2021 and each presentation thereafter to and including the presentation in 2025, at the joint hearings conducted pursuant to the “State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act”, part 2 of article 7 of title 2, the judicial department shall report on its progress toward making the system changes and other steps necessary for the creation of the twenty-third judicial district. **Prior to these presentations, the judicial department shall request input from each of the counties in the then-existing eighteenth judicial district and include their input in the presentation.**

The final Legislative Council Staff (LCS) fiscal note identifies state expenditures as follows:

*From FY 2020-21 to FY 2022-23, the bill increases workload in the Judicial Department for planning and reporting related to the creation of the 23rd Judicial District. Beginning in FY 2022-23, one-time transition costs, primarily for IT-related expenditures and a transition coordinator, will begin and are expected to total about \$2.2 million over three fiscal years. Starting in FY 2024-25, ongoing costs of about \$1.2 million and 10.5 FTE per year will begin for staff and operations in the additional judicial district. Starting in FY 2025-26, additional costs of \$590,000 and 4.0 FTE will be incurred to add a new judge to the 23rd Judicial District, including all associated costs and support staff. Table 2 outlines these preliminary costs. It should be noted that this fiscal note assumes that all costs related to this bill will be addressed through the annual budget process. Costs may vary based on additional information, planning, and details included in the department budget requests to implement the bill.*

The final LCS fiscal note identifies the following state cost for district attorneys (emphasis added):

**State district attorney costs.** *The bill creates a new elected district attorney position. Under current law, 80 percent of a judicial district's elected district attorney salary is funded by the state. Currently, district attorney salaries are set at \$130,000, with \$104,000 coming from the General Fund. The House and*

*Senate Judiciary Committees must review the compensation of elected district attorneys and make recommendations every fourth legislative session, which may alter the state share of elected district attorney salaries before January 1, 2025. This increase in payments for DA salary will be made from the General Fund through the Department of Law.*

The final LCS fiscal note identifies the following local government impacts (emphasis added):

***Local Government***

*The bill will increase district attorney, court security, court facility, and elections-related expenditures in Arapahoe, Douglas, Elbert, and Lincoln counties. These expenditures are described below.*

***District Attorneys.*** *It is estimated that new 23rd Judicial District may hire up to an additional 25.0 FTE for a cost of approximately \$2.0 million. New FTE may include specialized prosecutors, investigators, IT staff, victim support staff, a paralegal, and human resources staff that will no longer be shared with the 18th Judicial District. Also, one-time technology costs of \$1.2 million will likely be incurred for the new district's IT systems. The new 23rd Judicial District's Office of the District Attorney will also assume the salaries, benefits, and long-term liability of approximately 46 FTE from the current 18th Judicial District's Office of the District Attorney. In addition, the bill will require a new elected district attorney position in the 23rd Judicial District. Douglas, Elbert, and Lincoln counties will continue to share the cost of this salary.*

***Additional county costs.*** *The bill may increase expenditures related to court security, court facilities, and elections. These costs have not been estimated at this time and will vary among the counties.*

**STAFF COMMENT**

The legislation creating the 23<sup>rd</sup> JD does not appear to specify state funding for local government costs and only assigns fiscal responsibility for transition costs to the Judicial Department. Based on current law, staff is unable to address this item directly through the budget process.

On that basis, this special request for state funding should be treated by the Committee and the General Assembly as a special legislation request from the Counties and the 18<sup>th</sup> JD DA's office that falls outside of the purview of the budget process.

## ONE-TIME FUNDING AUTHORIZED IN RECENT LEGISLATIVE SESSIONS

During the 2020B, 2021, and 2022 legislative sessions, the General Assembly allocated significant one-time funding to the Judicial Department that included \$1.0 million originating as state General Fund and \$45.7 million originating as federal Coronavirus State Fiscal Recovery funds (ARPA funds).

### DISCUSSION

During the 2020B, 2021, and 2022 legislative sessions, the General Assembly allocated \$46.7 million in one-time funding to the Judicial Department through appropriations and transfers. To assist the Committee in tracking the use of these funds, the tables below show the sum of allocations provided for FY 2020-21, FY 2021-22, and FY 2022-23 and expenditures through FY 2021-22.

### ALLOCATION AND EXPENDITURE OF ONE-TIME GENERAL FUND AND FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUNDS (ARPA FUNDS)

JUDICIAL DEPARTMENT - ONE-TIME GENERAL FUND AND ARPA FUNDS			
BILL NUMBER AND SHORT TITLE	APPROPRIATION/ TRANSFER OF FUNDS	ACTUAL EXPENDITURE OF FUNDS THROUGH FY 2022	BRIEF DESCRIPTION OF PROGRAM AND ANTICIPATED USE OF THE FUNDS
S.B. 20B-002 Housing Direct COVID Emergency Assist	\$1,000,000		Transfers \$1.0 million to the Eviction Legal Defense Fund
H.B. 21-1329 ARPA Money to Invest Affordable Housing, as amended H.B. 22-1411 Money from Coronavirus State Fiscal Recovery Fund	1,500,000	1,500,000	Includes the following appropriations: \$1,500,000 to the Judicial Dept. for the Eviction Legal Defense Grant Program. Appropriations to the Department of Local Affairs initially originated from federal funds, but the appropriation was modified in H.B. 22-1411 to originate from the General Fund.
H.B. 22-1176 Judicial supplemental	9,073,128	5,829,064	FY 2021-22 supplemental appropriation to Judicial Department for IT infrastructure.
H.B. 22-1176 Judicial supplemental	58,689	58,689	FY 2021-22 supplemental appropriation to the Judicial Department
H.B. 22-1329 Long Bill operating appropriations	114,368	0	FY 2022-23 appropriations of \$114,368 to the Judicial Department.
H.B. 22-1329 Long Bill operating appropriations	71,478	0	FY 2022-23 appropriation to the Judicial Department
H.B. 22-1335 Transfer to Judicial IT Cash Fund	24,131,390	0	Total amount is transferred to the Judicial IT Cash Fund, which is subject to annual appropriation to the Judicial Department for IT infrastructure upgrades.
S.B. 21-292 Federal COVID Funding for Victim's Services	3,750,000	3,664,594	Includes the following appropriations: \$3,000,000 to the Victims and Witnesses Assistance and Law Enforcement Fund in the Judicial Dept.; \$750,000 to the Judicial Dept. for Family Violence Justice Grants.
S.B. 22-183 Crime Victims Services	3,000,000	0	Transfers \$3,000,000 to the Victims and Witness Assistance and Law Enforcement Fund in the Judicial Department for distribution to district attorneys' offices for victims and witness programs.
S.B. 22-196 Criminal Justice Direct Investments	4,000,000	0	Includes the following appropriations: \$4,000,000 to the Judicial Department for adult pretrial diversion programs.
<b>Total</b>	<b>\$46,699,053</b>	<b>\$11,052,347</b>	

APPENDIX A  
NUMBERS PAGES  
(DIGITAL ONLY)

Appendix A details actual expenditures for the last two fiscal years, the appropriation for the current fiscal year, and the requested appropriation for next fiscal year. This information is listed by line item and fund source. *Appendix A is only available in the online version of this document.*

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>15,488,443</u>	<u>15,134,785</u>	<u>16,060,253</u>	<u>16,903,349</u>
FTE	137.8	137.8	141.3	141.3
General Fund	17,002,954	15,133,414	15,988,253	16,831,349
Cash Funds	(1,514,511)	1,371	72,000	72,000
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Office of Attorney Regulation Counsel	<u>12,100,212</u>	<u>12,196,543</u>	<u>11,168,712</u>	<u>14,252,544</u>
FTE	70.0	70.0	70.0	80.0
General Fund	0	0	0	0
Cash Funds	12,100,212	12,196,543	11,168,712	14,252,544
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Law Library	<u>951,007</u>	<u>858,754</u>	<u>1,073,309</u>	<u>1,088,959</u>
FTE	6.3	9.5	7.0	7.0
General Fund	332,190	504,131	749,471	765,121
Cash Funds	545,920	281,726	250,941	250,941
Reappropriated Funds	72,897	72,897	72,897	72,897
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>158,410</u>	<u>208,309</u>	<u>224,732</u>	<u>170,846</u>	
General Fund	0	0	0	0	
Cash Funds	158,410	208,309	224,732	170,846	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (1) Supreme Court and Court of Appeals</b>	28,698,072	28,398,391	28,527,006	32,415,698	13.6%
<i>FTE</i>	<u>214.1</u>	<u>217.3</u>	<u>218.3</u>	<u>228.3</u>	4.6%
General Fund	17,335,144	15,637,545	16,737,724	17,596,470	5.1%
Cash Funds	11,290,031	12,687,949	11,716,385	14,746,331	25.9%
Reappropriated Funds	72,897	72,897	72,897	72,897	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>26,401,269</u>	<u>25,559,850</u>	<u>31,862,510</u>	<u>34,670,160</u> *
FTE	221.2	253.7	294.6	322.8
General Fund	18,888,382	17,205,668	20,479,667	24,182,645
Cash Funds	5,431,201	6,100,590	8,926,198	8,434,577
Reappropriated Funds	2,081,686	2,253,592	2,456,645	2,052,938
Federal Funds	0	0	0	0
Judicial Security Office	<u>0</u>	<u>0</u>	<u>0</u>	<u>543,915</u> *
FTE	0.0	0.0	0.0	3.0
General Fund	0	0	0	543,915
Information Technology Infrastructure	<u>14,492,262</u>	<u>13,564,502</u>	<u>27,142,035</u>	<u>28,357,671</u> *
General Fund	0	297,130	2,738,910	2,978,910
Cash Funds	14,492,262	13,267,372	24,403,125	25,378,761
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Information Technology Cost Recoveries	<u>3,795,474</u>	<u>3,926,072</u>	<u>3,860,800</u>	<u>4,535,800</u> *
General Fund	0	0	0	0
Cash Funds	3,795,474	3,926,072	3,860,800	4,535,800
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0



## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>890,348</u>	<u>920,795</u>	<u>945,846</u>	<u>829,799</u>	
General Fund	0	0	0	0	
Cash Funds	890,348	920,795	945,846	829,799	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (A) Administration and Technology</b>	45,579,353	43,971,219	63,811,191	68,937,345	8.0%
<i>FTE</i>	<u>221.2</u>	<u>253.7</u>	<u>294.6</u>	<u>325.8</u>	<u>10.6%</u>
General Fund	18,888,382	17,502,798	23,218,577	27,705,470	19.3%
Cash Funds	24,609,285	24,214,829	38,135,969	39,178,937	2.7%
Reappropriated Funds	2,081,686	2,253,592	2,456,645	2,052,938	(16.4%)
Federal Funds	0	0	0	0	0.0%

### (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>31,480,890</u>	<u>41,118,276</u>	<u>44,208,491</u>	<u>48,547,920</u>	
General Fund	28,386,540	39,042,235	42,732,376	44,248,643	
Cash Funds	3,094,350	2,076,041	1,476,115	4,299,277	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	<u>324,795</u>	<u>318,388</u>	<u>461,925</u>	<u>451,869</u> *	
General Fund	291,506	299,762	451,315	417,674	
Cash Funds	33,289	18,626	10,610	34,195	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
S.B. 04-257 Amortization Equalization Disbursement	<u>12,277,556</u>	<u>13,291,317</u>	<u>14,285,889</u>	<u>15,265,167</u>	*
General Fund	11,476,518	12,959,114	13,954,531	14,122,029	
Cash Funds	801,038	332,203	331,358	1,143,138	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>12,277,556</u>	<u>13,291,317</u>	<u>14,285,889</u>	<u>15,265,167</u>	*
General Fund	11,476,518	12,959,114	13,954,531	14,122,029	
Cash Funds	801,038	332,203	331,358	1,143,138	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
PERA Direct Distribution	<u>0</u>	<u>9,016,683</u>	<u>158,710</u>	<u>1,080,732</u>	
General Fund	0	8,641,747	0	999,799	
Cash Funds	0	374,936	158,710	80,933	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	<u>0</u>	<u>8,954,081</u>	<u>12,460,475</u>	<u>17,364,205</u>	*
General Fund	0	8,736,666	12,242,647	16,113,470	
Cash Funds	0	217,415	217,828	1,250,735	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,112,740</u>	
General Fund	0	0	0	1,009,898	
Cash Funds	0	0	0	102,842	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Workers' Compensation	<u>1,404,569</u>	<u>1,365,003</u>	<u>1,254,896</u>	<u>988,357</u>	
General Fund	1,404,569	1,365,003	1,254,896	988,357	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Legal Services	<u>511,963</u>	<u>442,924</u>	<u>396,230</u>	<u>657,309</u>	
General Fund	479,784	386,825	396,230	657,309	
Cash Funds	32,179	56,099	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payment to Risk Management and Property Funds	<u>845,759</u>	<u>1,439,403</u>	<u>2,317,981</u>	<u>1,766,923</u>	
General Fund	845,759	1,439,403	2,317,981	1,766,923	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Vehicle Lease Payments	<u>123,715</u>	<u>130,616</u>	<u>140,649</u>	<u>156,894</u> *	
General Fund	123,715	130,616	140,649	156,894	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Capital Outlay	<u>5,945</u>	<u>686,029</u>	<u>303,760</u>	<u>227,600</u>	*
General Fund	5,945	686,029	275,520	215,200	
Cash Funds	0	0	28,240	12,400	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Ralph L. Carr Colorado Judicial Center Leased Space	<u>2,721,674</u>	<u>2,770,056</u>	<u>2,820,097</u>	<u>2,888,439</u>	
General Fund	2,721,674	2,770,056	2,820,097	2,888,439	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payments to OIT	<u>8,076,214</u>	<u>5,586,003</u>	<u>4,218,602</u>	<u>8,646,733</u>	*
General Fund	8,076,214	5,586,003	4,218,602	8,646,733	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
CORE Operations	<u>1,877,756</u>	<u>1,595,667</u>	<u>1,887,328</u>	<u>1,602,655</u>	*
General Fund	1,877,756	1,595,667	1,887,328	1,602,655	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Digital Trunk Radio Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>24,307</u>	*
General Fund	0	0	0	24,307	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Merit Pay	0	0	0	0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (B) Central Appropriations</b>	71,928,392	100,005,763	99,200,922	116,047,017	17.0%
<i>FTE</i>	0.0	0.0	0.0	0.0	0.0%
General Fund	67,166,498	96,598,240	96,646,703	107,980,359	11.7%
Cash Funds	4,761,894	3,407,523	2,554,219	8,066,658	215.8%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

### (C) Centrally Administered Programs

1 funds transferred from the Department of Human Services.

Victim Assistance	<u>12,801,523</u>	<u>11,392,797</u>	<u>16,375,000</u>	<u>16,375,000</u>
General Fund	0	0	0	0
Cash Funds	12,801,523	11,392,797	16,375,000	16,375,000
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Victim Compensation	<u>11,244,900</u>	<u>12,454,655</u>	<u>13,400,000</u>	<u>13,400,000</u>
General Fund	0	0	0	0
Cash Funds	9,359,091	9,507,165	13,400,000	13,400,000
Reappropriated Funds	0	0	0	0
Federal Funds	1,885,809	2,947,490	0	0

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Office of Restitution Services (formerly Collections Investigators)	<u>6,803,636</u>	<u>7,084,152</u>	<u>7,897,512</u>	<u>8,141,010</u>	
FTE	100.6	121.2	122.8	123.2	
General Fund	0	1,700,000	0	0	
Cash Funds	6,196,065	4,880,376	6,999,971	7,243,469	
Reappropriated Funds	607,571	503,776	897,541	897,541	
Federal Funds	0	0	0	0	
Problem-solving Courts	<u>2,999,124</u>	<u>3,099,178</u>	<u>3,651,841</u>	<u>3,837,145</u>	*
FTE	30.4	36.7	37.2	38.2	
General Fund	526,212	0	143,809	233,617	
Cash Funds	2,472,912	3,099,178	3,508,032	3,603,528	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Language Interpreters and Translators	<u>6,407,222</u>	<u>6,428,436</u>	<u>6,802,052</u>	<u>7,710,690</u>	*
FTE	32.0	33.0	36.7	37.0	
General Fund	6,404,782	6,411,187	6,752,052	7,660,690	
Cash Funds	2,440	17,249	50,000	50,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Courthouse Security	<u>2,345,103</u>	<u>2,404,731</u>	<u>2,930,635</u>	<u>3,033,591</u>	*
FTE	1.0	1.0	1.0	0.0	
General Fund	0	0	400,000	500,000	
Cash Funds	2,345,103	2,404,731	2,530,635	2,533,591	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Appropriation to Underfunded Courthouse Facility Cash					
Fund	<u>500,000</u>	<u>500,000</u>	<u>3,000,000</u>	<u>3,000,000</u>	
General Fund	500,000	500,000	3,000,000	3,000,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Underfunded Courthouse Facilities Grant Program	<u>2,261,241</u>	<u>2,991,575</u>	<u>3,000,000</u>	<u>3,000,000</u>	
FTE	0.0	1.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	0	2,491,575	0	0	
Reappropriated Funds	2,261,241	500,000	3,000,000	3,000,000	
Federal Funds	0	0	0	0	
Courthouse Furnishings and Infrastructure Maintenance	<u>1,228,658</u>	<u>1,928,917</u>	<u>3,377,086</u>	<u>1,302,525</u> *	
General Fund	1,228,658	1,928,917	3,377,086	1,302,525	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Senior Judge Program	<u>2,601,837</u>	<u>1,580,164</u>	<u>2,290,895</u>	<u>2,290,895</u>	
General Fund	1,315,298	965,086	990,895	990,895	
Cash Funds	1,286,539	615,078	1,300,000	1,300,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Judicial Education and Training	<u>330,687</u>	<u>364,252</u>	<u>962,974</u>	<u>1,274,583</u> *	
FTE	2.0	2.0	2.0	4.0	
General Fund	0	30,000	30,941	87,325	
Cash Funds	330,687	334,252	932,033	1,187,258	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Office of Judicial Performance Evaluation	<u>668,317</u>	<u>505,753</u>	<u>863,433</u>	<u>863,433</u>	
FTE	1.9	2.0	2.0	2.0	
General Fund	289,500	211,280	214,500	214,500	
Cash Funds	378,817	294,473	648,933	648,933	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Family Violence Justice Grants	<u>2,170,000</u>	<u>1,916,289</u>	<u>2,170,000</u>	<u>2,170,000</u>	
General Fund	2,000,000	1,916,289	2,000,000	2,000,000	
Cash Funds	170,000	0	170,000	170,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Restorative Justice Programs	<u>638,063</u>	<u>545,248</u>	<u>1,010,825</u>	<u>1,013,455</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	638,063	545,248	1,010,825	1,013,455	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	



## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
District Attorney Adult Pretrial Diversion Programs	<u>178,616</u>	<u>210,166</u>	<u>4,675,000</u>	<u>4,675,000</u>	
General Fund	99,778	92,709	100,000	100,000	
Cash Funds	0	40,797	4,406,000	4,406,000	
Reappropriated Funds	78,838	76,660	169,000	169,000	
Federal Funds	0	0	0	0	
Family-friendly Court Program	<u>198,828</u>	<u>237,822</u>	<u>270,000</u>	<u>270,000</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	198,828	237,822	270,000	270,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Statewide Behavioral Health Court Liaison Program	<u>2,229,134</u>	<u>2,366,602</u>	<u>2,776,601</u>	<u>2,802,491</u>	
FTE	7.0	11.0	11.9	12.0	
General Fund	2,229,134	2,366,602	2,776,601	2,802,491	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to the Eviction Legal Defense Fund	<u>721,546</u>	<u>600,000</u>	<u>1,100,000</u>	<u>1,100,000</u>	
General Fund	600,000	600,000	1,100,000	1,100,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	121,546	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Eviction Legal Defense Grant Program	<u>808,486</u>	<u>1,430,461</u>	<u>2,000,000</u>	<u>2,000,000</u>	
General Fund	0	0	0	0	
Cash Funds	208,486	1,369,308	1,400,000	1,400,000	
Reappropriated Funds	600,000	61,153	600,000	600,000	
Federal Funds	0	0	0	0	
Mental Health Criminal Justice Diversion Grant Program	<u>100,000</u>	<u>99,998</u>	<u>0</u>	<u>0</u>	
FTE	1.0	1.0	0.0	0.0	
General Fund	101,183	104,625	0	0	
Cash Funds	(1,183)	(4,627)	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Bill - Office of Restitution Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
Cash Funds	0	0	0	0	
Child Support Enforcement	<u>109,063</u>	<u>115,472</u>	<u>0</u>	<u>0</u>	
FTE	1.0	1.0	0.0	0.0	
General Fund	36,791	38,927	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	72,272	76,545	0	0	
Compensation for Exonerated Persons	<u>64,939</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	64,939	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
<b>SUBTOTAL - (C) Centrally Administered Programs</b>	57,410,923	58,256,668	78,553,854	78,259,818	(0.4%)
<i>FTE</i>	<u>177.9</u>	<u>210.9</u>	<u>214.6</u>	<u>217.4</u>	<u>1.3%</u>
General Fund	15,396,275	16,865,622	20,885,884	19,992,043	(4.3%)
Cash Funds	36,387,371	37,225,422	53,001,429	53,601,234	1.1%
Reappropriated Funds	3,547,650	1,141,589	4,666,541	4,666,541	0.0%
Federal Funds	2,079,627	3,024,035	0	0	0.0%

### (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>1,584,543</u>	<u>5,036,932</u>	<u>5,454,511</u>	<u>5,464,925</u>
FTE	0.0	14.0	14.0	14.0
General Fund	0	0	0	0
Cash Funds	1,584,543	5,036,932	5,454,511	5,464,925
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Justice Center Maintenance Fund Expenditures	<u>627,081</u>	<u>1.4</u>	<u>1,288,538</u>	<u>1,288,538</u>
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	627,081	0	1,288,538	1,288,538
Federal Funds	0	0	0	0
Debt Service Payments	<u>15,859,221</u>	<u>15,352,767</u>	<u>15,353,316</u>	<u>15,354,016</u>
General Fund	883,418	883,418	883,418	883,418
Cash Funds	8,813,358	8,197,416	8,084,655	7,952,810
Reappropriated Funds	6,162,445	6,271,933	6,385,243	6,517,788
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Operating Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to the Justice Center Maintenance Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (D) Ralph L. Carr Colorado Judicial Center</b>	<b>18,070,845</b>	<b>20,389,699</b>	<b>22,096,365</b>	<b>22,107,479</b>	<b>0.1%</b>
<i>FTE</i>	<u>1.4</u>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>	<u>0.0%</u>
General Fund	883,418	883,418	883,418	883,418	0.0%
Cash Funds	10,397,901	13,234,348	13,539,166	13,417,735	(0.9%)
Reappropriated Funds	6,789,526	6,271,933	7,673,781	7,806,326	1.7%
Federal Funds	0	0	0	0	0.0%
<b>TOTAL - (2) Courts Administration</b>	<b>192,989,513</b>	<b>222,623,349</b>	<b>263,662,332</b>	<b>285,351,659</b>	<b>8.2%</b>
<i>FTE</i>	<u>400.5</u>	<u>478.6</u>	<u>523.2</u>	<u>557.2</u>	<u>6.5%</u>
General Fund	102,334,573	131,850,078	141,634,582	156,561,290	10.5%
Cash Funds	76,156,451	78,082,122	107,230,783	114,264,564	6.6%
Reappropriated Funds	12,418,862	9,667,114	14,796,967	14,525,805	(1.8%)
Federal Funds	2,079,627	3,024,035	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
<b>(3) TRIAL COURTS</b>					
ents of Public Safety and Human Services.					
Trial Court Programs	<u>164,291,484</u>	<u>167,868,876</u>	<u>183,020,737</u>	<u>190,833,903</u>	*
FTE	1,751.3	1,951.6	1,956.7	1,959.9	
General Fund	158,994,962	140,871,951	149,194,596	157,057,762	
Cash Funds	3,272,626	25,092,473	31,876,141	31,826,141	
Reappropriated Funds	0	0	1,950,000	1,950,000	
Federal Funds	2,023,896	1,904,452	0	0	
Court Costs, Jury Costs, and Court-appointed Counsel	<u>7,397,380</u>	<u>7,636,073</u>	<u>9,287,232</u>	<u>10,644,508</u>	*
General Fund	7,376,199	7,609,010	9,121,983	10,479,259	
Cash Funds	21,181	27,063	165,249	165,249	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
District Attorney Mandated Costs	<u>1,916,649</u>	<u>1,884,316</u>	<u>2,855,609</u>	<u>2,941,277</u>	*
General Fund	1,735,239	1,710,369	2,655,609	2,741,277	
Cash Funds	181,410	173,947	200,000	200,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	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>3,305,000</u>	*
General Fund	3,170,000	3,170,000	3,170,000	3,235,000	
Cash Funds	70,000	70,000	70,000	70,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Federal Funds and Other Grants	<u>2,464,744</u>	<u>2,433,895</u>	<u>2,900,000</u>	<u>2,900,000</u>	
FTE	0.0	13.0	13.0	13.0	
General Fund	0	0	0	0	
Cash Funds	309,320	192,835	975,000	975,000	
Reappropriated Funds	0	0	300,000	300,000	
Federal Funds	2,155,424	2,241,060	1,625,000	1,625,000	
<b>TOTAL - (3) Trial Courts</b>	179,310,257	183,063,160	201,303,578	210,624,688	4.6%
<i>FTE</i>	<u>1,751.3</u>	<u>1,964.6</u>	<u>1,969.7</u>	<u>1,972.9</u>	<u>0.2%</u>
General Fund	171,276,400	153,361,330	164,142,188	173,513,298	5.7%
Cash Funds	3,854,537	25,556,318	33,286,390	33,236,390	(0.2%)
Reappropriated Funds	0	0	2,250,000	2,250,000	0.0%
Federal Funds	4,179,320	4,145,512	1,625,000	1,625,000	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>92,741,166</u>	<u>94,429,083</u>	<u>99,856,040</u>	<u>103,026,223</u>	
FTE	1,149.3	1,245.7	1,255.7	1,257.0	
General Fund	99,077,813	87,133,702	90,884,286	93,979,066	
Cash Funds	(6,336,647)	7,295,381	8,971,754	9,047,157	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Treatment and Services	<u>14,347,649</u>	<u>16,308,546</u>	<u>21,846,563</u>	<u>22,410,873</u>	*
FTE	0.0	0.0	0.0	0.0	
General Fund	269,463	147,870	276,201	276,201	
Cash Funds	10,174,066	11,856,705	16,479,543	17,043,853	
Reappropriated Funds	3,904,120	4,303,971	5,090,819	5,090,819	
Federal Funds	0	0	0	0	
Appropriation to the Correctional Treatment Cash Fund	<u>14,652,936</u>	<u>15,019,259</u>	<u>16,269,259</u>	<u>17,519,259</u>	
General Fund	13,065,651	13,392,292	14,642,292	15,892,292	
Cash Funds	1,587,285	1,626,967	1,626,967	1,626,967	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
S.B. 91-94 Juvenile Services	<u>1,280,748</u>	<u>1,247,700</u>	<u>1,596,837</u>	<u>1,596,837</u>	
FTE	0.0	15.0	15.0	15.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	1,280,748	1,247,700	1,596,837	1,596,837	
Federal Funds	0	0	0	0	
Correctional Treatment Cash Fund Expenditures	<u>22,072,881</u>	<u>18,235,937</u>	<u>25,000,000</u>	<u>23,984,067</u>	*
FTE	0.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	22,072,881	18,235,937	25,000,000	23,984,067	
Federal Funds	0	0	0	0	
Reimbursements to Law Enforcement Agencies for the					
Costs of Returning a Probationer	<u>95,148</u>	<u>212,963</u>	<u>187,500</u>	<u>287,500</u>	*
General Fund	0	0	0	0	
Cash Funds	95,148	212,963	187,500	287,500	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Victims Grants	<u>147,302</u>	<u>62,709</u>	<u>650,000</u>	<u>650,000</u>	
FTE	0.0	6.0	6.0	6.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	147,302	62,709	650,000	650,000	
Federal Funds	0	0	0	0	



## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Federal Funds and Other Grants	<u>1,315,509</u>	<u>1,295,926</u>	<u>5,600,000</u>	<u>5,600,000</u>	
FTE	0.0	32.0	32.0	32.0	
General Fund	0	0	0	0	
Cash Funds	1,073,432	1,016,499	1,950,000	1,950,000	
Reappropriated Funds	0	0	850,000	850,000	
Federal Funds	242,077	279,427	2,800,000	2,800,000	
Indirect Cost Assessment	<u>920,535</u>	<u>906,985</u>	<u>1,010,002</u>	<u>776,228</u>	
General Fund	0	0	0	0	
Cash Funds	920,535	906,985	1,010,002	776,228	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (4) Probation and Related Services</b>	147,573,874	147,719,108	172,016,201	175,850,987	2.2%
FTE	<u>1,149.3</u>	<u>1,299.7</u>	<u>1,309.7</u>	<u>1,311.0</u>	0.1%
General Fund	112,412,927	100,673,864	105,802,779	110,147,559	4.1%
Cash Funds	7,513,819	22,915,500	30,225,766	30,731,705	1.7%
Reappropriated Funds	27,405,051	23,850,317	33,187,656	32,171,723	(3.1%)
Federal Funds	242,077	279,427	2,800,000	2,800,000	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>81,236,960</u>	<u>81,434,372</u>	<u>90,786,187</u>	<u>97,250,032</u>	*
FTE	877.7	907.0	1,049.2	1,097.0	
General Fund	81,236,960	81,434,372	90,786,187	97,250,032	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>5,266,749</u>	<u>10,047,591</u>	<u>11,157,201</u>	<u>12,397,727</u>	*
General Fund	5,266,749	10,047,591	11,157,201	12,397,727	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	<u>119,436</u>	<u>117,636</u>	<u>131,956</u>	<u>149,601</u>	*
General Fund	119,436	117,636	131,956	149,601	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	<u>3,506,546</u>	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,675,027</u>	*
General Fund	3,506,546	3,671,416	3,889,657	4,675,027	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>3,506,546</u>	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,675,027</u>	*
General Fund	3,506,546	3,671,416	3,889,657	4,675,027	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	<u>0</u>	<u>2,353,529</u>	<u>2,463,110</u>	<u>13,400,922</u>	*
General Fund	0	2,353,529	2,463,110	13,400,922	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>420,753</u>	*
General Fund	0	0	0	420,753	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	<u>779,975</u>	<u>1,211,900</u>	<u>2,511,878</u>	<u>2,554,628</u>	*
General Fund	779,975	1,207,200	2,481,878	2,524,628	
Cash Funds	0	4,700	30,000	30,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Vehicle Lease Payments	<u>99,060</u>	<u>110,252</u>	<u>111,197</u>	<u>100,503</u>	
General Fund	99,060	110,252	111,197	100,503	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Capital Outlay	<u>118,438</u>	<u>286,000</u>	<u>533,200</u>	<u>281,350</u>	*
General Fund	118,438	286,000	533,200	281,350	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Leased Space/Utilities	<u>7,053,437</u>	<u>7,963,700</u>	<u>8,042,972</u>	<u>8,952,480</u>	*
General Fund	7,053,437	7,963,700	8,042,972	8,952,480	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Automation Plan	<u>3,091,739</u>	<u>3,407,023</u>	<u>2,192,564</u>	<u>3,452,419</u>	*
General Fund	3,091,739	3,407,023	2,192,564	3,452,419	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Attorney Registration	<u>153,404</u>	<u>159,077</u>	<u>156,634</u>	<u>156,634</u>	
General Fund	153,404	159,077	156,634	156,634	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Contract Services	<u>81,473</u>	<u>23,296</u>	<u>49,395</u>	<u>49,395</u>	
General Fund	81,473	23,296	49,395	49,395	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Mandated Costs	<u>2,236,144</u>	<u>2,889,377</u>	<u>3,813,143</u>	<u>3,813,143</u>	
General Fund	2,236,144	2,889,377	3,813,143	3,813,143	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Training	<u>0</u>	<u>0</u>	<u>0</u>	<u>350,000</u> *	
General Fund	0	0	0	350,000	
Grants	<u>25,000</u>	<u>42,250</u>	<u>125,000</u>	<u>125,000</u>	
FTE	0.3	0.4	1.1	1.1	
General Fund	0	0	0	0	
Cash Funds	25,000	42,250	125,000	125,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
<b>TOTAL - (5) Office of the State Public Defender</b>	107,274,907	117,388,835	129,853,751	152,804,641	17.7%
<i>FTE</i>	<u>878.0</u>	<u>907.4</u>	<u>1,050.3</u>	<u>1,098.1</u>	4.6%
General Fund	107,249,907	117,341,885	129,698,751	152,649,641	17.7%
Cash Funds	25,000	46,950	155,000	155,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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### (6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL

for training.

Personal Services	<u>1,748,177</u>	<u>1,791,981</u>	<u>2,403,623</u>	<u>4,055,076</u>	*
FTE	14.0	14.0	20.5	35.4	
General Fund	1,748,177	1,791,981	2,403,623	4,055,076	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>196,543</u>	<u>196,812</u>	<u>290,390</u>	<u>556,015</u>	*
General Fund	196,543	196,812	290,390	556,015	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	<u>2,133</u>	<u>2,240</u>	<u>3,437</u>	<u>5,538</u>	*
General Fund	2,133	2,240	3,437	5,538	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	<u>69,406</u>	<u>73,712</u>	<u>107,418</u>	<u>184,565</u>	*
General Fund	69,406	73,712	107,418	184,565	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>69,406</u>	<u>73,712</u>	<u>107,418</u>	<u>184,565</u>	*
General Fund	69,406	73,712	107,418	184,565	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	<u>0</u>	<u>55,221</u>	<u>56,984</u>	<u>125,040</u>	
General Fund	0	55,221	56,984	125,040	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	<u>164,639</u>	<u>205,098</u>	<u>139,546</u>	<u>261,357</u>	*
General Fund	164,639	205,098	139,546	261,357	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Capital Outlay	<u>0</u>	<u>0</u>	<u>31,000</u>	<u>106,720</u>	*
General Fund	0	0	31,000	106,720	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	



## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Training and Conferences	<u>60,445</u>	<u>75,152</u>	<u>100,000</u>	<u>100,000</u>	
General Fund	20,000	20,000	20,000	20,000	
Cash Funds	40,445	55,152	80,000	80,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Conflict-of-interest Contracts	<u>33,678,521</u>	<u>34,941,478</u>	<u>44,430,264</u>	<u>48,971,619</u> *	
General Fund	33,678,521	34,941,478	44,430,264	48,971,619	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Mandated Costs	<u>1,381,156</u>	<u>1,649,231</u>	<u>2,895,573</u>	<u>2,895,573</u>	
General Fund	1,381,156	1,649,231	2,895,573	2,895,573	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Municipal Court Program	<u>202,306</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	2.0	0.0	0.0	0.0	
General Fund	202,306	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (6) Office of the Alternate Defense Counsel</b>	<b>37,572,732</b>	<b>39,064,637</b>	<b>50,565,653</b>	<b>57,446,068</b>	<b>13.6%</b>
FTE	<u>16.0</u>	<u>14.0</u>	<u>20.5</u>	<u>35.4</u>	<u>72.7%</u>
General Fund	37,532,287	39,009,485	50,485,653	57,366,068	13.6%
Cash Funds	40,445	55,152	80,000	80,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>2,958,130</u>	<u>2,947,952</u>	<u>3,791,932</u>	<u>4,306,394</u> *
FTE	32.4	34.9	35.9	38.0
General Fund	2,925,107	2,819,321	3,433,263	3,921,337
Cash Funds	0	0	0	0
Reappropriated Funds	33,023	128,631	358,669	385,057
Federal Funds	0	0	0	0
Health, Life, and Dental	<u>229,421</u>	<u>391,182</u>	<u>481,776</u>	<u>485,271</u> *
General Fund	211,177	379,834	446,768	448,129
Cash Funds	0	0	0	0
Reappropriated Funds	18,244	11,348	35,008	37,142
Federal Funds	0	0	0	0
Short-term Disability	<u>5,045</u>	<u>4,723</u>	<u>5,282</u>	<u>5,663</u> *
General Fund	4,754	4,415	4,788	5,156
Cash Funds	0	0	0	0
Reappropriated Funds	291	308	494	507
Federal Funds	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>149,422</u>	<u>147,606</u>	<u>165,053</u>	<u>188,716</u> *
General Fund	140,802	137,967	149,640	171,854
Cash Funds	0	0	0	0
Reappropriated Funds	8,620	9,639	15,413	16,862
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>149,422</u>	<u>147,606</u>	<u>165,053</u>	<u>188,716</u>	*
General Fund	140,802	137,967	149,640	171,854	
Cash Funds	0	0	0	0	
Reappropriated Funds	8,620	9,639	15,413	16,862	
Federal Funds	0	0	0	0	
Salary Survey	<u>0</u>	<u>99,620</u>	<u>100,389</u>	<u>184,026</u>	
General Fund	0	93,115	94,481	166,852	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	6,505	5,908	17,174	
Federal Funds	0	0	0	0	
Operating Expenses	<u>349,213</u>	<u>341,720</u>	<u>440,900</u>	<u>402,720</u>	*
General Fund	296,713	341,720	352,800	320,820	
Cash Funds	0	0	0	0	
Reappropriated Funds	52,500	0	88,100	81,900	
Federal Funds	0	0	0	0	
Leased Space	<u>121,491</u>	<u>132,281</u>	<u>133,133</u>	<u>147,247</u>	
General Fund	121,491	132,281	133,133	147,247	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
CASA Contracts	<u>1,550,000</u>	<u>1,550,000</u>	<u>1,750,000</u>	<u>1,750,000</u>	
General Fund	1,550,000	1,550,000	1,750,000	1,750,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Training	<u>34,121</u>	<u>34,699</u>	<u>78,000</u>	<u>158,000</u>	*
General Fund	34,121	34,699	58,000	58,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	20,000	100,000	
Federal Funds	0	0	0	0	
Court-appointed Counsel	<u>20,515,061</u>	<u>20,791,013</u>	<u>26,734,012</u>	<u>30,507,666</u>	*
General Fund	20,479,617	20,688,661	25,205,596	28,691,344	
Cash Funds	0	0	0	0	
Reappropriated Funds	35,444	102,352	1,528,416	1,816,322	
Federal Funds	0	0	0	0	
Mandated Costs	<u>57,650</u>	<u>58,122</u>	<u>60,200</u>	<u>60,200</u>	
General Fund	57,650	58,122	60,200	60,200	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Grants	<u>28,859</u>	<u>41,943</u>	<u>26,909</u>	<u>26,909</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	28,859	41,943	26,909	26,909	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (7) Office of the Child's Representative</b>	26,147,835	26,688,467	33,932,639	38,411,528	13.2%
<i>FTE</i>	<u>32.4</u>	<u>34.9</u>	<u>35.9</u>	<u>38.0</u>	5.8%
General Fund	25,962,234	26,378,102	31,838,309	35,912,793	12.8%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	185,601	310,365	2,094,330	2,498,735	19.3%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>1,661,991</u>	<u>1,858,697</u>	<u>2,199,742</u>	<u>2,684,843</u>	*
FTE	11.9	13.3	15.8	20.0	
General Fund	1,593,206	1,767,767	2,042,482	2,523,395	
Cash Funds	0	0	0	0	
Reappropriated Funds	68,785	90,930	157,260	161,448	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>112,070</u>	<u>187,275</u>	<u>254,473</u>	<u>331,719</u>	*
General Fund	99,398	166,890	238,747	307,214	
Cash Funds	0	0	0	0	
Reappropriated Funds	12,672	20,385	15,726	24,505	
Federal Funds	0	0	0	0	
Short-term Disability	<u>2,344</u>	<u>2,437</u>	<u>2,953</u>	<u>3,695</u>	*
General Fund	2,108	2,239	2,749	3,487	
Cash Funds	0	0	0	0	
Reappropriated Funds	236	198	204	208	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	<u>70,467</u>	<u>76,137</u>	<u>92,283</u>	<u>120,751</u>	*
General Fund	64,247	69,955	85,920	113,825	
Cash Funds	0	0	0	0	
Reappropriated Funds	6,220	6,182	6,363	6,926	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>70,467</u>	<u>76,137</u>	<u>92,283</u>	<u>120,751</u>	*
General Fund	64,247	69,955	85,920	113,825	
Cash Funds	0	0	0	0	
Reappropriated Funds	6,220	6,182	6,363	6,926	
Federal Funds	0	0	0	0	
Salary Survey	<u>0</u>	<u>49,829</u>	<u>54,090</u>	<u>110,284</u>	
General Fund	0	45,785	49,902	102,824	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	4,044	4,188	7,460	
Federal Funds	0	0	0	0	
Operating Expenses	<u>105,166</u>	<u>159,171</u>	<u>141,500</u>	<u>161,180</u>	*
General Fund	105,166	159,171	140,550	160,230	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	950	950	
Federal Funds	0	0	0	0	
Title IV-E Legal Representation	<u>909,094</u>	<u>690,898</u>	<u>5,025,969</u>	<u>5,789,842</u>	*
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	909,094	690,898	5,025,969	5,789,842	
Federal Funds	0	0	0	0	



## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Training	<u>30,827</u>	<u>45,880</u>	<u>106,000</u>	<u>106,000</u>	
General Fund	20,473	39,405	30,000	30,000	
Cash Funds	10,354	6,475	48,000	48,000	
Reappropriated Funds	0	0	28,000	28,000	
Federal Funds	0	0	0	0	
Court-appointed Counsel	<u>18,527,743</u>	<u>18,161,124</u>	<u>22,247,566</u>	<u>26,124,589</u> *	
General Fund	18,527,743	18,161,124	21,910,232	25,726,535	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	337,334	398,054	
Federal Funds	0	0	0	0	
Mandated Costs	<u>2,352,569</u>	<u>2,807,659</u>	<u>938,911</u>	<u>938,911</u>	
General Fund	2,352,569	2,774,710	938,911	938,911	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	32,949	0	0	
Federal Funds	0	0	0	0	
Grants	<u>36,360</u>	<u>60,048</u>	<u>31,095</u>	<u>31,095</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	36,360	60,048	31,095	31,095	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	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
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	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
Legal Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	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
Case Management System	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	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

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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<b>TOTAL - (8) Office of the Respondent Parents'</b>					
<b>Counsel</b>	23,879,098	24,175,292	31,186,865	36,523,660	17.1%
<i>FTE</i>	<u>11.9</u>	<u>13.3</u>	<u>15.8</u>	<u>20.0</u>	<u>26.6%</u>
General Fund	22,829,157	23,257,001	25,525,413	30,020,246	17.6%
Cash Funds	10,354	6,475	48,000	48,000	0.0%
Reappropriated Funds	1,039,587	911,816	5,613,452	6,455,414	15.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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### (9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

protection services.

Program Costs	<u>930,231</u>	<u>1,119,781</u>	<u>1,551,412</u>	<u>2,141,793</u> *
FTE	8.0	9.9	10.5	13.0
General Fund	930,231	1,119,781	1,551,412	2,141,793
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

<b>TOTAL - (9) Office of the Child Protection</b>					
<b>Ombudsman</b>	930,231	1,119,781	1,551,412	2,141,793	38.1%
<i>FTE</i>	<u>8.0</u>	<u>9.9</u>	<u>10.5</u>	<u>13.0</u>	<u>23.8%</u>
General Fund	930,231	1,119,781	1,551,412	2,141,793	38.1%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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### (10) INDEPENDENT ETHICS COMMISSION

ment employees.

Program Costs	<u>172,876</u>	<u>178,706</u>	<u>273,579</u>	<u>351,554</u> *	
FTE	1.0	1.0	1.5	1.5	
General Fund	172,876	178,706	273,579	351,554	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

<b>TOTAL - (10) Independent Ethics Commission</b>	172,876	178,706	273,579	351,554	28.5%
<i>FTE</i>	<u>1.0</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>	<u>0.0%</u>
General Fund	172,876	178,706	273,579	351,554	28.5%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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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>662,072</u>	<u>780,315</u>	<u>1,719,486</u>	<u>1,895,401</u>	
FTE	6.0	7.0	14.0	14.0	
General Fund	0	0	0	0	
Cash Funds	662,072	690,631	1,520,676	1,698,382	
Reappropriated Funds	0	89,684	198,810	197,019	
Federal Funds	0	0	0	0	

<b>TOTAL - (11) Office of Public Guardianship</b>	662,072	780,315	1,719,486	1,895,401	10.2%
<i>FTE</i>	<u>6.0</u>	<u>7.0</u>	<u>14.0</u>	<u>14.0</u>	0.0%
General Fund	0	0	0	0	0.0%
Cash Funds	662,072	690,631	1,520,676	1,698,382	11.7%
Reappropriated Funds	0	89,684	198,810	197,019	(0.9%)
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	Request vs. Appropriation
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### (12) COMMISSION ON JUDICIAL DISCIPLINE

Office of Judicial Discipline	<u>0</u>	<u>0</u>	<u>743,438</u>	<u>1,063,337</u> *	
FTE	0.0	0.0	4.0	4.0	
General Fund	0	0	743,438	1,063,337	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to the Commission on Judicial Discipline					
Special Cash Fund	<u>0</u>	<u>0</u>	<u>400,000</u>	<u>0</u>	
General Fund	0	0	400,000	0	

<b>TOTAL - (12) Commission on Judicial Discipline</b>	0	0	1,143,438	1,063,337	(7.0%)
FTE	<u>0.0</u>	<u>0.0</u>	<u>4.0</u>	<u>4.0</u>	0.0%
General Fund	0	0	1,143,438	1,063,337	(7.0%)
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

<b>TOTAL - Judicial Department</b>	745,211,467	791,200,041	915,735,940	994,881,014	8.6%
FTE	<u>4,468.5</u>	<u>4,947.7</u>	<u>5,173.4</u>	<u>5,293.4</u>	<u>2.3%</u>
General Fund	598,035,736	608,807,777	668,833,828	737,324,049	10.2%
Cash Funds	99,552,709	140,041,097	184,263,000	194,960,372	5.8%
Reappropriated Funds	41,121,998	34,902,193	58,214,112	58,171,593	(0.1%)
Federal Funds	6,501,024	7,448,974	4,425,000	4,425,000	0.0%

# APPENDIX B FOOTNOTES AND INFORMATION REQUESTS

## UPDATE ON LONG BILL FOOTNOTES

The General Assembly includes footnotes in the annual Long Bill to: (a) set forth purposes, conditions, or limitations on an item of appropriation; (b) explain assumptions used in determining a specific amount of an appropriation; or (c) express legislative intent relating to any appropriation. Footnotes to the 2022 Long Bill (H.B. 22-1329) can be found at the end of each departmental section of the bill at <https://leg.colorado.gov/bills/HB22-1329>. The Long Bill footnotes relevant to this document are listed below.

63 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 footnote provides line item transfer authority as described for the Courts and Probation.

64 Judicial Department, Courts Administration, Centrally-administered Programs, Courthouse Furnishings and Infrastructure Maintenance -- This appropriation remains available through June 30, 2024.

**COMMENT:** This footnote provides two-year spending authority for county courthouse infrastructure projects.

65 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:

	<u>FY 2021-22</u>		<u>FY 2022-23</u>
	<u>Salary</u>	<u>Increase</u>	<u>Salary</u>
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 specifies salaries as defined in statute for FY 2022-23.

*Background:* Precursors of 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 Long Bill footnote. The footnote also establishes the salaries for the individuals who head four of the independent judicial agencies by tying them to specific judicial salaries.

*Implications for elected official salaries.* Senate Bill 15-288, which modified Sections 2-2-307, 24-9-101, and 30-2-102, C.R.S., replaced the existing fixed dollar salaries listed in statute for certain state and legislative offices with a new method that set those salaries equal to percentages of the January 20, 2019 salaries of designated judicial officers. The resulting January 2019 salaries are given in the following table.

SALARIES OF SELECTED STATE OFFICIALS PER S.B. 15-288, BEGINNING JAN. 20, 2019					
STATE OR LEGISLATIVE OFFICE	PRIOR SALARY (ESTABLISHED JANUARY 1999)	REFERENCE JUDICIAL OFFICER	PERCENT OF REFERENCE SALARY	JAN. 2019 ANNUAL SALARY OF JUDICIAL OFFICER <sup>1</sup>	JAN. 2019 ANNUAL SALARY OF STATE OR LEGISLATIVE OFFICE
Governor	\$90,000	Chief Justice, Colorado Supreme Court	66%	\$186,656	\$123,193
Lieutenant Governor	68,500	County Court Judges, Class B Counties	58%	160,966	93,360
Attorney General	80,000	Chief Judge, Colorado Court of Appeals	60%	179,453	107,672
State Legislators	30,000	County Court Judges, Class B Counties	25%	160,966	40,242
Secretary of State	68,500	County Court Judges, Class B Counties	58%	160,966	93,360
Treasurer	68,500	County Court Judges, Class B Counties	58%	160,966	93,360

<sup>1</sup> Judicial officer salaries are based footnote 58 of the FY 2018-19 Long Bill (H.B. 18-1322).

Because the salaries of justices and judges cannot be reduced while they are in office, all judicial salary increases raise the future salaries for the linked offices in the above table.

H.B. 20-1423 suspended schedule pay increase for members of the Colorado General Assembly. For the period commencing on the first day of the legislative session beginning in January of 2021, and ending on the day before the first day of the legislative session beginning in January of 2022, the act freezes the annual base compensation of members of the general assembly at \$40,242, which is the same amount as the annual base compensation for members of the general assembly whose terms commenced on the first day of the legislative session beginning in January of 2019.

66 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 expresses legislative intent.

67 Judicial Department, Probation and Related Services, Correctional Treatment Cash Fund Expenditures -- This appropriation includes the following transfers:  
\$3,712,615 to the Department of Corrections,  
\$9,232,614 to the Department of Human Services,  
\$5,557,991 to the Department of Public Safety,  
\$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 increases transparency for the flow of Correctional Treatment Cash Funds throughout the Long Bill.

68 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 four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

69 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 is the second of four footnotes that authorize the four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

70 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 is the third of four footnotes that authorize the four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

71 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 is the fourth of four footnotes that authorize the four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

## UPDATE ON LONG BILL REQUESTS FOR INFORMATION

The Joint Budget Committee annually submits requests for information to executive departments and the judicial branch via letters to the Governor, the Chief Justice, and other elected officials. Each request is associated with one or more specific Long Bill line item(s), and the requests have been prioritized by the Joint Budget Committee as required by Section 2-3-203 (3), C.R.S. Copies of these letters are included as Appendix L of the annual Appropriations Report. The requests for information relevant to this document are listed below.

### *JUDICIAL BRANCH ONLY*

- 1 Judicial Department, Office of the State Public Defender -- The State Public Defender is requested to provide by November 1, 2022, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY 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, 2022.

### **COMMENT: The Department submitted its response as requested by November 1, 2022.**

In 2013, the Office of the State Public Defender (OSPD) received 16.0 additional FTE to address a growing backlog of appellate cases (i.e. cases awaiting an opening brief). The backlog peaked at 749 cases in FY 2013-14, which was 470 cases above the National Legal Aid & Defender Association (NLADA) standard for backlogged cases. Subsequently, the JBC annually requested that the OSPD report its progress in reducing the backlog.

For FY 2021-22, the OSPD provided the following information:

- Number of new cases – 379;
- Number of initial briefs filed - 310;
- Number of cases resolved in other ways - 57;
- Number of cases closed - 367; and
- Number of cases awaiting an opening brief - 299.

- 2 Judicial Department, Office of the State Public Defender -- The State Public Defender is requested to provide by February 1, 2023, a report outlining the progress on hiring and use of paralegal staff funded for FY 2022-23, including the following: number of paralegals hired by month, by office, the number remaining to be hired for FY 2022-23; the number anticipated to be hired in FY 2023-24 as outlined in the Office's budget request, and expectations, including forecast adjustments, for hiring paralegals in FY 2023-24; and recommended adjustments to the FY 2023-24 annualization appropriation for this budget item.

**COMMENT: It is anticipated that the Department will submit its response as requested by February 1, 2023 in time for figure setting.**

- 3 Judicial Department, Office of the Child's Representative -- The Office of the Child's Representative is requested to provide by November 1, 2022, a report outlining its work with Colorado CASA for FY 2021-22 to include the number of CASA volunteers statewide, the number of cases with a CASA volunteer statewide and by judicial district, the number of children placed with a CASA volunteer statewide, the allocation of the Office's CASA Contracts Long Bill appropriation by local CASA program and each program's judicial districts served.

**COMMENT: The Department submitted its response as requested by November 1, 2022. The response is attached at the end of this section of the document.**

- 4 Judicial Department, Office of the Child Protection Ombudsman -- The Child Protection Ombudsman is requested to provide by February 1, 2023, a report outlining the implementation and use of the Critical Incident Review Tool funded for FY 2022-23, to include any timeline milestones related to implementation as well as any relevant data points and qualitative assessments that describe the Office's current use and anticipated future use of the tool.

**COMMENT: It is anticipated that the Department will submit its response as requested by February 1, 2023.**

- 5 Judicial Department, Statewide Behavioral Health Court Liaison Program -- The State Court Administrator's Office is requested to study the future of the Statewide Behavioral Health Court Liaison Program, also known as the Bridges Program, and report recommendations by January 1, 2023. The study conducted by the Department shall be done in consultation with interested stakeholders including, but not limited to, the Office of State Public Defender, the Colorado District Attorneys' Council, the Office of the Attorney General, the Behavioral Health Administration, Colorado Counties Incorporated, Alternative Defense Counsel, Chief Judges, Court Executives, County Jails, Bridges contracted agencies, community service providers, organizations/individuals that represent the needs of individuals with lived experience in Colorado, and Judicial employees. This consultation may include surveys, focus groups, informational meetings, and other collaborative data collection methods. The study shall analyze options for the most appropriate location and organizational structure for the Bridges Program within state government, including the need for potential expansion of program services. The Bridges Program operates most effectively on behalf of the people of Colorado when the program can advocate for the program's participants as a neutral party without allegiance or obligation to the primary mission of any other state agency. The Bridges Program has proven to be a tremendous success at helping serve Coloradans in crisis and has helped address a systemic, costly, legally challenging issue related to the backlog of competency evaluations in the criminal justice system. However, the Bridges program remains underfunded and unable to meet the demands of the criminal justice and behavioral health systems. To that end, the study should also analyze the

appropriate level of resources necessary and framework for the program to meet the demands of the criminal justice and behavioral health systems.

**COMMENT: The Department submitted its response on November 1, 2022. The response is attached as an appendix to the end of this document. Also, please see the related issue brief in this document for more information.**

- 6 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 because of violations.

**COMMENT: The Department submitted its response as requested by November 1, 2022.**

- 7 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: The Judicial Department's budget request includes the requested information, which was prepared by the Colorado District Attorneys' Council (CDAC).**

- 8 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: The Department submitted its response as requested by November 1, 2022.**

- 9 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, 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: The Department submitted its response as requested by November 1, 2022.**



## Office of the Child's Representative

1300 Broadway, Ste. 320  
Denver, Colorado 80203  
Phone: (303) 860-1517  
Fax: (303) 860-1735  
www.coloradochildrep.org

Chris Henderson  
Executive Director

November 1, 2022

Joint Budget Committee  
200 East 14<sup>th</sup> Avenue, 3<sup>rd</sup> Floor  
Legislative Services Building  
Denver, CO 80203

**Re: RFI #3 (Judicial Department)**

Dear Chair McCluskie and Members of the Joint Budget Committee:

The Office of the Child's Representative (OCR) provides the following responses to the Joint Budget Committee's request for information for FY 2022-23:

The Office of the Child's Representative is requested to provide by November 1, 2022, a report outlining its work with Colorado CASA for FY 2021-22 to include the number of CASA volunteers statewide, the number of cases with a CASA volunteer statewide and by judicial district, the number of children placed with a CASA volunteer statewide, the allocation of the Office's CASA Contracts Long Bill appropriation by local CASA program and each program's judicial districts served.

**OCR Response:** Colorado CASA has provided the OCR with the following information:

- Number of CASA volunteers statewide: 2,297
- Number of cases with a CASA volunteer statewide: 2,405

CASA Program	Jud. Dist.	# of Cases w/ CASA Volunteer
Advocates for Children	18	235
CASA of Adams and Broomfield Counties	17	352
CASA of Jefferson and Gilpin Counties	1	210
CASA of Larimer County	8	174
CASA of the Pikes Peak Region	4	347
CASA of Southern Colorado:		
Arkansas Valley CASA	16	18
CASA of Pueblo	10	207
Heart of Colorado CASA	11	43
CASA of the Southwest:		
Montezuma/Dolores	22	9
La Plata	6	8
Child Advocates – Denver CASA	2	287
CASA of Mesa County	21	159



Northwest Rocky Mountain CASA	14	17
Boulder Voices for Children	20	129
CASA of the Continental Divide	5	32
CASA of the Ninth	9	21
CASA of the 7 <sup>th</sup> Judicial District	7	38
Weld County CASA	19	119
<b>Total</b>		<b>2,405</b>

- Number of children placed with a CASA volunteer statewide: 4,282
- Allocation of the Office's CASA Contracts Long Bill appropriation by local CASA program and each program's judicial districts served:

<b>CASA Program</b>	<b>Jud. Dist.</b>	<b>Allocation of Appropriation</b>
Advocates for Children	18	\$116,851
CASA of Adams and Broomfield Counties	17	\$116,851
CASA of Jefferson and Gilpin Counties	1	\$109,077
CASA of Larimer County	8	\$84,461
CASA of the Pikes Peak Region	4	\$118,405
CASA of Southern Colorado:		
Arkansas Valley CASA	16	\$43,780
CASA of Pueblo	10	\$74,355
Heart of Colorado CASA	11	\$48,703
CASA of the Southwest:		
Montezuma/Dolores	22	\$39,115
La Plata	6	\$38,079
Child Advocates – Denver CASA	2	\$112,187
CASA of Mesa County	21	\$93,530
Northwest Rocky Mountain CASA	14	\$41,707
Boulder Voices for Children	20	\$78,501
CASA of the Continental Divide	5	\$46,889
CASA of the Ninth	9	\$45,852
CASA of the 7 <sup>th</sup> Judicial District	7	\$49,998
Weld County CASA	19	\$61,659
Colorado CASA	State	\$230,000
<b>Total</b>		<b>\$1,550,000</b>

If you have any questions, please feel free to contact me or Jenny Bender, Executive Director of Colorado CASA at (719) 440-7779 .

Respectfully,

Chris Henderson

## APPENDIX C

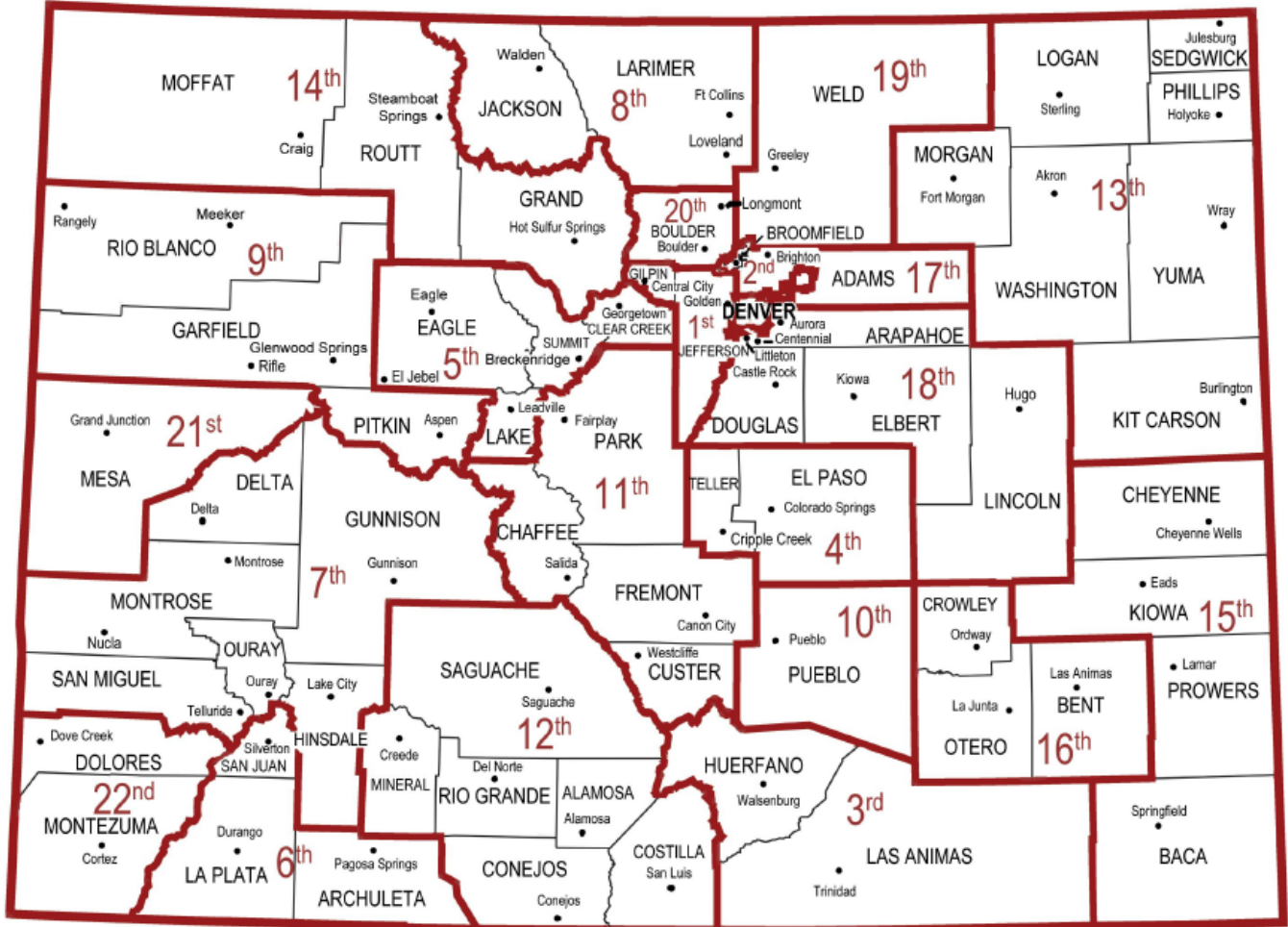
# DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Judicial Branch is required to publish an **Annual Performance Report** for the *previous fiscal year* by November 1 of each year. This report is to include a summary of the department's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year.

For consideration by the Joint Budget Committee in prioritizing the department's FY 2022-23 budget request, the FY 2021-22 Annual Performance Report and the FY 2022-23 Performance Plan can be found at the following link:

<https://operations.colorado.gov/performance-management/department-performance-plans>

# APPENDIX D COLORADO JUDICIAL DISTRICTS MAP WITH COURT LOCATIONS



Courts are located in the towns and cities displayed on this map.

APPENDIX E  
COUNTY FUNDING REQUEST FOR 23<sup>RD</sup> JD



**TO:** State Judicial Budget Committee

**FROM:** Counties of Arapahoe, Douglas, Elbert and Lincoln and 18<sup>th</sup> Judicial District Attorney's Office

**DATE:** October 19, 2022

**SUBJECT:** Funding Request for FY 2023-24 for Transition Costs Resulting from the Formation of the multi-county 23<sup>rd</sup> Judicial District and the single-county 18<sup>th</sup> Judicial District

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On behalf of the counties of Arapahoe, Douglas, Elbert and Lincoln and the District Attorney's Office of the 18<sup>th</sup> Judicial District, we would like to submit the attached funding request for consideration by the Joint Budget Committee as included in the Colorado Judicial Department budget. This funding request represents an initial estimate of potential transition costs through January 2025. We have collaboratively retained a consultant to assess both one-time and ongoing fiscal impacts of the transition. It is anticipated that the consultant's work, due in mid-November, will provide more complete context for the one-time costs presented in this request and may impact our proposal.

While the parties involved are supportive of this comprehensive funding submittal in order to comply with the timing requirements of the Joint Budget Committee, it is respectfully requested that those impacted have the opportunity to be more fully informed by the consultant's final report before being conclusive about fiscal impacts.

The passage of HB 20-1026 in 2020 confirmed the creation of a 23<sup>rd</sup> Judicial District which would include the counties of Douglas, Elbert and Lincoln and the reconfiguration the current 18<sup>th</sup> Judicial District into a single-county district consisting of Arapahoe County. Though this shift is not operational until January 2025, preparation for this will require significant resources on behalf of all parties mentioned above and has already begun to take up staff time and jurisdictional resources to ensure that the process is conducted with the utmost consideration and care. As noted in the bill, the General Assembly recognized that the counties would incur one-time transition costs and committed to making its best efforts to understand those costs and assist the counties.

Prior to January 2025, the jurisdictions involved will be going through the complicated process of transition and implementation of these changes, while still supporting the needs of their communities and providing uninterrupted services for the current 18<sup>th</sup> Judicial District. As a direct result of this, transition-related expenses have already been incurred and future expenses have been identified, as outlined in the attached request. Many of the anticipated costs are yet undefined and will depend in part on outcomes outside the control of the counties and DA's office. This request includes a range of projected costs and acknowledgement of those uncertainties which could result in changes to the fiscal impacts detailed in this request.

Thank you for reviewing our request and supporting the continuation of high-quality judicial services in the counties of Arapahoe, Douglas, Elbert and Lincoln and the District Attorney's Office of the 18<sup>th</sup> Judicial District.

Respectfully,  
Counties of Arapahoe, Douglas, Elbert and Lincoln and 18<sup>th</sup> District Attorney's Office

<b>Summary of Funding Requested for FY 2023-24</b>	
1. IT - Infrastructure, equipment, software, implementation costs, domain creation, integration and modification, data preservation, data separation, data migration, transition staffing (not recurring)	\$3,600,000
2. Consultant Fee	\$193,600
3. Transition Contractor/ Project management	\$475,000
4. Forensic Accounting	\$200,000
5. Casefiles and Records	\$1,850,000
6. HR Staffing for Transition	\$60,000
7. Finance Staffing for Transition	\$60,000
8. Targeted DA Office Personnel	\$1,175,000
9. Personnel Benefits	\$2,000,000
10. DA Personnel - Retention bonuses	\$400,000 - \$640,000
11 and 12. Additional IT, HR, Finance and personnel costs related to transition, dependent on implementation decisions.	Unknown
<b>Total Funds</b>	<b>\$10,013,600 - \$10,253,600</b>

***Summary of Request***

As a direct result of the formation of the 23rd Judicial District and the resulting change to the existing 18th Judicial District from a four-county district to a single county district, the District Attorney’s Office and the Counties of Arapahoe, Douglas, Elbert and Lincoln are incurring transition related expenses. This request identifies those transition costs and

seeks reimbursement for the transition/implementation costs incurred by those entities resulting from the establishment of the 23rd Judicial District and modification of the 18th Judicial District.

## ***Background***

HB20-1026 created the 23rd Judicial District of the State of Colorado consisting of the Counties of Douglas, Elbert and Lincoln. The 23rd Judicial District is created by removing the Counties identified above from the existing 18th Judicial District. As a result, the jurisdiction of the 18<sup>th</sup> Judicial District will change from four counties to become a sole county judicial district -consisting of Arapahoe County.

The operational effective date of the 23rd Judicial District is January 1, 2025. Until then, the existing 18th Judicial District will continue to operate in all four impacted counties. The existing District Attorney's Office in the 18th Judicial District will continue to operate and prosecute all cases with the jurisdiction of the existing 18th Judicial District.

Among other impacts, the formation of the new 23rd Judicial District requires the creation of a new District Attorney's office within that district. This will be accomplished by dividing the personnel, assets and resources within the existing District Attorney's office, thereby creating a new District Attorney's office in the 23rd Judicial District and re-configuring the District Attorney's office in the 18th Judicial District. As a result, transition costs will be incurred by all impacted offices and counties and potential additional resources identified. This process will financially impact not just the District Attorney's Office, but it will also impact the Counties of Arapahoe, Douglas, Lincoln and Elbert.

During calendar years 2023 and 2024, the complicated process of transition and implementation of these changes will occur. The existing District Attorney's office must continue to operate for the citizens of all four counties in the 18th Judicial District. At the same time, that office must engage in structural and operation planning and modifications related to the creation of a new and separate office in the 23rd Judicial District, which must seamlessly begin to operate on January 1, 2025. In addition, each county will also engage in implementing changes related to their current and ongoing interactions with the District Attorney's office. All stakeholders will also incur expenses directly related to this transition.

## ***Problem or Opportunity***

### **One-Time Operational Costs**

**1. Information Technology - infrastructure, equipment, software, implementation costs, domain creation, integration and modification, data separation, data migration, transition staffing.** The establishment of the new 23rd Judicial District creates the need to develop a comprehensive information technology infrastructure for the new District

Attorney's office in the 23rd Judicial District. The creation of the 23rd Judicial District also creates significant costs for the District Attorney's Office in the restructured and newly configured 18th Judicial District, including IT structural modifications (hardware and software) and multiple other systemic changes.

Technology is a critical necessity of the criminal justice system - a necessity that has grown in importance with the introduction of electronic discovery, the use of body cameras, and other information collection and sharing improvements. This submittal includes the cost of creating a new infrastructure to support these needs for the District Attorney's Office in the 23rd Judicial District, as well as significant restructuring and re-configuration costs for the IT infrastructure in the District Attorney's Office in the new single-county 18th Judicial District. The fiscal impacts to both District Attorney's Offices and the impacted Counties are intertwined in many instances, including multiple modifications and requirements to ensure the continuous operations of the District Attorney's offices in each judicial district for the benefit of the citizens of each County.

In addition to infrastructure costs, hardware, software and licensing requirements, the fiscal impact includes creating and modifying new and existing domain environments, integration and modification of new and existing equipment into the new and modified domains, reimaging (if practical) of existing equipment, data management, data networking across multiple locations, data integration into county environments, new and modified licensing requirements for the judicial districts to have access to the multitude of applications and electronic interfaces with the counties, multiple law enforcement agencies and state agencies, new software and software modification and implementation, evaluation of archived and historical databases, data preservation, data separation, data migration into the new, separate judicial districts as well as data migration into new domains and county environments (data including case records and related district attorney information as well as HR, personnel and financial records of the district attorney's office), and startup personnel costs related to transition (not on-going personnel costs).

There are multiple approaches to implementation of IT requirements and needs for the district attorneys' offices in both the 23rd and the 18th Judicial Districts. This analysis is based on currently anticipated and known transition costs. However, as noted in this analysis and throughout this project, there are many unknowns regarding the actual implementation process. Therefore, it is noted that the actual transition costs may increase through implementation. **Cost = \$3,600,000.00**

**2. Consultant fee.** This is the fee/cost for the current contract with the consultant providing support to the local subject matter experts and stakeholders, to analyze information and costs and develop recommendations for a general transition plan. **Cost = \$193,600.00**

**3. Transition Contractor/Project management for implementation.** This item is based on the cost included in the fiscal note for HB20-1026. While that cost estimate was referencing anticipated State Judicial Department expenditures, the District Attorney's



Office and each County will incur similar costs and related expenses for their transition contractor and project management. Transition implementation requires countless hours and the full-time commitment of time and resources of the various stakeholders. Given a project of this complexity spanning multiple jurisdictions, a transition contractor/project manager will be recommended to manage the process and support/guide the work of staff in the District Attorney's Office and the Counties of Arapahoe, Douglas, Elbert and Lincoln. **Cost = \$475,000.00**

**4. Forensic Accounting - Crime Victims' Compensation Fund (CVCF) and Victims' Assistance and Law Enforcement Fund (VALE).** The CVCF and VALE funds currently exist and operate within the 18th Judicial District. As a result of the creation of the 23rd Judicial District and the resulting modification to the 18th Judicial District, new separate funds will need to be created within each judicial district. The existing funds, including the money in those funds, all pending claims and new claims submitted during transition, must be individually reviewed, evaluated and separated/divided between the new judicial districts. Given the nature of these funds, dividing money and claims will be a difficult task and outside assistance will greatly support this process. During transition implementation, the existing staff must also continue to manage the existing funds, review and evaluate currently filed claims and review and evaluate all newly filed claims. Retaining an outside forensic accountant will assist the operating boards and existing staff in thoroughly and equitably evaluating all pending and newly filed claims as well as separating the existing funds. **Cost = \$200,000.00**

**5. Casefiles and records - separation and preservation.** The District Attorney's office currently has over 160,000 stored casefiles and records consisting of paper records and multiple different media formats. These are primarily older, closed files and records that the District Attorney's office is required to preserve - in some situations however, these files are re-opened because of continuing litigation. With the creation of the 23rd Judicial District and the reconfiguration of the 18th Judicial District as a single county district, all of these casefiles and records need to be separated between the 18th and 23rd judicial districts to allow the elected district attorney in each jurisdiction to maintain and preserve records for their respective office. However, virtually all of the records are intermingled and mixed between the judicial districts. Therefore, the casefiles and records should be physically separated between the two judicial districts. As that process is undertaken, these records should be fully digitized to preserve them - these records, especially the media, are degrading. Digitizing these records will improve the long-term efficiency of District Attorneys' offices and allow for better and more efficient sharing between judicial districts and offices as needed. This also allows the District Attorneys' offices to better serve the citizens and constituents of their respective judicial districts. This submittal is for both the separation and digitization of these records. **Cost = \$1,850,000.00**

#### **One-Time Personnel Costs**

During implementation, significant administrative changes and structural conversions will occur and impact approximately 250 employees in the district attorney's office, including salaries, benefits, personnel records, work locations and work environments. Among other things, this will include transitions in and out of insurance and paid leave plans, open

enrollment options as well as the potential closing or modification of plans (including consideration of timing decisions), and significant electronic data modifications, migration and integration regarding all HR records as well as financial and accounting information and records. The exact details and final fiscal impacts cannot currently be specified because there are a multitude of decisions to be made during implementation when the details of these changes will be finalized. However, currently known fiscal impacts are included in this analysis - it is simply noted that additional personnel costs may arise during transition implementation.

All stakeholders will incur personnel costs as a result of the creation of the 23rd Judicial District and the modification and reconfiguration of the 18th Judicial District. These costs are related to the actual implementation process as well as inefficiencies inherent in creating a new judicial district and effectively dividing/separating the single District Attorney's Office into two separate and distinct District Attorneys' Offices. The implementation is further complicated because as a new office is being created, the existing office must continue to operate, with uninterrupted services.

For purposes of this submittal, we are only including transition related personnel costs. We are not including on-going or long-term personnel costs, although it should be noted by the General Assembly that there will be a period after January 1, 2025, where each judicial district may continue to operate with lingering inefficiencies resulting from dividing one district attorney's office into two separate district attorney's offices. Although we are only including personnel costs and expenses which are inefficiencies resulting from the division of the existing judicial district and District Attorney's office, it is possible that additional personnel costs will be identified during transition implementation.

We are also seeking financial assistance for specifically identified, operationally critical positions in the district attorney's office that are required for implementation and creation of the new district attorney's office as well as continued operation of the district attorney in the 18<sup>th</sup> Judicial District. We believe funding these positions for 1 year during the implementation process is not only critical to current operations but is also critical to smoothly creating a new District Attorney's Office in the 23rd Judicial District.

**6. Human Resources transition staffing.** Current 18th District staff are employees of the district attorney's office. With the separation into two districts, it is anticipated that these employees will be assimilated as employees of respective counties in each judicial district. The human resource requirements for splitting the existing office into two separate districts and bringing employees on as County employees will be significant and will be extra work added to the human resources department of the District Attorney's Office and each County. We estimate Douglas County and Arapahoe County will each need a minimum of 6 months of supplemental HR support (in addition to existing staff) to transition existing DA's staff to County employment. It is also noted that depending on how the transition process proceeds, it is possible that additional time will be needed for these services, at which time an additional, supplemental funding request will be submitted. **Cost = \$60,000.00**

**7. Finance office transition staffing.** Similar to the considerations above related to HR, there will be finance department related transition expenses as the District Attorney's Office separates into two different offices and also engages in some assimilation into respective County financial departments, accounting and related processes. Temporary staff to assist in the transition of financial records between the two District Attorney's Offices as well as the potential assimilation of financial records with respective Counties. We estimate Douglas County and Arapahoe County will each need a minimum of 6 months of supplemental personnel (in addition to existing staff) to assist in this transition. It is also noted that depending on how the transition process proceeds, it is possible that additional time will be needed for these services, at which time an additional, supplemental funding request will be submitted. **Cost = \$60,000.00**

**8. Targeted District Attorney Office personnel staffing.** In order for the District Attorney's Office in the 23rd Judicial District to seamlessly begin operations on January 1, 2025, there are several key leadership positions which should be established and filled as early in the transition process as possible and in any event, prior to the actual separation of the District Attorney's Office. The individuals hired for these positions will be critical to creation of the structure and operations of the District Attorney's office in the new judicial district. It will take time to fill the identified positions and allow for appropriate training. Therefore, hiring individuals to fill these positions is a necessary transition expense and fiscal impact. **Cost = \$1,175,000.00**

**9. Personnel benefits for DA office employees.** Currently staff in the 18th District Attorney's office are employees of the district attorney's office and not employees of any of the Counties. However, it is possible that the most efficient future operational plans will be based on staff becoming employees of the primary counties in the two separate judicial districts. Given the challenges that currently exist filling criminal justice positions and specifically, prosecuting attorney's positions across the country, every effort should be made to limit the impact on existing staff so as not to further exacerbate recruitment and retention issues. One such issue that will likely arise in the transition of staff to county employees is the need to pay out their accrued benefit time with the District Attorney's office as this may not be transferable to the new county-based systems. **Cost = \$2,000,000.00**

**10. District Attorney's Office personnel retention bonuses.** As noted above, criminal justice agencies and district attorney's offices have faced significant staffing challenges in the past several years. Although this is a result of a multitude of factors, it has nevertheless negatively impacted the ability of the District Attorney's Office to recruit and retain staff. The division of the District Attorney's office and staff resulting from the creation of a new judicial district creates even more uncertainty that can further impact retention issues, at a time when experienced staff will be needed to ensure the successful transition into two separate districts. In fact, the District Attorney's Office has already faced this situation as staff members have left because of the on-going uncertainty. A one-time retention bonus is needed for existing staff payable upon a commitment to stay a specified period of time past the transition process and implementation date. This will facilitate some level of staff stability during the transition period which is critical not just

to transition but to continued seamless operations of the District Attorney's office. While not directly a targeted personnel cost, we have included the fiscal impact of retention bonuses for employees in the District Attorney's Office because of the critical need to retain experienced employees with a working knowledge of office operations. Because there are a multitude of ways to calculate the fiscal impact of such bonuses, we have included a range regarding the potential fiscal impact. This will allow for specific decisions to be made during implementation that are most responsive to then existing employment metrics. **Cost = \$400,000.00 - \$640,000.00**

**11 and 12. Additional IT, HR, Finance and personnel costs related to transition, dependent on implementation decisions. Additional transition expenses currently unknown.** It is noted that the timing of submitting this fiscal impact analysis and identified transition expenses is before final transition recommendations are prepared and submitted to the stakeholders, before a transition plan is identified and before a two-year implementation process begins. It is reasonable to assume that no matter how thorough the current fiscal impact evaluation is, there will be unknown situations arising during implementation resulting in additional transition costs - IT, HR, personnel, finance and other. In addition, implementation decisions made can lead to additional costs. Therefore, we have included this item as an acknowledgement of that reality and notice that the stakeholders will submit additional requests for financial assistance as the unknown becomes known. Quantifying those direct but unknown transition costs and the fiscal impact to each stakeholder is difficult to predict at this time.

### *Proposed Solution and Anticipated Outcomes*

As described above and set forth in the chart above, the five impacted stakeholders (the District Attorney's office and the Counties of Arapahoe, Douglas, Elbert and Lincoln) are seeking funding from the General Assembly for the transition costs they are incurring as a direct result of the formation of the new 23rd Judicial District and the reconfiguration of the 18th Judicial District.

During the next two calendar years, the detailed and meticulous process of transition implementation will be undertaken by the impacted stakeholders. As that process is carried out and multiple decisions are made, it is anticipated that additional costs will be identified and incurred costs will be refined. As a result, the District Attorney's office and the Counties of Arapahoe, Douglas, Elbert and Lincoln anticipate that they will submit further transition costs to the State as timely and appropriate.

APPENDIX F  
BRIDGES PROGRAM RFI #5

# OFFICE OF THE STATE COURT ADMINISTRATOR

---



November 1, 2022

**Steven Vasconcellos**  
*State Court Administrator*

Representative Julie McCluskie, Chair, Joint Budget Committee  
Colorado General Assembly  
200 E. Colfax  
Denver, CO 80203

**Terri Morrison**  
*Judicial Legal Counsel*

Re: Bridges Program Response to JBC Request for Information

Dear Representative McCluskie:

## **DIRECTORS**

**Brenidy Rice**  
*Court Services*

**Marty Galvin**  
*Financial Services*

**Amy Burne**  
*Human Resources*

**Glenn Tapia**  
*Probation Services*

On May 6, 2022, the Joint Budget Committee requested that the Judicial Department – in collaboration with interested stakeholders – study the future of the “Bridges Program” (established by SB 18-251 as the Statewide Behavioral Health Court Liaison Program and pursuant to §16-11.9-201, C.R.S.). The JBC tasked the Department with analyzing the need for potential expansion of the program, options for the most appropriate location of the program, and the resources necessary for the program to meet the demands of the criminal justice and behavioral health systems.

## **ACTING DIRECTOR**

**Jason Bergbower**  
*Information Technology Services*

Ultimately, more than 200 individuals were consulted in preparation of this report. Having conducted nine public stakeholder meetings, received input from the National Center for State Courts, focus groups, and individual consultations, and then analyzed the resulting input and key data points, the Judicial Department is pleased to present the following recommendations for the expansion and organization of the Bridges Program.

Respectfully,

Steven Vasconcellos  
State Court Administrator

Jennifer Turner  
Bridges Program Director



**Bridges Program**  
**(SB 18-251)**  
**Response to JBC Request**  
**for Information**  
**November 1, 2022**



**Colorado Judicial Department**

Office of the State Court Administrator  
1300 Broadway, Suite 1200  
Denver CO 80203

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# TABLE OF CONTENTS

EXECUTIVE SUMMARY _____	3
EXPANSION RECOMMENDATIONS _____	6
LOCATION AND ORGANIZATIONAL STRUCTURE RECOMMENDATIONS__	8
RESOURCES RECOMMENDATIONS _____	11
FRAMEWORK RECOMMENDATIONS _____	14
ATTACHMENTS	
Recommendations	
Bridges Recommended Budget (submitted separately)	
Bridges Recommended Organizational Structure	19
Bridges Expansion Timeline	21
Analysis and Stakeholder Discussions	
Bridges Expansion Analysis & Stakeholder Discussion	22
Bridges Location Analysis & Stakeholder Discussion	38
Bridges Statutory Analysis of Criteria for Location	50
Bridges Structure Analysis & Stakeholder Discussion	62
Program Overview	
Bridges Annual Report FY22	68
Bridges Program Vision, Mission, Values	83
Bridges Program Participants and Liaisons by District	85
Bridges Program Logic Model	86




# EXECUTIVE SUMMARY

On May 6, 2022, the Joint Budget Committee requested that the Judicial Department - in collaboration with interested stakeholders - study the future of the Bridges Program. The JBC tasked the Department with analyzing “options for the most appropriate location and organizational structure within state government, including the need for potential expansion of program services.” Furthermore, the Judicial Department was asked to analyze “the appropriate level of resources necessary and framework for the program to meet the demands of the criminal justice and behavioral health systems.”

The Bridges Program was established by statute in 2018 and began serving participants in the spring of 2019. Since then, it has been well-received by participants and stakeholders alike. Data from the first three years indicates that the program is not only effective in its ability to promote positive outcomes for participants, but that the demand for the program is markedly greater than capacity. The program currently engages 29 court liaisons to serve approximately 2,400 participants annually with significant mental and/or behavioral health challenges who are also involved in the criminal justice system. Eligible participants may be adults or juveniles and may be in or out of custody.

Legislation creating the Bridges Program speaks to the disparities typically experienced by this population and tasks the program with promoting positive outcomes for participants. The values of the program are person-centered, solution-focused, and collaborative. Liaisons are generalists, boundary spanners, and creative problem solvers who work to identify need and help connect participants to appropriate services, in part by avoiding or reducing




THERE IS AN EXPANSIVE POPULATION THAT WOULD BENEFIT FROM GREATER AID AND INVOLVEMENT FROM THIS PROGRAM, AND THE BETTER ABLE WE ARE TO ADDRESS AND TREAT PEOPLE'S MENTAL HEALTH NEEDS THAT HAVE RESULTED IN CRIMINAL BEHAVIOR, THE BETTER ABLE WE WILL BE TO CHANGE THAT MANNER OF THINKING AND TO REDIRECT THE PARTICIPANT TO RECOVER, REHABILITATE, AND AVOID RECIDIVATION.

~ Metro Area Prosecutor

the multitude of complex barriers that exist for participants.

Not only do court liaisons provide support to participants, they also function as court-appointed experts, who provide more information for legal problem-solving and decision-making. They inform courts and attorneys of participant need, available community-based services, and individual and systemic barriers and related solutions. While liaisons are neutral in legal proceedings, they advocate for the best interests of the participant's behavioral health both in and out of the court setting. Liaisons communicate with courts and



THE BRIDGES PROGRAM HAS SHOWN ITSELF TO BE A VALUABLE ASSET TO THE COURT SYSTEM IN COLORADO. LIAISONS HAVE BUILT TRUST WITH COURTS, STAKEHOLDERS, AND CLIENTS AND HAVE HELPED CLIENTS CONNECT WITH NEEDED SERVICES, GET OUT OF CUSTODY MORE QUICKLY, ADDRESS BARRIERS TO GETTING TO COURT AND OTHER SERVICES, AND BETTER UNDERSTAND THE SYSTEM THEY HAVE BEEN CAUGHT UP IN. THEY ARE AN EXTREMELY VALUABLE RESOURCE.

~Statewide Defense Counsel

attorneys through approximately 8,000 reports and 6,000 court appearances annually. By statute, priority is given to serve participants who are also involved in the competency system (due to a question of their ability to aid and assist in their own defense). Currently, 84% of Bridges participants are in the competency process, and 16% are non-competency.

To complete the study at hand, the Judicial Department began conversations around the future of the Bridges Program with a public stakeholder meeting on July 15, 2022. There were 47 individuals in attendance from across the state, representing judges, prosecutors, defense counsel, service providers, court liaisons, the Office of Civil and Forensic

Mental Health, jails, county commissioners, and advocacy organizations. Of those who participated, 71% indicated it is “extremely” important to expand the Bridges Program, with another 29% considering it “very” or “moderately” important. No respondents considered it “not at all” or “a little” important. Discussion focused on factors to consider in order to fine-tune recommendations for expansion. Ultimately, more than 200 individuals were consulted through stakeholder meetings, focus groups, and individual consultations.

Having conducted eight additional public stakeholder meetings, received input from the National Center for State Courts, focus groups, and individual consultations, and then analyzed the resulting input and key data points, the Judicial Department presents the following recommendations for the expansion and organization of the Bridges Program.

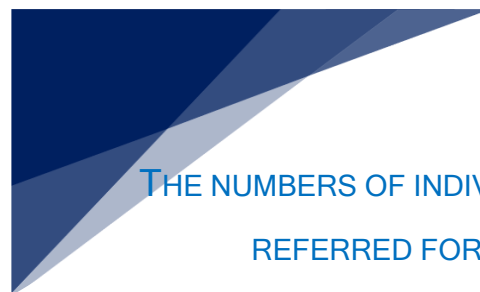
**Expansion:** Expand the program to fully meet the competency need in the State of Colorado by adding 16 court liaisons to the program in FY24, 33 liaisons in FY25, and 18 liaisons in FY26, bringing the total to 96 court liaisons by June 30, 2026.

**Location:** Establish the Bridges Program as an independent agency - governed by a board of commissioners - within the Colorado Judicial Branch to allow the program to function as a neutral party without any potentially conflicting allegiance to the mission of any other state agency or the courts.

**Resources:** Over three years, increase the annual budget to \$14 million for the Bridges Program to fully support individuals engaged in the competency system and expand services to create universal access within the criminal justice system to the Bridges Program. Add 67 additional court liaisons. Create and sustain a participant services fund. And provide the necessary administrative and infrastructure support for the program.

**Frameworks:** Six main themes emerged through conversations with stakeholders:

- *Equity in Access, Reducing Disparities, and Promoting Positive Outcomes*
- *Judicial Officer and Attorney Partnerships*
- *Community Capacity Building*
- *Workforce Development*
- *Diversion*
- *Evaluation*



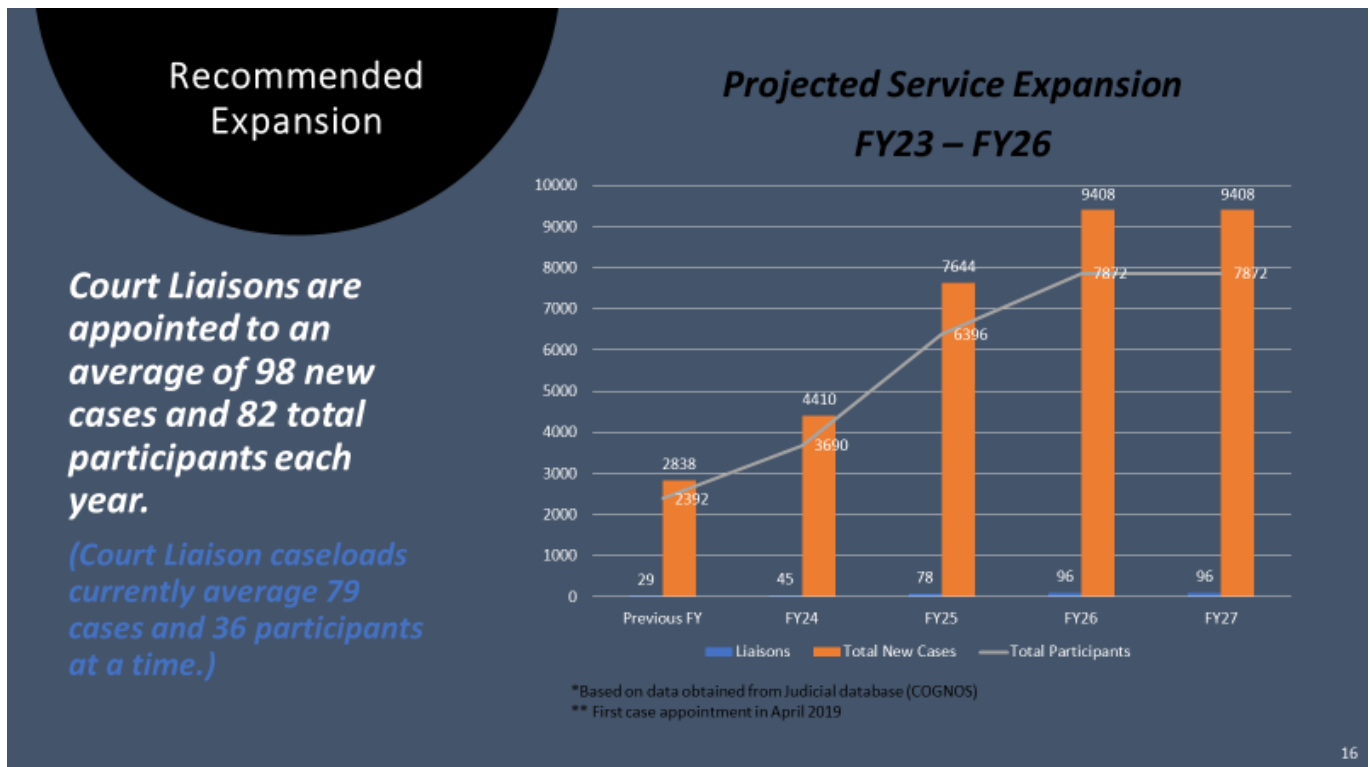
THE NUMBERS OF INDIVIDUALS BEING REFERRED FOR COMPETENCY EVALUATIONS AND TREATMENTS CONTINUES TO GROW AND TO SEE THIS TREND REVERSE, ALL SUCCESSFUL PROGRAMS NEED TO BE EMBRACED AND PUSHED FURTHER. THERE ISN'T JUST ONE ANSWER AND IT'S NOT A TIME TO LET OFF THE GAS PEDAL.

~OCFMH Service Provider

# EXPANSION RECOMMENDATIONS

## Primary Recommendation and Background

*Expand the program to fully meet the competency need in the State of Colorado by adding 16 court liaisons to the program in FY24, 33 liaisons in FY25, and 18 liaisons in FY26, bringing the total to 96 court liaisons by June 30, 2026.*



In FY22, the Bridges Program experienced a 107% increase in participants over the previous two years. Liaisons' caseloads are at maximum recommended levels, with each averaging 79 cases and 36 participants at a time. With the program at full capacity, liaisons are meeting just 35% of the competency need. As of June 30, 2022, liaisons were actively serving 1,925 competency cases (~866 participants), leaving an additional 3,596 competency cases (~1,618 participants) unserved by the program.

## Related Recommendations

- *Avoid Duplication of Efforts:* Work with the Forensic Support Team in the Office of Civil and Forensic Mental Health (OCFMH, formerly OBH) to identify areas where there may be duplication of efforts for individuals awaiting restoration services while in custody and redirect

resources to better serve out-of-custody, early intervention, and post-competency individuals, as explained below. OCFMH estimates ~300 individuals (12% of the competency population) at any point in time are unlikely to be released from custody and therefore less likely to require support of a liaison in terms of community-based case planning.

- *Early Intervention:* Enhance the ability of the Bridges Program to divert individuals from the competency process altogether by meeting the statutory vision of serving all justice-involved



THE BRIDGES PROGRAM IS THE  
BIGGEST BRIGHT SPOT IN  
JUDICIAL/CRIMINAL JUSTICE SYSTEM  
RIGHT NOW AND THE LIAISONS  
ESSENTIALLY FUNCTION LIKE  
AMBASSADORS OF GOODWILL AND  
COMPASSION. I THINK ON THAT BASIS  
ALONE THE PROGRAM SHOULD BE  
EXPANDED!

~Rural/Frontier Area Service Provider

individuals who are experiencing significant mental and/or behavioral health challenges, regardless of competency status. As of June 30, 2022, liaisons were actively serving 367 non-competency cases (~184 participants). However, Bridges is unable to serve an estimated additional 5,394 non-competency cases (2,697 individuals) with high degrees of mental and/or behavioral health challenges who could benefit from the support of a court liaison.

- *Equity of Access:* Utilize early intervention appointments more equitably confer the benefits of the Bridges Program on populations who are overrepresented in the criminal justice system and reduce the negative impacts of long wait times for competency services.
- *Post-Competency:* Enhance the ability of the Bridges Program to prevent the revolving door into the competency system by serving participants once they are found by the court to be either “permanently incompetent to proceed” or “competent to proceed” after undergoing competency services.
- *Post-Legal System Involvement:* Extend the length of time a court liaison may work with justice-involved individuals for 60-90 days beyond final case disposition. Lengthen involvement in order to provide support during typically high need times of transition from courts, jails, and the state hospital and to provide a further bridge to case management and care outside the criminal justice or corrections systems.

# LOCATION AND ORGANIZATIONAL STRUCTURE RECOMMENDATIONS

## Primary Recommendation and Background

*Establish the Bridges Program as an independent agency - governed by a board of commissioners - within the Colorado Judicial Branch to allow the program to function as a neutral party without any potentially conflicting allegiance to the mission of any other state agency or the courts.*

There is no existing agency within state government with which the mission of Bridges perfectly aligns. Additionally, in some circumstances with existing agencies, there is conflict with the goal of the organization and the legislative charge of Bridges. Ultimately, positioning other than as an independent Judicial agency impedes the ability for the Bridges Program to fulfill its statutory charge. Bridges needs the ability to advocate for any appropriate resource that is in the best behavioral health interests of the participant.

This role necessitates independence from both the Judicial Department and its definition of neutrality and CDHS and its involvement with competency. As the program has matured, the role of the court liaison has become more defined, with liaisons functioning as court appointed mental health advocates.

Courts increasingly turn to liaisons to make recommendations based on the mental health needs of a participant. Judicial officers no longer find themselves in the position of making decisions without a full picture and instead depend on information provided



WE HAVE ENJOYED TREMENDOUS SUCCESS IN WEAVING INTO THE FABRIC OF OUR JUDICIAL DISTRICT IN THE PAST THREE YEARS. WHILE THAT'S GREAT, WE ARE UNABLE TO MEET THE NEEDS OF EVERY HIGH-NEED CLIENT, WITH THE CURRENT STAFF CAPACITY, AT THIS PACE. WE NEED MORE HANDS ON DECK TO MEET THE NEEDS OF OUR COMMUNITY. THERE APPEARS TO BE NO SLOWING IN COMPETENCY CASES.


~Mid-Sized Area Bridges Contracted Agency

by liaisons to make critical and complex case decisions, such as release from custody, case dismissal, and issuing of show cause orders.

Liaisons also work as mental health advocates in the community, both challenging and collaborating with systems to ensure the participant's mental health needs are met. Sometimes the mental health needs of a participant necessitate that the liaison facilitate second opinions or make recommendations to the court that differ from a course of action occurring with a third party (most commonly an OCFMH provider or the jails).

### Related Recommendations

- *Maintain Proximity to the Courts:* Establish the independent agency within the Judicial Branch in order to maintain proximity and access to courts, thereby facilitating the statutory duties of court liaisons to inform courts and attorneys of participant needs and community-based services.



BEFORE I ENTERED JAIL, I WAS A COMPLETE MESS. I COULD NOT STOP USING ALCOHOL EVEN THOUGH I DID NOT WANT TO ANYMORE. WORSE THAN THAT, I WAS PARANOID AND COULD NOT TRUST ANYONE, SO IT WAS HARD FOR ME TO EVEN TRUST A THERAPIST OR DOCTOR. THE BRIDGES PROGRAM PROVIDED ME A TRUSTED PARTNER THAT HELPED ME GET BETTER BEFORE RELEASE.

~Bridges Participant

- *Contribute to Community Capacity Building:* Establish the independent agency within the Judicial Branch to build local-community capacity by remaining an integral part of the relationships between judicial districts, the counties in which they are located, and community-based resources.
- *Protect Confidentiality of Participant Information:* Utilize the agency's independence to protect confidentiality of participant information.
- *Fully Access Resources:* Utilize the agency's independence to access all possible resources necessary to comprehensively serve the target population, including access to state funding, private gifts, and various grants.
- *Maintain Neutrality:* Utilize the agency's independence to maintain neutrality and the ability to advocate when there are systems conflicts undermining the best behavioral health interests of the participant.
- *Facilitate the Best Behavioral Health Interests of Participants:* Fully enable the Bridges Program to address the best behavioral health interests of participants by creating a

specialized, mission-drive organization that provides liaisons with the flexibility and expertise to meet participants where their needs are, engage with meaningful services and supports, problem solve collaboratively with courts and providers, and address both individual and systemic barriers to participant well-being and stability within their communities.

- *Deepen Program Expertise and Upward Mobility:* Create an organizational structure that deepens the expertise throughout the organization, flattens the administrative structure, and supports upward mobility for liaisons.



# RESOURCES RECOMMENDATIONS

## Primary Recommendation and Background

*Over three years, increase the annual budget to \$14 million for the Bridges Program to fully support individuals engaged in the competency system and expand services to create universal access within the criminal justice system to the Bridges Program. Add 67 additional court liaisons. Create and sustain a participant services fund. And provide the necessary administrative and infrastructure support for the program.*


Supporting participants successfully out of custody and into community-based services represents potentially significant cost avoidance across systems. The target population served by Bridges is most costly in terms of services provided in custody, in the competency evaluation and restoration process, and in terms of recidivism. Creating alternative interventions, particularly those designed to address long-term stability, can avoid each of the above-listed costs.

A formal economic evaluation, planned over the next two-to-five years, will enable Bridges to accurately assess the economic impact of the program by measuring cost avoidance for jails, hospitalizations, competency wait time fines, new crime arrests, new crime prosecution, failure to appear arrests, and future court involvement. In the meantime, general research regarding jail and hospital cost avoidance help to paint a picture of substantial positive economic impact.



BRIDGES HAS LINKED MANY PEOPLE TO THEIR COMPETENCY EVALS AND EDUCATORS...LET ALONE THE RESOURCES THAT HAVE BEEN TAPPED THAT WERE UNKNOWN TO PEOPLE BEFORE. THE SIMPLEST THINGS A COURT LIAISON CAN HELP WITH [WERE] HOLDING PEOPLE TRAPPED IN THE SYSTEM FOR MONTHS. BRIDGES IS A GREAT STRIDE TOWARDS HUMAN RIGHTS AND DIGNITY.

~Rural/Frontier Court Liaison



MENTAL HEALTH SERVICES ARE BEING PROVIDED AT THE WRONG SOURCE - OFTEN WHILE IN JAIL. EXPANDING THIS PROGRAM WILL ALLOW CORRECTIONS TO FOCUS ON THEIR CORE MISSION. THIS WILL ALSO IMPROVE OUTCOMES FOR THOSE WHO NEED ASSISTANCE. RECEIVING CARE FROM THE RIGHT PEOPLE IN THE RIGHT SETTING CAN IMPROVE OUTCOMES. MENTAL HEALTH SERVICES ARE GROWING BUT NOT QUICKLY ENOUGH. FALLING FURTHER BEHIND WILL ONLY HARM PEOPLE WHO NEED THESE SERVICES.

~Statewide Attorney/Government Relations

According to a report by Vera Institute of Justice, in 2015 it cost \$39,303 annually to jail one person in Colorado (which breaks down to \$3,275 per month, \$756 per week, \$108 per day).<sup>1</sup> Competency cases have an average case length of more than 450 days. For each Bridges competency participant who is released from custody, there is a jail cost avoidance of \$108/day, totaling \$48,600 over 450 days. Compared to an average Bridges Program cost of \$3/day (\$1,350 for 450 days), rough estimates show a potential economic benefit upwards of \$47,000 per competency participant who is released from custody. At the program's current service levels and rate of release from custody (35%), the program supports approximately 350 competency participants to transition out of custody each year, projecting savings upwards of \$16 million annually.

Regarding hospitalizations, a 2015 study of healthcare usage in Arapahoe County showed that, "Out of 100 frequently incarcerated individuals selected from 2015, 55 visited Colorado hospitals that year. Those 55 individuals accounted for 419 ED visits, 55 inpatient days, 21 other outpatient visits, and an estimated \$ 1.4 million in total health care costs."<sup>2</sup> While there are numerous variable to be accounted for to create an estimate of cost avoidance for hospitalizations with the Bridges Program, these numbers point to potential cost benefits of millions of dollars.

<sup>1</sup> <https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending>

<sup>2</sup> Mannerings, A., Spanier, T. and Enright, K; Healthcare Usage Report: A Collaboration Between Colorado Hospital Association and Arapahoe County Criminal Justice Planning Office, 2017.

## Related Recommendations


- *Year One:* In the first half of FY24, hire four administrative staff and establish the infrastructure for an independent agency. In the second half of FY24, hire three additional administrative staff, 11 liaison supervisors, and 16 new court liaisons for a total of 45 liaisons in order to increase services to meet approximately 54% of the competency need and begin to expand services to early intervention and post competency populations. Increase the FY24 budget by \$2.15 million to support this expansion, for a total budget of \$4.93 million and an annual service capacity of approximately 3,690 participants and 4,410 new cases by close of FY24.
- *Year Two:* In the first half of FY25, launch the participant services fund, hire two additional administrative staff, and 15 new court liaisons. In the second half of FY25, add 18 new court liaisons for a total of 78 liaisons in order to increase services to meet approximately 95% of the competency need and more significantly expand services to early intervention and post competency populations. Increase the FY25 budget by an additional \$5.55 million to support this expansion, for a total budget of \$10.48 million and an annual service capacity of approximately 6,396 participants and 7,644 new cases by close of FY25.
- *Year Three:* In the first half of FY26, add 18 new court liaisons. In the second half of FY26, add 18 new court liaisons for a total of 96 liaisons in order to increase services to meet 95-100% of the competency need and 5%-20% of the early intervention and post competency populations. Increase the FY26 budget by \$5.22 million to support this expansion, for a total budget of \$13.55 million and an annual service capacity of approximately 7,872 participants and 9,408 new cases by close of FY26.
- *Year Four:* In FY27, establish a \$14.02 million annual operating budget for the Bridges Program as an independent agency with an annual service capacity of approximately 7,872 participants and 9,408 new cases.
- Refer to submitted budget and attached recommended timeline and organizational structure for details.

# FRAMEWORK RECOMMENDATIONS

*Six main themes emerged through conversations with stakeholders.*

## Equity in Access, Reducing Disparities, and Promoting Positive Outcomes


- Integrate the voice of lived experience throughout all levels of the organization, including board membership, leadership, workgroups, and court liaisons.
- Establish a participant services fund to support immediate deployment of resources necessary to address gaps in funding for individuals transitioning from the criminal justice system to community-based services. Primary focus of funding would be on temporary housing, transportation, mobile phones, food, clothing, and other basic necessities as a bridge until other public benefits can be acquired.
- Establish a director-level DEIB position focused on equitable access to programming, services, and resources for the historically marginalized members of the target population.
- Increase access to the program and its benefits by serving more individuals with significant mental and/or behavioral health challenges beyond competency.
- Ensure that liaisons have continuous access to participants regardless of location in or out of custody or hospital settings.
- Ensure consistent standards of care throughout the state.
- Sustain continuity of care during vacancies and/or long-term leave by enabling senior liaisons to provide coverage across districts.
- Ensure that the program remains responsive to local-community needs and geographic differences. For example, liaisons in areas with limited services meet more often with participants and personally foster their resilience; whereas liaisons in metro areas are more likely to quickly engage participants into supportive services



THANK YOU FOR YOUR PASSION AND  
DEDICATION TO BRIDGES. I HAVE SO  
MUCH TO SHARE WITH YOU FROM BEING  
VERY INVOLVED WITH THE BRIDGES TEAM  
WHEN MY SON WENT THROUGH IT. I  
ACTUALLY FELT AS PART OF THE TEAM....  
THEY WERE WONDERFUL TO WORK  
WITH.

~Bridges Participant Family Member

- When appropriate, engage partnerships with families as a means of promoting long-term, sustainable support and stability.
- Deepen program expertise and advocacy in specialty areas such as housing, benefits enrollment, geographic disparities, equity of access, family engagement, juveniles, etc., by designating specialties for supervisors and senior liaisons.
- Strengthen the role of the Bridges Program to advocate as necessary (individually and systemically) for the best behavioral health interests of historically marginalized participants.



LARGE SCALE EXPANSION WOULD ALLOW FOR GREATER ACCESS TO ASSISTANCE FOR THOSE WITH MENTAL HEALTH ISSUES TO NAVIGATE THE SYSTEM AND HAVE THEIR NEEDS MET; REDUCTION IN THE NUMBER OF CASES THOSE STRUGGLING WITH MENTAL HEALTH ISSUES INCUR, FAILURES TO APPEAR, VIOLATION OF PROTECTION ORDERS OR BOND CONDITIONS; [AND] MORE PROMPT RESOLUTION OF THEIR MATTERS ONCE THEIR NEEDS ARE IDENTIFIED AND ADDRESSED.

~Rural/Frontier Area Judge

outcomes for the target population.

- Expand training and awareness of trauma-informed care and the potential for the criminal justice system to become a lifesaving “catchpoint” for those in need who have fallen through the cracks of other systems.
- Increase the capacity of the program to strategically work toward positive outcomes in an historically adversarial system, exploring collaborative solutions for participants to connect with meaningful care as an alternative to normal justice process or outcome.

### Judicial Officer and Attorney Partnerships

- Maintain proximity to the courts to enable court-centered problem solving and bring voice to the needs and barriers of participants.
- Deliver robust educational opportunities for judges and attorneys in order to support their capacity to utilize and respond to the behavioral health information and participant needs reported by court liaisons.
- Train liaisons to capitalize on informal educational networks and opportunities to increase courts’ and attorneys’ understanding of general mental and behavioral health issues and systemic challenges related to availability of resources and services.
- Train liaisons to give courts and attorneys an accurate picture for each participant of systemic barriers and options to address those barriers, and thereby reduce disparate

- Support local judicial districts as they establish alternative judicial procedures for behavioral health defendants, such as competency dockets, pretrial mental health programs, and diversion.

### Community Capacity Building

- Partner with local jurisdictions and counties to integrate court liaisons and service dollars in ways that make meaningful investments of workforce and financial resources in local communities.
- Pursue creative solutions for participants to overcome the shortage of housing and mental/behavioral health services throughout communities in Colorado.
- Strengthen community partnerships to advocate for and best meet the housing and services needs of the historically marginalized population served by Bridges.
- Bolster existing statewide problem-solving and policy-making efforts to advocate for and support expansion of meaningful housing and services, especially by speaking to the needs of and amplifying the voices of the population, families, and communities served through the Bridges Program.

### Workforce Development

- Provide comprehensive workforce development strategies to recruit, train, and retain a diverse, highly skilled group of court liaisons, focusing on:
  - pay equity, especially between contracted and FTE court liaisons;
  - values-driven workplace culture grounded in the principles of diversity, equity, inclusion, and belonging;
  - onboarding through a court liaison training academy;
  - ongoing community of practice and advanced training academy;
  - formalized peer-to-peer support;



EXPANDING WITH NO CHANGE IN SUPPORT AND ABILITY TO ALLOW TRUE WRAP AROUND SERVICES GIVES IMPRESSION THAT WE ARE CHANGING OUR SYSTEM WHEN WE ARE NOT. WE ARE PUTTING THE BRUNT OF RESPONSIBILITY ON LIAISONS AND TAKING ADVANTAGE OF THEIR HARD WORK AND COMPASSION WITH NO RESOURCES, [WHICH LEADS] TO BURN OUT.

~Metro Area Defense Counsel

- support for certification and licensure of liaisons;
  - subject matter expertise throughout all levels of the organization;
  - access to continuing education and professional development opportunities for upward mobility within the organization.
- Utilize internship, training, professional development, and licensure supervision to deepen the state's mental health professional workforce capacity overall.
  - Develop a workforce that meaningfully reflects the populations served, including possible development of a peer liaison model for at least 1/3 of court liaison positions.
  - Embrace equity as a guiding service principle and provide continuous training and professional development in diversity, equity, and inclusion from service, advocacy, and organizational lenses.
  - Establish outcome-driven standards for agency contracts.
  - Engage in a formal compensation analysis and plan to address pay equity across liaison salaries and between liaison and leadership roles.
  - Partner with state and local workforce development efforts.
  - Partner with educational institutions to develop internship opportunities.
  - Create more uniformity in service approaches statewide, while simultaneously allowing adaptability in role to meet local needs.

### Diversion

- Continue to expand the Bridges Program's capacity to divert individuals from custody and/or the competency system.
- Continue to utilize the program to serve participants who are ineligible for other diversion programs.
- Continue to expand the program to support participants in ways that allow for long-term diversion from the criminal justice system and meaningful engagement with transformational supports designed to create ongoing stability, skills development, and well-being.
- Enhance the program's statutory ability to partner with efforts to divert individuals entirely from the criminal justice system through initiatives such as competency dockets, mental health diversion, probate courts (civil certifications), community capacity building, and future diversion efforts created by stakeholders and/or legislative initiatives.

### Evaluation

- Continuously evaluate implementation practices to ensure the program is attaining the intended outcomes for participants, courts, and communities.

- Ensure that program access and outcomes are equitable among participants by addressing gaps in data across systems and collecting information that highlights ways the program can decrease disparities.
- Procure a case management system that can be utilized statewide to collect participant-level data and report on aggregate outcomes.
- Engage in thorough data collection and analysis of outcomes for the Bridges Program through a robust evaluation design that examines the intersection of data across contracted agencies, the Judicial Department, the Office of Civil and Forensic Mental Health, jails, and law enforcement agencies. (Currently in RFP process for the evaluation design.)
- Implement the participant survey (already designed by NCSC) in order to collect continuous client-drive feedback.
- Use qualitative evaluation methods to elevate the voice of lived experience and the service experience of participants.
- Use qualitative evaluation methods to amplify the voice of local-community stakeholders.
- Create program structures and processes which are easily adaptable to program improvements identified through the above data collection methods.

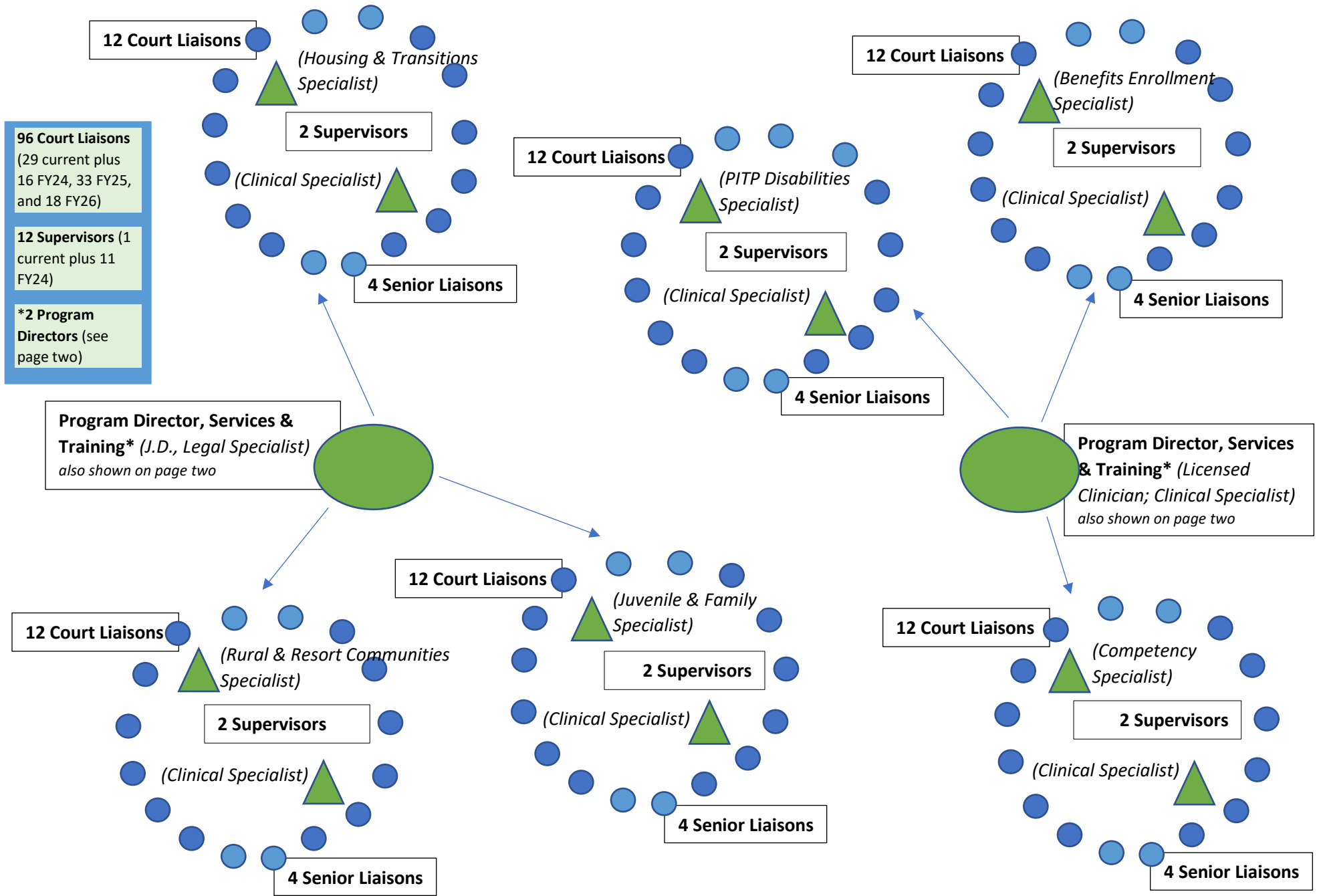


THE EXPANSION OF THE BRIDGES PROGRAM REPRESENTS A GOLDEN OPPORTUNITY FOR THE STATE TO ADDRESS THE ROOT CAUSE OF THE MOST DETRIMENTAL PROBLEM FACED BY THE CRIMINAL JUSTICE SYSTEM: THE INCREASINGLY HIGH LEVEL OF ENTANGLEMENT IN THE SYSTEM BY THOSE WHOSE CRIMINAL BEHAVIOR IS DUE TO UNTREATED BEHAVIORAL HEALTH SYMPTOMS.

~Justice System Consultant



# Bridges Program Recommended Organizational Structure



**Governing Board**

**8 Administration**  
(2 current plus 6 FY24)

**2 Administration**  
(participant services fund coordinator and one data analyst FY25)

**AG Attorney**

**Executive Director**

**Program Services Staff Assistant**

**Program Director, Services & Training**  
(Legal Specialist) *also shown on page one*

**Director of Administrative Services**

**Program Director, Services & Training**  
(Clinical Specialist) *also shown on page one*

**Program Director, Service & Resource Equity** (participant-focused DEI, stakeholder education, policy, resource development)

**Office Manager**

**Data Analyst**

**Participant Services Fund Coordinator**

**Data Analyst**

See page one for Court Liaison Team  
12 Supervisors/Specialists  
96 Court Liaisons

Infrastructure anticipated to be met through MOU and/or contracts  
Financial to support grants, procurement, accounts payable, and contracts  
Human Resources to support employee relations, employee-focused DEI, and personnel policies  
Payroll and Benefits to support payroll, benefits, onboarding  
Contract or OIT to support IT

