

DEPARTMENT OF PUBLIC SAFETY
FY 2023-24 JOINT BUDGET COMMITTEE HEARING AGENDA

Friday, December 2, 2022

2:30 pm – 4:30 pm

2:30-2:45 INTRODUCTIONS AND OPENING COMMENTS

Presenter: Stan Hilkey, Executive Director

2:45-3:00 COMMON QUESTIONS

Main Presenters:

- Stan Hilkey, Executive Director

Supporting Presenters:

- Jana Locke, Deputy Executive Director
- Terri Anderle, Budget Director

Topics:

- Question 1: Page 1-2, Question 1 in the packet
- Question 2: Page 2-3, Question 2 in the packet
- Question 3: Page 3, Question 3 in the packet
- Question 4: Page 4, Question 4 in the packet

3:00-3:30 SCHOOL SAFETY

Main Presenters:

- Stan Hilkey, Executive Director
- Jana Locke, Deputy Executive Director
- Kevin Klein, Division Director

Supporting Presenters:

- Chris Harms, Program Director

Topics:

- R2 Office of School Safety: Page 5, Questions 5-7 in the packet
- R8 Threat Assessment Training: Page 6, Question 8 in the packet

3:30-4:00 DIVISION OF FIRE PREVENTION AND CONTROL

Main Presenters:

- Stan Hilkey, Executive Director
- Mike Morgan, Division Director

Topics:

- R3 Fire Aviation Resources: Pages 7-16, Questions 9-11 in the packet
- R23 Licensing Behavioral Health: Page 16, Question 12 in the packet

4:00-4:15 COLORADO BUREAU OF INVESTIGATION

Main Presenters:

- Stan Hilkey, Executive Director
- John Camper, Division Director

Topics:

- R24 Limited Gaming: Page 17, Question 13 in the packet

4:15-4:30 DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Main Presenters:

- Stan Hilkey, Executive Director
- Kevin Klein, Division Director

Topics:

- R15 Office of Grants Management: Page 18, Question 14 in the packet

The Colorado Department of Public Safety Budget Hearing

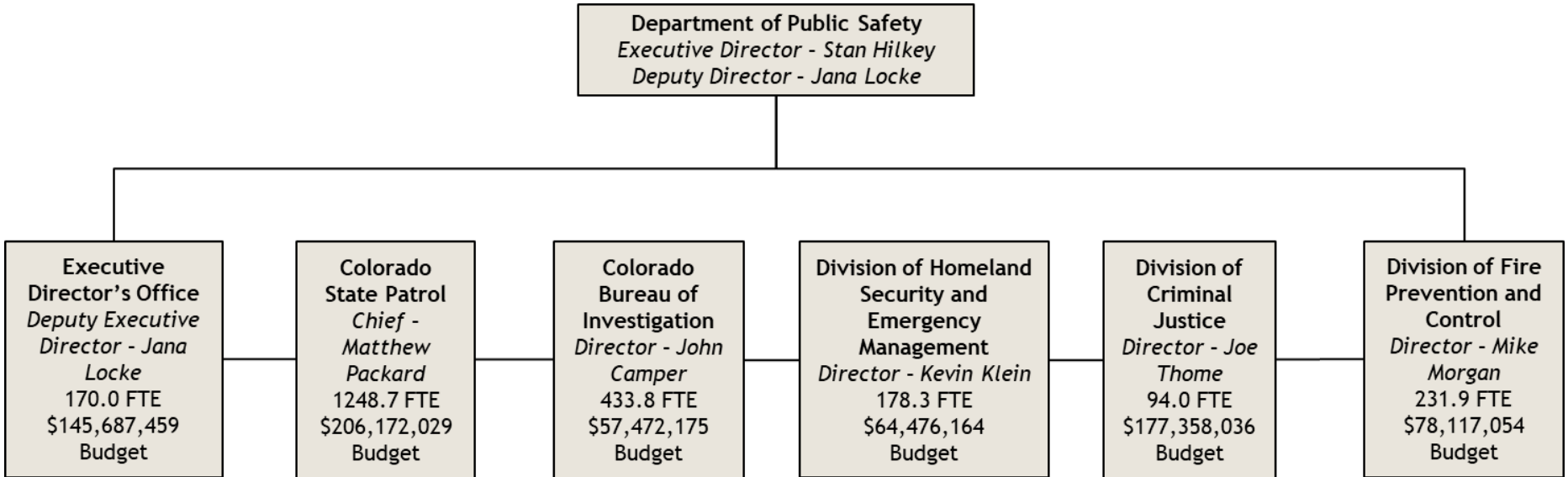
Joint Budget Committee
December 2, 2022



COLORADO
Governor Jared Polis



CDPS Organizational Chart



*Numbers based on FY24 Budget Request

Colorado Department of Public Safety Mission & Vision

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

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

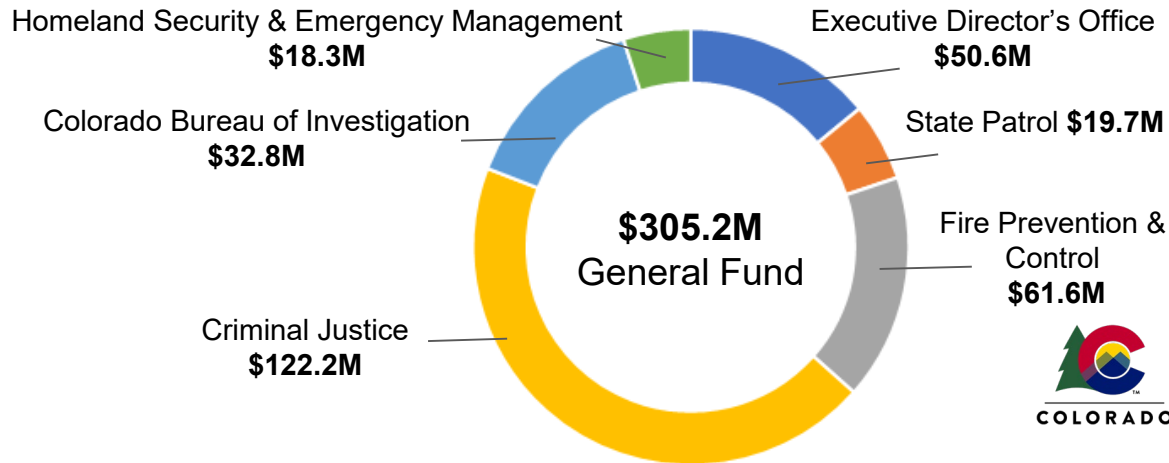
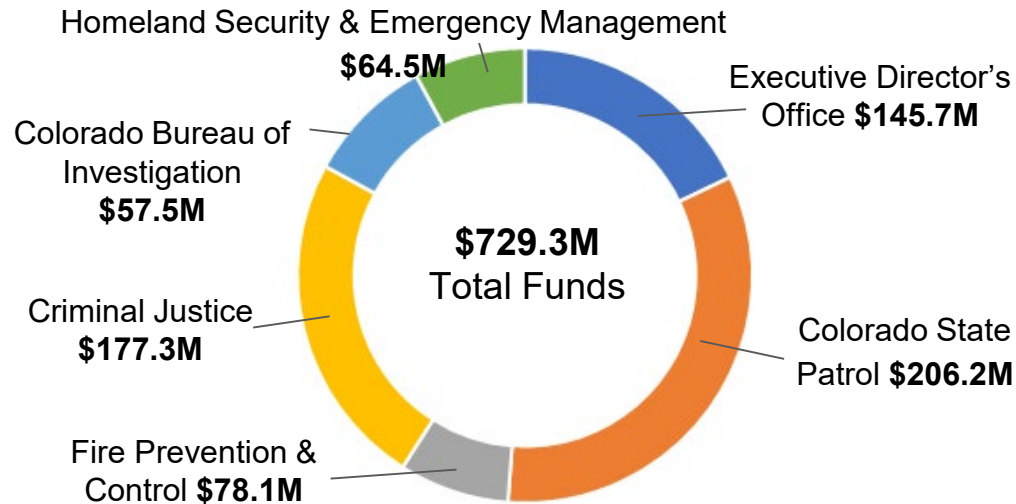
CDPS Motto: Safer Together



Department of Public Safety FY 2023-24 Budget Request

FY 2023-24 Budget Snapshot

FY 2023-24 Total Funds: \$729.3M
FY 2023-24 General Fund: \$305.2M
FY 2023-24 FTE: 2,356.7



Department of Public Safety Select FY 2022-23 Budget Requests

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

- R-01 Colorado Auto Theft Prevention Initiative
 - \$7.9M total funds, all from the General Fund. Includes 10.1 FTE.
- R-02 Create the Office of School Safety
 - \$2.1M total funds, all from the General Fund. Includes 7.3 FTE.
- R-03 Fire Aviation Resources
 - \$11.8M total funds, all from the General Fund. Includes 19.3 FTE.
- R-04 Grants for Physical Security in Schools
 - \$6.0M total funds, all from the General Fund.
- R-05 Invest in Local Crime Prevention Strategies
 - \$9.0M total funds, all from the General Fund.



Department of Public Safety Legislative Agenda

The Department respectfully requests the General Assembly consider legislation on the following:

- **Allow DPS to accept and expend gifts, grants and donations** - Currently, only two divisions (DCJ and CBI) have the authority to accept and expend gifts, grants and donations. Due to the definition changes in fiscal rule regarding custodial funds, the Department has some private cash grants that are custodial and now difficult to accept and expend. The remaining divisions will no longer have the ability to accept and expend grants like those from SIPA that offset IT related costs.
- **Consolidate School Safety Functions** - This would consolidate the School Safety Resource Center, the School Safety Disbursements Grants program, as well as create a Crisis Response Unit under the Office of School Safety.
- **Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance** - Currently, there are provisions for when a juvenile is charged and tried as an adult and rules established for the transfer of such youth to an adult jail or lockup. The request is to update the state statute to be in compliance with the federal rule and statute for hearing time frames.



Department of Public Safety Legislative Agenda

Proposed Legislation Cont.:

- **Update Civil Defense Worker Statute to Recognize Incident Management Team (IMT) Members** - The bill will update the Civil Defense Worker Statute to allow volunteer IMT members and other volunteer individuals affiliated with emergency response organizations deployed under the Colorado Disaster Emergency Act to be compensated for response activities without losing their volunteer status.
- **Misdemeanor Reform Clean-up Related to Commercial Driver's Licenses** - In SB21-271, Commercial Drivers License violations were re-classified as Traffic Infractions, from Traffic Misdemeanors. The sentencing and penalty structure are currently listed as a Misdemeanor, in turn making CDL violations unenforceable. CSP is seeking to match the Traffic Infraction penalty structure.
- **Colorado Auto Theft Prevention Authority (CATPA) Clean-up** - The bill will clarify CATPA's current statute can receive and distribute General Fund monies under their authority. This is in partnership to the R-01 Decision Item ask in the November 1 CDPS Budget Request to help ensure that CATPA can continue their mission to help communities and law enforcement agencies combat auto theft and additional criminal activity.



DEPARTMENT OF PUBLIC SAFETY
FY 2023-24 JOINT BUDGET COMMITTEE HEARING AGENDA

Friday, December 2, 2022
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COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please describe the implementation plan for new programs added to the Department from one-time stimulus funds (such as the CARES Act, ARPA, and one-time General Fund), as well as any challenges or delays to program implementation.

Response: The Department received one-time funds in the following areas:

- *Colorado Integrated Criminal Justice Information System (CICJIS): The Colorado Integrated Criminal Justice Information System is scheduled to receive ARPA funds in the next fiscal year (FY 2023-24) in the amount of \$300,000 for Personal Services and \$100,000 for Operating. These funds will be used to implement two new programs within CICJIS: 1) Electronic Citations from the Colorado State Patrol and 2) Transfer of criminal justice data to/from State county jails via the Jails Interoperability Project.*

The Electronic Citation project will allow for the electronic submission of traffic citations and summons from the Colorado State Patrol's NICHE system. These citations and summons will be transferred via CICJIS to the Department of Revenue, State Judicial and the Colorado District Attorney's Council. The end result will increase trooper safety, end redundancy of manually entering citations and summons in the aforementioned State agencies, increase the accuracy of transferred information, and allow the defendants to pay citations electronically via DOR.

The Jails Interoperability project will allow for the transfer of jail inmate information from six pilot jails: Saguache, Broomfield, Clear Creek, El Paso, Arapahoe, and Denver. The initial pilot will connect these six jails to an exchange interface developed by OIT which will then be sent to CICJIS. There are three use cases that are defined for this pilot: Custodial Management Information; Needs Codes for Mental Health; and Failure to Appear. When CICJIS receives this information, it will be transferred to one of two agencies: Department of Corrections or State Judicial. The information received from the jails will allow Corrections to better understand the needs of the inmate being transferred to State prisons and for State Judicial to determine if a defendant who is to appear in court did not appear as they are incarcerated in a county jail.

- *Division of Fire Prevention and Control (DFPC): The DFPC received one-time funding in the Wildfire Stimulus Package (\$30.8 million) to provide the necessary resources to more adequately support wildfire preparedness, aggressive initial attack efforts, and large fire suppression efforts and included new support personnel for additional aviation resources and other fire management programs in Colorado. The funding also increased capacity to implement prescribed fire, fuels treatment projects, and other wildfire mitigation projects. Program implementation is on track with no challenges or delays.*
- *Division of Homeland Security and Emergency Management (DHSEM): H.B. 22-1352 provided \$1.9 million ARPA (Revenue Loss Restoration Cash Fund) funding each fiscal year through FY 2023-24 to procure and maintain a stockpile of essential materials that are available for distribution after the Governor has declared a disaster emergency. The Department will seek General Fund in FY 2024-25 when the ARPA funds expire.*

Legislation	ARPA Funding FY 2022-23	ARPA Funding FY 2023-24	One-time Stimulus (General Fund)	FY 2023-24 Funding (General Fund)	Ongoing Funding FY 2024-25 (General Fund)
S.B. 22-196	\$ 3,500,000	\$ 2,576,570		\$ -	\$ 2,776,570
S.B. 21-113			\$ 30,800,000	\$ 3,800,000	\$ 3,800,000
H.B. 22-1352	\$ 1,881,727	\$ 1,881,727			\$ 1,881,727

**This does not include Division of Criminal Justice or Colorado State Patrol*

- 2 Please identify how many rules you have promulgated in the past year (FY 2021-22). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

Response: The Colorado Bureau of Investigation (CBI) conducted a rulemaking process related to a new alert established through the Missing and Murdered Indigenous persons legislation enacted this summer. The rulemaking process involved comprehensive stakeholder meetings along with public comment associated with the new Missing Indigenous Persons Alert. Because this alert is in its genesis, there are no additional costs associated with its creation due to the fact that it is part of the Bureau’s current framework for its other alerts.

The CBI held a virtual rule making hearing for amendments to 8 CCR 1507-29, Evidence Collection in Connection with Sexual Assaults. These rules were scheduled for review in 2022, and amendments were made to bring the rules in line with current laboratory

accreditation standards and State statute. Stakeholders were invited and several attended. The amendments did not create any additional costs and the rules have been appropriately updated.

In the past year, FY 2021-22, the Division of Fire Prevention and Control (DFPC) has promulgated the following two rules. The full language of the rules can be found on the Colorado Secretary of State's website.

- *8 CCR 1507-11 FIRE SUPPRESSION PROGRAM (Emergency Rule on 6/17/22)*
- *8 CCR 1507-31 BUILDING, FIRE, AND LIFE SAFETY CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR HEALTH FACILITIES LICENSED BY THE STATE OF COLORADO*

The DFPC did not receive requests from individuals to complete any cost benefit analysis during promulgation nor did the DFPC receive requests to complete any regulatory analyses. However, the DFPC regularly reviews its rules to ensure they are necessary, non-duplicative, easy to understand, successful, flexible, efficient, and effective, and to ensure that they protect the safety, health, and welfare of the State.

The DHSEM promulgated rules to administer grant programs enacted by H.B. 22-1077 (Colorado Nonprofit Security Grant Program), H.B. 22-1234 (Preventing Identity-based Violence Grant Program), and H.B. 22-1120 (School Security Disbursement Grant Program). A cost-benefit analysis was requested and completed for H.B. 22-1120. DORA found that "the rule in and of itself has no cost; the rule is required by statute in order to distribute \$5.82 million appropriated by the legislature for this grant program."

3. How many temporary FTE has the Department appropriated funding in each of the following fiscal years: FY 2019-20, FY 2020-21, FY 2021-22, and FY 2022-23? For how many of the temporary FTE was the appropriation made in the Long Bill? In other legislation? Please indicate the amount of funding that was appropriated. What is the department's strategy related to ensuring the short term nature of these positions? Does the department intend to make the positions permanent in the future?

Response: The Department is unable to provide temporary FTE counts. Temporary FTE are not included in the statutory definition of FTE pursuant to Section 24-75-112(1)(d)(II), C.R.S. which states that FTE does not include contractual, temporary, or permanent season positions. The department has provided as part of the November 1 request the Schedule 14A and 14B which provides actual expenditures. For the upcoming years, the department manages the dollar appropriation which has been affirmed by two Supreme Court cases (Colorado GA vs Owens and Anderson v Lamm).

4. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing the provisions of the Partnership Agreement, including but not limited to changes in annual leave accrual, holiday pay, and paid family and medical leave. If your department includes employees who are exempt from the Partnership Agreement, please indicate whether or not you intend to implement similar benefit changes as those required for covered employees. Please provide a breakdown of the fiscal impact of implementing the provisions of the Partnership Agreement for: a) employees who are subject to the Agreement, and b) employees who are exempt from the Agreement.

Response: The cost to departments for employees using the paid family medical leave was requested and approved last year (DPA FY 2022-23 R-02). For FY 2023-24 the cost is part of the POTS appropriation called Temporary Employees Related to Authorized Leave. The adjustment to annual leave and the additional holiday, as noted in the fiscal note for the bill (S.B. 22-139) were expected to be minimal and if necessary will be addressed through the annual budget process. The Governor's November 1, 2022 budget included funding for the economic articles of the Partnership Agreement, including funding for paid family medical leave. The department is working with OSPB and DPA to submit a January budget amendment if necessary to seek additional adjustments related to the Partnership Agreement. In addition, OSPB will provide the JBC with a breakdown of the fiscal impact of implementing the Partnership Agreement by department.

SCHOOL SAFETY

R2 OFFICE OF SCHOOL SAFETY

5. Did the Department work with local school districts, the Colorado Association of School Executives (CASE), and the Colorado Association of School Boards (CASB) as it developed this request? Do school districts support this request?

Response: The Department has met with a couple of groups of education stakeholders, including the Advisory Board for the Colorado School Safety Resource Center (CSSRC). The CSSRC Advisory Board includes a variety of representatives including members of CASE and a representative from CASB. The Advisory Board members expressed their whole-hearted support for the expansion of the Center. Schools have been requesting additional crisis response training and support which is one of the components outlined in the Office of School Safety. The rural superintendent on the Advisory Board also expressed his and his colleagues' concerns for additional resources for rural districts and his appreciation for assistance with obtaining grant resources that will be part of this Office of School Safety.

6. Why is the Department proposing to move school safety programs out of the Division of Homeland Security and Emergency Management?

Response: The grant programs were initially created in DHSEM because the CSSRC is a training and technical assistance program and does not have the staff or structure to manage grants. DHSEM had an existing grant making program that the school safety grant programs were added to when they were created. The Department is proposing to consolidate and supplement school safety support functions that are currently divided between two divisions into a new Office of School Safety. The request would relocate school safety-related grant programs that are housed in DHSEM into the new office along with the existing CSSRC program. By consolidating these grant programs and the training and technical assistance functions under one umbrella office, the Department hopes to better serve school districts with a one-stop shop.

7. The Department is requesting funding to create a Grants Management Unit. What grants would the unit be assisting local districts with (state, federal, or otherwise)? Is there a way to structure the Department's existing grants so that additional support is not necessary?

Response: The Grants Management Unit in the new Office of School Safety would consist of 1.0 FTE to manage the grants that are being transferred from DHSEM, as well as help school districts identify and seek new state, federal, or any other grants for school safety purposes. Under the current structure, DHSEM has the capacity and authority to distribute the grants but does not have the resources to provide additional grant seeking or writing assistance, which would particularly help rural and small school districts. If approved, the new Grants Management Unit would also administer the additional funds requested for grants to schools for physical security enhancements, such as interior and exterior door locks.

8. Please describe threat assessment training and if it pertains to school safety.

Response: Since the Colorado School Safety Resource Center's inception in 2008, behavioral threat assessment has been one main focus of the Center. Identifying students whose behavior suggests that they may be on a pathway to violence and providing resources to deter them from violence is indeed a major prevention strategy to keep Colorado schools safe. The CSSRC has trained over 199 teams in the rationale behind threat assessment and best practices in how to conduct first a screen and then a full threat assessment, when necessary. The training also includes creating a response, management and support plan for the student as well as a re-entry plan to bring the student back into the school community. Using the guidance of both the U.S. Secret Service and the U.S. Department of Education, the CSSRC has created the Colorado Threat Assessment and Management Protocol (CTAMP). Under a grant from the National Institute of Justice, the CTAMP training has been evaluated by the Center for the Study and Prevention of Violence for the fidelity of the training and the knowledge demonstrated by the participants with preliminary data showing very positive results.

Additionally, the training includes work on a scenario so that school personnel have the experience of conducting a threat assessment before actually doing so in a real-life situation. The School Safety Resource Center has a workshop that can be conducted in-person or online for school staff members not part of the threat assessment team so that they know when to make referrals to their team. This has been conducted in-person over 70 times. The CSSRC is also working on an online workshop for parents and guardians so that they have a better understanding of how the threat assessment process unfolds and how it supports a student referred for assistance. CSSRC's CTAMP training is so well regarded that school districts in six additional states have requested training from the CSSRC and use the CTAMP as well.

DIVISION OF FIRE PREVENTION AND CONTROL

R3 FIRE AVIATION RESOURCES

9. Describe the differences between aviation resources (such as a Type 1 vs. Type 2 helicopter).

Response: Resource typing is defining and categorizing, by capability, the resources requested, deployed and used on incidents. Resource typing definitions establish a common language and define a resource's minimum capabilities. Resources are first categorized by Kind (Aircraft, Crews, Equipment, and Overhead), and then further broken down by Category (e.g. within Aviation there are Air Tanker, Fixed Wing, and Helicopter Categories).

Within each Category resources are "Typed" based on minimum performance capabilities within defined components. Typing is set on a ranked basis from high to low, with Type 1 resources being the highest capability, highest performing resources within each Category.

Air Tankers are generally limited to missions of delivering fire suppressant or retardant. Air Tankers are Typed as follows:

<i>Component</i>	<i>Very Large Air Tanker (VLAT)</i>	<i>Type 1 LAT</i>	<i>Type 2 LAT</i>	<i>Type 3 LAT</i>	<i>Type 4 LAT</i>
<i>Minimum Capacity (gal)</i>	<i>> 8,000</i>	<i>3,000 to 5,000</i>	<i>1,800 to 2,999</i>	<i>800 to 1,799</i>	<i>Up to 799</i>

Helicopters are more versatile than Air Tankers, and can perform a variety of fire and non-fire missions. Primary fire missions for Helicopters are to transport personnel, equipment, supplies, and fire suppressant, and they are Typed as follows:

<i>Components</i>	<i>Type 1 Helicopter</i>	<i>Type 2 Helicopter</i>	<i>Type 3 Helicopter</i>
<i>Allowable Payload at 590 F at sea level (lb)</i>	<i>5,000</i>	<i>2,500</i>	<i>1,200</i>
<i>Passenger Seats (#)</i>	<i>15 or more</i>	<i>9 to 14</i>	<i>4 to 8</i>
<i>Retardant or Water-Carrying Capability (gal)</i>	<i>700</i>	<i>300</i>	<i>100</i>

<i>Maximum Gross Takeoff and Landing Weight (lb)</i>	<i>12,501+</i>	<i>6,000 to 12,500</i>	<i>Up to 6,000</i>
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10. Describe the Aerial Supervision platform included in the request.

Response: The proposed Air Attack and Aerial Supervision platform consists of a fixed-wing aircraft on an Exclusive Use (EU) contract for a 270-day period per year (the contract includes pilots, operations, and maintenance), along with two DFPC Firefighters that are Air Attack Group Supervisor qualified.

The primary purpose of this resource is to ensure aerial supervision is available for incidents in the State, increase capacity to coordinate airspace and resources, provide for incident safety, and reduce reliance on federal agency resources. Another benefit of Air Attack is that it can rapidly respond in the very early stages of a fire, quickly assess the fire situation, and make decisions on the appropriate number and type of aviation resources needed for the fire. Air Attack can also provide aviation expertise and technical assistance to local fire agency personnel that may not be familiar with ordering and utilization of aviation resources, reducing potential delays in response and ensuring that the right resource is ordered for the incident.

As the number and type of aviation resources increase on a wildfire, so does the complexity of managing the airspace, safely and effectively utilizing those resources, and coordinating with ground personnel. Interagency wildfire standards require aerial supervision when there are mixed resources (fixed and rotor wing assets) and/or when there are more than 2 aviation resources on a fire. The State of Colorado and federal agencies have increased the number of tactical aviation resources over the last several years, but without a corresponding increase in aerial supervision resources. Currently all aerial supervision platforms are federal resources, and are subject to pre-positioning and use based on national priorities and not necessarily on Colorado's needs. This can result in longer response times or unavailability of aerial supervision in Colorado. This proposal increases Colorado's capacity for aerial supervision, ensures a minimum level of resource availability during the core fire season, and reduces Colorado's reliance on federal resources.

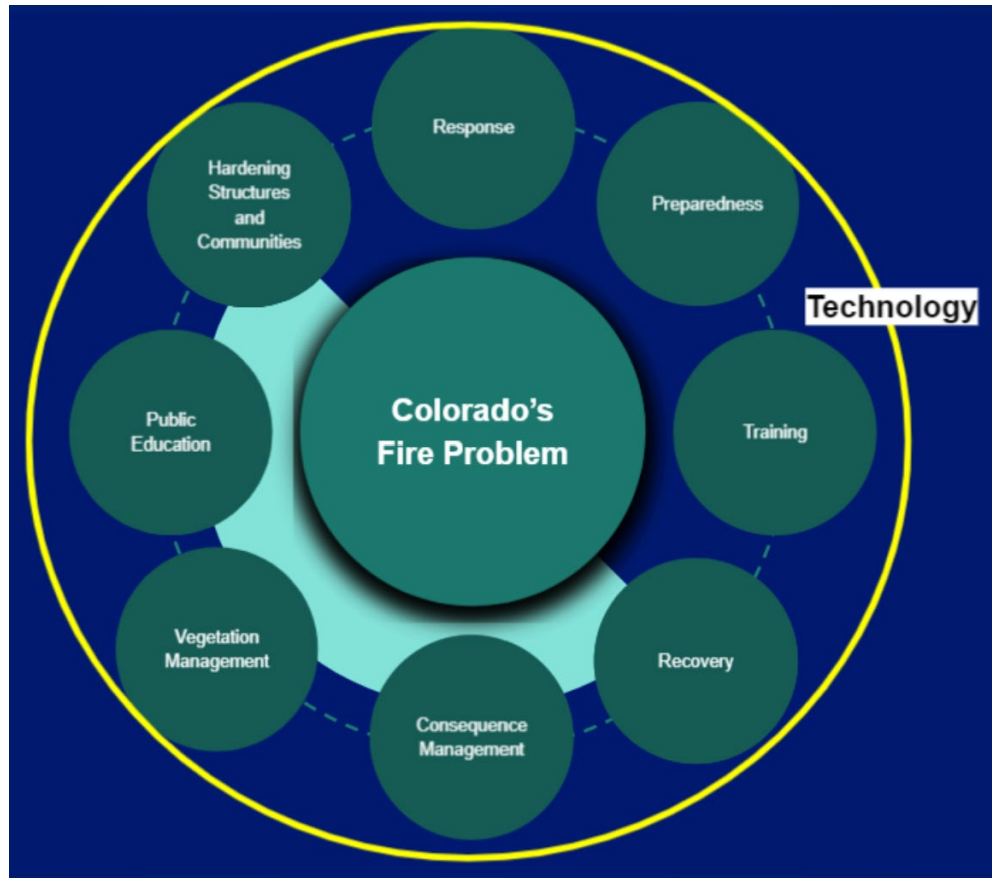
11. Describe how the Department's role in wildfire prevention has changed over time. Please describe each state agency's role in preparedness and response (including the Department of Natural Resources and the Colorado State Forest Service. How do these agencies communicate? Why is building hardening located within CSFS, and would that be an appropriate responsibility for DFPC?

Response:

Wildfire Prevention

Fire Prevention can be defined as the measures and practices directed toward the prevention and suppression of destructive fires. Prevention and community risk reduction activities consist of the "5 E's": Education, Engineering, Enforcement, Emergency Response, and Economic Incentives. All of DFPC's Sections (Center of Excellence (COE), Fire and Life Safety (FLSS), Professional Qualifications and Training (PQTS), and Wildland Fire Management (WFMS) play a role in Fire Prevention.

Wildfire mitigation and prevention are often confused, and overlap in some areas. Traditionally, wildfire mitigation is thought of in terms of forest and vegetation management. DFPC's definition of mitigation is any action that reduces the likelihood or severity of an event when it occurs. Refer to the diagram below for DFPC's view of the wildfire problem and necessary solutions. Key points are: 1) it has taken us decades to get to the current state, and it will take decades to correct it; 2) there is no one silver bullet to remedy the wildfire problem; 3) effective solutions will require significant investments by all levels of government; and 4) technology needs to be utilized to find more effective, efficient methods of addressing the wildfire problem.



Since the beginning, DFPC has been responsible for a variety of Prevention programs. The DFPC Fire and Life Safety Section administers the fire, building, and life safety codes adopted by DFPC. The Section is also available to assist local fire and/or building officials with plan review, inspection, code analysis of non-regulated facilities, community risk reduction efforts, and fire origin and cause investigations at their request.

The DFPC Wildland Fire Management Section administers the State's prescribed fire program, which is an important tool in wildfire prevention through fuels reduction, and can benefit communities, natural resources, etc. DFPC roles and responsibilities in prescribed fire include: Develop and maintain prescribed fire rules for use by State and local agencies; Develop and provide training curriculum for a certified burner program to private landowners and local agency personnel; Provide technical assistance on project design and planning to local, County, and State agencies; and Provide experienced and qualified resources for implementation of prescribed fire projects.

In 2021, DFPC adopted the International Wildland-Urban Interface Code, published by the International Code Council, for all regulated facilities, including all public schools, charter schools, junior colleges, licensed healthcare facilities, among others, which aids in the hardening of these structures, as well as in creating defensible space around them.

Most recently though and through ongoing collaboration with the Department of Natural Resources (DNR) and the Colorado State Forest Service (CSFS), DFPC has come to recognize a more holistic approach is warranted. These agencies agree that the current interventions practiced by the individual agencies need to be bolstered with an ongoing joint educational campaign; the research into and selection and development of one or more incentive programs; the further application of existing and developing engineering solutions; and further enhancement and application of enforcement measures. Leadership from the three agencies meet regularly to continue these collaborations and discussions.

Wildfire Preparedness

Wildfire preparedness consists of the range of deliberate, critical tasks, and activities necessary to build, sustain, and improve the capability to protect against, respond to, and recover from wildfire.

Colorado law, specifically Section 24-33.5-1227(2)(a), C.R.S., requires the Director of the DFPC to develop an annual Wildfire Preparedness Plan. This plan is presented to the Governor and the General Assembly every spring.

DFPC Preparedness:

DFPC's primary roles and responsibilities in wildfire preparedness include:

- *Provide wildfire training to local fire agencies and Counties;*
- *Manage grant programs to provide PPE and equipment to small, rural fire agencies and Counties;*
- *Manage the Incident Qualifications System (IQS) to maintain and track wildfire qualifications for firefighters (local, County, and State personnel);*
- *Facilitate entry of personnel (local, County, and State) and their qualifications into Interagency dispatch systems for response across the State and country as needed;*
- *Facilitate entry of equipment and other resources (local, County, and State) into Interagency dispatch systems for response across the State and country as needed;*
- *Complete and maintain County Annual Operating Plans;*
- *Complete and maintain cooperative fire management agreements with federal (BLM, BIA, NPS, USFWS, USFS, and FEMA), other States and Provinces, Counties, and Fire Departments;*
- *Coordinate fire restrictions and bans with County and federal agencies;*
- *Provide general subject matter expertise for local fire agencies;*
- *Coordinate and facilitate interagency relationships and cooperative wildfire management programs with all levels of government; and*
- *Represent Colorado on Coordinating Groups and Oversight Boards at the local, State, and Rocky Mountain Region levels that provide directives, guidance, and processes for wildfire dispatching, response, and administration*

Currently DFPC is developing and implementing new systems and processes for dispatching and mobilization of fire-based resources across the State. These new systems and programs are based on recommendations of the Colorado Fire Commission that were adopted by the Governor's Office and General Assembly in the 2021 and 2022 Legislative session. Key points and outcomes of this effort include:

- *Replaces the existing "system of systems" model of dispatching fire resources, which is confusing and results in delays and inefficiencies;*
- *Provides "one stop shopping" for Fire Chiefs and County Sheriff's local capacity is exceeded and they need fire resources beyond the local area;*
- *Provides one system for regional and statewide mobilization of all fire-based resources, rather than separate systems for wildfire, structure fire, and other types of fire incidents;*
- *Updates the traditional seasonally staffed interagency wildfire dispatch system to meet Colorado's year-round needs;*
- *Improves the State's capacity to manage, track, and mobilize State fire resources; and*
- *Provides rules and framework for mutual aid response on a regional and statewide basis to improve the effectiveness and efficiency of fire resources in the early stages of an incident.*

CSFS Preparedness:

CSFS is the State's lead Forest Management agency. They manage a variety of programs including, but not limited to: providing technical assistance and forestry services to a variety of landowners; managing a variety of federal and state grant programs for forest management, fuels reduction, and risk mitigation activities; coordination and management of Community Wildfire Protection Plans (CWPP), the Firewise USA program, and the Forest Action Plan; and maintain the Colorado Wildfire Risk Assessment (CO-WRAP) program. DFPC recommends contacting CSFS directly for additional details on their roles, responsibilities, and programs.

DNR Preparedness:

DNR is responsible for and manages a variety of programs including: management of state-owned lands (State Parks, State Wildlife Areas, State Trust Lands, etc.); the Colorado Water Conservation Board, and the Division of Water Resources. Recently S.B. 21-258 added several wildfire mitigation related programs, including additional risk assessments, workforce development, and the Colorado Strategic Wildfire Action Plan (CO-SWAP). DFPC recommends contacting DNR directly for additional details on their roles, responsibilities, and programs.

Wildfire Response

DFPC Wildfire Response:

Colorado's structure for managing wildland fires is a cooperative, interagency system involving local, county, state, tribal, and federal agencies. Wildland fire protection responsibilities on non-federal lands in Colorado follow a hierarchy of local jurisdiction, to the county sheriff, and finally to the State of Colorado (DFPC). DFPC is the lead State agency for wildland fire management.

DFPC has aviation and ground-based response resources that respond to wildfire and all-hazard incidents, implement prescribed fire and fuels treatment projects, and conduct training and other fire management programs in support of Fire Department, County, and federal agencies. DFPC's ground-based resources include six (6) staffed Engines and five (5) Modules (group of 6 to 10 firefighters). The DFPC aviation resources include: two (2) agency-owned Multi-Mission Aircraft (MMA), two (2) contracted Single Engine Air Tankers (SEATs), one (1) contracted Large Air Tanker (LAT), two (2) contracted Type 2 Helicopters with DFPC Helitack crews, and the one (1) agency-owned Type 1 Firehawk Helicopter and Helitack in 2023. In addition, DFPC District and Battalion Chiefs provide a variety of subject matter expertise and technical assistance to local governments for both preparedness and response.

DFPC utilizes two State-owned Multi-Mission Aircraft (MMA), the Fireguard program, and a pilot program on cameras to detect new fires while they are small, provide early data and clarity on emerging fire to jurisdictional agencies, and can provide continual monitoring and mapping of established fires. The information provided by these programs increases informed decision making by incident commanders, Fire Chiefs, and Sheriffs, and facilitates early, aggressive initial attack actions in areas where fire is not wanted. DFPC provides early detection, mapping, and support services on all jurisdictions in Colorado, including federal lands. In 2022 alone, the DFPC MMA's have detected 147 previously unknown fires to date.

DFPC administers and manages the Enhanced State Assistance (ESA) program that is utilized on Fire Department and County responsibility fires. The ESA program provides assistance, resources, and funding support to local governments during the early stages of fires. The intent of the program is to reduce or eliminate availability of resources and local budget constraints as decision making barriers, to reduce the duration, size, costs, and impacts to values at risk in areas where fire is not wanted. ESA is based on the closest forces concept to utilize the nearest available resource (whether it is a state or federally managed resource), reduce unnecessary delays, and take quick action. The ESA program provides State resources and funding for interagency aviation and handcrew resources during the first 1 to 2 days of locally managed fire.

Some fires will exceed County capacity due to weather, fuels conditions, fire behavior, and local capacity to manage complex, extended wildfires. State statute (30-10-513, C.R.S.) defines roles and responsibility for the Sheriff and DFPC in these situations. When County capacity is exceeded, the Sheriff is responsible for requesting the assistance of DFPC. DFPC field staff and the Sheriff conduct an analysis of the fire situation and submit a request to the DFPC Director for consideration of State Responsibility. Based on analysis of the County's capability to manage the fire and available funds (Emergency Fire Fund or Disaster Emergency Fund), the DFPC Director will approve State Responsibility. Once approved, DFPC and the Sheriff enter into an agreement, DFPC assumes management and fiscal responsibility for the fire along with the Sheriff, and DFPC Agency Administrators then develop objectives for the incident, delegate authority to manage the fire to an incident management team, develop cost share agreements with involved federal agencies, and provide leadership and coordination until the fire is returned back to the County and ultimately the local fire agency.

DFPC also provides other support roles before, during, and after wildfires, including: under the guidance and partnership with the Department of Public Health and Environment, preparation of evacuation plans and guidance before fires, assistance with evacuations of health care facilities during fires, and assisting with the safe reentry of healthcare facility populations after a fire; under the authority and in partnership with local building departments, evaluating structures within affected communities for structural integrity and safety prior to re-population of communities following a fire; and ensuring the integrity and safety of public schools, charter schools, and junior colleges before fires by aiding and assisting with preparation and preplanning for evacuation and evaluating these structures for structural integrity and safety prior to reentry by staff and students following a fire.

CSFS and DNR Wildfire Response: these agencies do not have formal authorities and responsibilities for wildfire response. They primarily play a support role during response by providing technical assistance and input to wildfire managers and incident command on natural resource issues, management of state lands, and land rehabilitation following fires. CSFS and DNR agency personnel may occasionally be assigned to firefighting resources as a secondary job duty. DFPC recommends contacting CSFS and DNR for additional questions on their roles and programs.

State Agency Communication:

Leadership from CSFS, DFPC, and DNR regularly meet to plan, coordinate programs, and leverage agency resources related to wildfire management programs. Field staff from the 3 agencies regularly partner to plan and implement projects and programs, and represent the State at meetings and events involving local agencies and stakeholders.

Agency leadership also regularly present and testify to the OSPB, the JBC, the Wildfire Matters Review Committee, etc.

Other items related to agency communication and coordination:

- *CSFS and DFPC developed an MOU in 2021 that outlined each agency's roles and responsibilities, and how the agencies coordinate and assist each other.*
- *CSFS, DFPC, and DNR developed an interagency agreement that outlined how the 3 agencies would cooperate and coordinate to implement the various components of SB21-258 (Wildfire Risk Mitigation).*
- *CSFS and DFPC staff are the Colorado representatives to the Western States Fire Managers (WSFM), which is made up of designated State agency wildfire leads for 17 western States. This group assesses, coordinates, and collaborates on wildfire policies, programs, and issues at the regional and national levels. The DFPC representative is currently the Vice-Chair of the WSFM and will be Chair in 2024.*
- *CSFS and DFPC staff are currently working with US Forest Service personnel and other stakeholders to implement S.B. 22-007 (Increase Wildfire Risk Mitigation Outreach Efforts). The group is working to determine how best to conduct outreach campaigns during Wildfire Awareness Month in 2023 and 2024, as well as other outreach efforts that inform and motivate residents in the WUI to engage in more wildfire risk mitigation.*

Building Hardening

The intensity and complexity of the wildfire problem continues to increase in Colorado. One of the most significant challenges related to this change in complexity is the number of structures and critical infrastructure within the wildland urban interface (WUI). Historically, wildfires were viewed as predominantly a natural resource problem as it was impacting the State's natural resources more than the citizens. The fires are now burning in subdivisions and impacting entire communities, economies, and overall quality of life and our "lens" through which we view this threat has needed to change accordingly. We now know that the wildfire problem has morphed into a major public safety risk and the roles, responsibilities, and skill sets of public safety minded agencies are more and more critical to achieve success. DFPC is responsible for filling this role and continues to work with the natural resource agencies (CSFS and DNR) on a regular basis to make sure both the public safety, and the natural resource objectives are being considered in a more holistic decision making and risk management process. Forestry management, and building codes and community hardening are different skill sets. DFPC's capacity and capability is as follows:

The DFPC currently employs over thirty (30) code professionals, who are highly skilled in the application and enforcement of one or many of the building, fire, life safety, and wildland-urban interface codes adopted and administered by the DFPC. The application of these codes includes ensuring that the structures regulated by the DFPC are hardened,

bolstering subject matter expertise related to structure hardening inherent to all DFPC code professionals. DFPC code professionals work daily to ensure that the built environment is constructed to meet minimum standards that help ensure that our buildings are safe from fire and other emergencies, so it would stand to reason that building hardening would be an appropriate responsibility for DFPC to administer.

R23 LICENSING BEHAVIORAL HEALTH ENTITIES

12. How does this request and the Department of Public Safety's responsibilities relate to the Office of Behavioral Health?

Response: H.B.19-1237 changed the duties of the DFPC in section 24-33.5-1203, C.R.S., to require DFPC to begin conducting fire and life safety inspections and plan reviews on July 1, 2023, in behavioral health programs that previously existed within the Office of Behavioral Health (OBH) and that will now be housed and administered by the Behavioral Health Administration (BHA). These are statewide behavioral health programs such as crisis services, Substance Use Disorder (SUD) treatment, care coordination, and other community mental health and substance use services.

H.B. 22-1278 established the BHA in the Department of Human Services (DHS) to create a coordinated, cohesive, and effective behavioral health system in the state. The BHA will handle most of the behavioral health programs that were previously handled by the OBH in the DHS. Although the bill moved the above-stated programs from the OBH to the BHA, the DFPC responsibility to conduct fire and life safety inspections and plan reviews in these facilities did not change.

This request is to provide the funding and the FTE necessary to conduct the required fire and life safety inspections and plan reviews in the above-outlined facilities. With the development of H.B. 22-1278, DFPC will still be required to provide these services, so the fiscal note submitted for H.B. 19-1237 remains in effect and is still necessary to perform the required facility inspections and plan reviews.

COLORADO BUREAU OF INVESTIGATION

R24 LIMITED GAMING

13. Describe how the request will impact existing capacity to continue to prosecute crimes related to limited gaming. Will the request result in decreased investigation or prosecution?

Response: As a practical matter, CBI has been out of this agreement for over a year now, and there has been no negative impact on our ability or willingness to investigate Gaming-related cases. Rather than maintaining a standing Gaming Team, which was greatly underutilized, we are now simply handling such cases on a 'by-request' basis, which is more in keeping with how the CBI is notified of nearly all of the cases that we work.

The Agents who were previously assigned to the Gaming Team are still with us in other investigative capacities, and they stand ready to handle or assist with any Gaming-related case for which their services would be helpful. Such requests could come from the Division of Gaming, or direct from any local law enforcement agency needing assistance with a Gaming-related or Organized Crime matter.

The CBI does not believe that this change will impact prosecutions one way or the other. Prosecutors had shown great reluctance to prosecute the kind of minor gaming offenses that we were being assigned. On more major organized crime cases that had a gaming nexus, prosecutors were more than willing to prosecute, and we don't expect that willingness will change.

DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

R15 SUSTAIN OFFICE OF GRANTS MANAGEMENT OPERATIONS

14. Please describe to what extent the grants that could be received would exceed the costs of the request.

Response: Generally, for every dollar in damage assessment, there are another four dollars in unanticipated or unknown costs. Over the course of the last five years, it is estimated that the State was unable to collect or obligate and distribute at least \$100 million of federal funding to state or local jurisdictions due to the staff's limited capacity to secure the funding. These estimates include:

- *\$20 million for the 2018 wildfire season being undeclared FEMA Public Assistance disasters*
- *\$10 million for the Hinsdale flooding incident being undeclared FEMA Public Assistance disasters*
- *\$50 million in lost COVID eligibility with no capacity to investigate expenditures and provide proactive training to State agencies*
- *\$10 million in mitigation funding due to lack of training for the local governments*
- *\$10 million in de-obligated funding due to local governments not understanding grant rules and responsibilities*