

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2024-25

JUDICIAL DEPARTMENT Independent Agencies – Part 1 of 2

Including Office of State Public Defender, Office of Child Protection Ombudsman, Independent Ethics Commission, Office of Public Guardianship, Commission on Judicial Discipline, Statewide Behavioral Health Court Liaison (Bridges Program), Administrative Services for Independent Agencies, and Office of Judicial Discipline Ombudsman

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

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HOW TO USE THIS DOCUMENT

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

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

In some of the analysis of decision items in this document, you may see language denoting certain 'levels of evidence', e.g. theory-informed, evidence-informed, or proven. For a detailed explanation of what is meant by 'levels of evidence', and how those levels of evidence are categorized, please refer to Section 2-3-210 (2), C.R.S.

JUDICIAL – INDEPENDENT AGENCIES OVERVIEW

This document addresses the Judicial Independent Agencies, except for the Office of Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel. These three agencies will be addressed in a Judicial Independent Agencies Part 2 of 2 document. Similarly, the Courts and Probation are addressed in a separate document.

In addition to the Courts and Probation – understood as the traditional *Judicial Branch* and state court system – the Judicial Department also includes the following independent agencies:

- The *Office of the State Public Defender* (OSPD) provides legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of incarceration. The OSPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices.
- The *Office of Alternate Defense Counsel* (OADC) oversees the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child's Representative* (OCR) oversees the provision of legal services for children, including legal representation of children involved in the court system due to abuse or neglect.
- 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.
- The *Office of the Child Protection Ombudsman* (OCPO) serves as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system.
- The *Independent Ethics Commission* (IEC) hears complaints, issues findings, assesses penalties, and issues advisory opinions on ethics-related matters concerning public officers, state legislators, local government officials, or government employees.
- The *Office of Public Guardianship* (OPG) provides legal guardianship services for incapacitated and indigent adults who have no other guardianship prospects. The OPG originated as a pilot program in 2017 to serve the 2nd judicial district (Denver) and eventually the 7th and 16th judicial districts in Southwest and Southeast Colorado, respectively. In 2023 the program was made permanent for the provision of statewide guardianship services by December 31, 2030.
- The *Commission on Judicial Discipline* (CJD) supports the operations of the Commission to investigate and resolve potential judicial misconduct.
- The *Statewide Behavioral Health Court Liaison*, known as *Bridges of Colorado* (BRI) originated as a program located in the state courts in 2018 and was established as an independent agency in 2023 to provide court liaisons statewide, charged with reporting to the court and the provision of case

management services for participants involved in the criminal justice system who have entered the competency process or who are at risk of entering competency due to behavioral health issues.

- The *Office of Judicial Ombudsman* (OJO), Established in 2023 by H.B. 23-1205 (Office of Judicial Ombudsman) as an independent agency within the Judicial Department, to begin operations in 2024, "to act as an independent, confidential, informal, impartial, neutral, and nonpartisan office that responds to questions or concerns from a complainant about misconduct that occurs within the department".
- The *Office of Administrative Services for Independent Agencies* (ASIA) was established in 2023 to more efficiently and effectively provide centralized administrative and fiscal support services, including payroll, accounting, budgeting, and human resources guidance and support, for independent agencies not otherwise appropriated agency-specific central support services staff.

(5) OFFICE OF STATE PUBLIC DEFENDER

The Office of State Public Defender (OSPD) is established by Section 21-1-101, et seq., C.R.S., as an independent agency within the Judicial Branch to provide legal representation for indigent defendants who are facing incarceration. This provision requires the OSPD to provide legal representation to indigent defendants "commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function." The five-member Public Defender Commission, appointed by the Supreme Court, governs the OSPD and appoints the State Public Defender. The OSPD provides representation through staff attorneys located around the state. The OSPD is the largest independent agency within the Judicial Department, its central administrative office is located in the Ralph L. Carr Colorado Judicial Center, and, except for a small amount of cash funds from training fees and grants, is funded by General Fund.

OFFICE OF STATE PUBLIC DEFENDER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$155,572,694	\$155,417,694	\$155,000	\$0	\$0	1,098.7
Other legislation	100,800	100,800	0	0	0	0.0
HB24-1188 (Supplemental)	790,473	506,157	284,316	0	0	3.1
TOTAL	\$156,463,967	\$156,024,651	\$439,316	\$0	\$0	1,101.8
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$156,463,967	\$156,024,651	\$439,316	\$0	\$0	1,101.8
OSPD R1 Attorney FTE	11,397,558	11,397,558	0	0	0	90.3
OSPD R2 Social Workers and Client Advocates	817,534	817,534	0	0	0	9.9
OSPD R3 Digital Discovery	136,934	136,934	0	0	0	0.9
OSPD BA1 Expert witness rate increase	180,039	180,039	0	0	0	0.0
OSPD BA2 IT licensing	123,636	123,636	0	0	0	0.0
OSPD BA3 Office security	27,789	27,789	0	0	0	0.0
OSPD BA4 Grants spending authority	588,364	0	588,364	0	0	5.7
OSPD BA5 Training	0	0	0	0	0	0.0
JBC-SI OSPD training resources policy	116,000	116,000	0	0	0	0.0
Centrally appropriated line items	11,336,226	11,336,226	0	0	0	0.0
Annualize prior year actions	693,422	977,738	(284,316)	0	0	0.7
TOTAL	\$181,881,469	\$181,138,105	\$743,364	\$0	\$0	1,209.3
INCREASE/(DECREASE)	\$25,417,502	\$25,113,454	\$304,048	\$0	\$0	107.5
Percentage Change	16.2%	16.1%	69.2%	0.0%	0.0%	9.8%
FY 2024-25 EXECUTIVE REQUEST	\$187,577,214	\$186,833,850	\$743,364	\$0	\$0	1,264.8
Request Above/(Below) Recommendation	\$5,695,745	\$5,695,745	\$0	\$0	\$0	55.5

DESCRIPTION OF INCREMENTAL CHANGES

OSPD R1 ATTORNEY FTE: The recommendation includes an increase of \$11.4 million General Fund and 90.3 FTE for FY 2024-25 for 70 attorneys and 58 support staff, related to four identified categories of need including increased discovery, specialty courts and dockets, competency, and juveniles charges as adults.

OSPD R2 SOCIAL WORKERS AND CLIENT ADVOCATES: The recommendation includes an increase of \$817,534 General Fund and 9.9 FTE for FY 2024-25 for 11 licensed social workers related to increased need for addressing clients with behavioral health and mental health challenges.

OSPD R3 DIGITAL DISCOVERY: The recommendation includes an increase of \$136,934 General Fund and 0.9 FTE for a second OSPD IT manager position to better manage increasing digital discovery and related IT systems and infrastructure.

OSPD BA1 EXPERT WITNESS RATE INCREASE: The recommendation includes an increase of \$180,039 General Fund to fund the 18 percent hourly rate increase for expert witnesses established by Chief Justice Directive 12-03.

OSPD BA2 IT LICENSING: The recommendation includes an increase of \$123,636 General Fund for increased Axon vendor licensing costs. Axon provides the evidence.com website that provides evidence management and distribution services for body-worn camera hardware and software for local law enforcement agencies. This evidence provision system bypasses the statewide discovery system created in S.B. 14-190 (Statewide Discovery Sharing System), requiring prosecutors and the OSPD to pay vendor costs for discovery access at vendor-determined rates.

OSPD BA3 OFFICE SECURITY: The recommendation includes an increase of \$27,789 General Fund, including \$16,449 for one-time costs to complete installation of security systems at statewide regional OSPD offices and \$11,340 ongoing for monthly monitoring.

OSPD BA4 GRANTS SPENDING AUTHORITY: The recommendation includes an increase of \$588,364 cash funds from grants and 5.7 FTE for additional grants spending authority related to anticipated grants for FY 2024-25.

OSPD BA5 TRAINING: The recommendation includes no adjustment for this OSPD request for training.

JBC-SI OSPD TRAINING RESOURCES POLICY: The recommendation includes an increase of \$116,000 General Fund for training costs associated with the recommended additional attorney and legal defense team staff for the R1 and R2 request items. This recommendation includes the establishment of a budget policy to provide \$1,000 for training for OSPD attorneys, investigators, paralegals, and social workers on an ongoing basis.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$11.3 million total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Step Plan	\$3,773,303	\$3,773,303	\$0	\$0	\$0	0.0
Salary survey	3,434,832	3,434,832	0	0	0	0.0
PERA Direct Distribution	1,622,163	1,622,163	0	0	0	0.0
AED/SAED	864,862	864,862	0	0	0	0.0
Health, life, and dental	569,942	569,942	0	0	0	0.0
Leased space	567,729	567,729	0	0	0	0.0
Paid Family & Medical Leave Insurance	482,725	482,725	0	0	0	0.0
Vehicle lease payments	17,560	17,560	0	0	0	0.0

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Short-term disability	3,110	3,110	0	0	0	0.0
TOTAL	\$11,336,226	\$11,336,226	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net increase of \$693,422 total funds, including an increase of \$977,738 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD FY24 R1/BA1 Comp Plan Maint	\$1,517,839	\$1,517,839	\$0	\$0	\$0	0.0
HB23-1012 Juv Competency to Proceed	19,200	19,200	0	0	0	0.0
OSPD FY24 R3 Central Support Staff	7,988	7,988	0	0	0	0.4
OSPD FY23 R1 Pub Def in Digital Age	1,711	1,711	0	0	0	0.2
OSPD FY24 S4 grants spending authority	(284,316)	0	(284,316)	0	0	(2.6)
OSPD FY24 S1 Expert witness rate incr	(180,039)	(180,039)	0	0	0	0.0
OSPD FY24 S3 office security	(174,732)	(174,732)	0	0	0	0.0
OSPD FY24 S2 IT licensing	(123,636)	(123,636)	0	0	0	0.0
OSPD FY23 R2 Paralegal Staff	(62,843)	(62,843)	0	0	0	3.2
C&P FY24 S9 fiscal note adjustments	(27,750)	(27,750)	0	0	0	(0.5)
TOTAL	\$693,422	\$977,738	(\$284,316)	\$0	\$0	0.7

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OSPD table is \$5.7 million General Fund and 55.5 FTE. This includes differences of:

- \$3.3 million and 37.7 FTE less for the R1 Attorneys request;
- \$2.1 million and 17.7 FTE less for the R2 Social Workers request;
- \$144,493 less for Training (BA5 Training and JBC staff-initiated Training Resources Policy).

DECISION ITEMS – OFFICE OF THE STATE PUBLIC DEFENDER

→ OSPD R1 ATTORNEY FTE

REQUEST: The OSPD requests \$14.7 million General Fund and 128.0 FTE for FY 2024-25, annualizing to \$13.8 million General Fund for FY 2025-26, to add 70.0 attorney FTE and 58.0 support staff FTE.

RECOMMENDATION: Staff recommends that the Committee approve the request for attorney and support staff positions. Staff recommends an appropriation of \$11,397,558 General Fund and 90.3 FTE for FY 2024-25, annualizing to \$14,603,065 General Fund and 128.0 FTE for FY 2025-26, as outlined in the budget build table at the end of the analysis.

ANALYSIS

PUBLIC DEFENSE WORKLOAD

The RAND Corporation issued its "National Public Defense Workload Study" in September that created national workload standards for public defenders; the first update of national standards since 1973. The study relied on criminal defense experts participating in a "Delphi" process to identify the number of hours a reasonably effective criminal defense attorney should spend on a particular type of case. The OSPD states that the study's conclusions are consistent with the OSPD's own Delphi study from 2017. The RAND study suggests that nationwide, public defender agencies should triple their attorney staff and Colorado should quadruple its public defenders to meet new workload standards.

The RAND study highlighted the significant challenges faced by defenders that have significantly increased workloads, noting that "[t]oday's public defender must possess the skills and time to review police and public camera video, social media and cell phone data, forensic evidence from DNA to chemical drug analysis" and defenders must address "psychological and brain disorders and the impact on [their] clients".

PD-DA COMPARISON

The OSPD states that it handles 70 percent of criminal cases statewide and identifies that public defense is understaffed relative to prosecution. The following table outlines the staffing differences for the front range judicial districts.

FRONT RANGE JUDICIAL DISTRICT PD-DA ATTORNEY COMPARISON - NOV 2022 (SOURCE: OSPD)			
JUDICIAL DISTRICT	DA ATTORNEY FTE	OSPD ATTORNEY FTE	OSPD PERCENTAGE
1st (Jefferson)	74.0	43.0	58.1%
2nd (Denver)	109.0	76.0	69.7%
4th (El Paso)	92.0	76.0	82.6%
8th (Larimer)	41.3	24.0	58.1%
17th (Adams)	93.0	50.0	53.8%
18th (Arapahoe/Douglas)	102.0	61.0	59.8%
19th (Weld)	34.0	30.0	88.2%
20th (Boulder)	38.0	20.0	52.6%
Total	583.3	380.0	65.1%

The OSPD adds that public defenders have additional ethical duties to establish productive relationships with individual clients, and states that OSPD clients are incarcerated in understaffed detention facilities, making meaningful client communication even more difficult and time-intensive.

FOUR IDENTIFIED CATEGORIES OF NEED

This request addresses four categories of challenges:

- (1) Increased discovery: the exponential increase in the amount and complexity of electronic discovery Colorado defenders must receive, organize, and review;
- (2) Specialty courts and dockets: the number of courtrooms and "nontraditional" dockets where public defenders are expected and required to appear or "staff";
- (3) Competency: the increase in clients experiencing behavioral health challenges and significant mental illness; and

(4) Juveniles charged as adults: the work involved in representing juveniles charged as adults.

1. INCREASED DISCOVERY

The OSPD states that since 2016, the amount of data it is receiving and storing in its cases has increased 4500 percent; and the scope, amount, and complexity of discovery across all case types is the biggest driver of increased staffing needs.

Law enforcement continues to expand its use of technology-based investigative techniques such as RADIX Corporation's LEONighthawk, Lexis-Nexis's ZETX, Google's Geo-fencing, SECURUS and voice recognition. Many police departments now use specialized software programs to analyze records like call detail, wiretap recordings, social media, pen register and trap/trace devices, and GPS. Records include large pdf documents and thousands of media files.

Prosecutors provide hundreds of hours of jail phone calls, terabytes of computer data, multiple police officer body-worn camera, and data from these high-tech investigative tools. Police agencies and prosecutor offices have expanded their use of specialized units that investigate complex crimes involving allegations of human trafficking, wire fraud, fentanyl distribution, and "street gangs".

In FY 2022-23, the JBC approved the OSPD request for 104.0 paralegal FTE to address the increased workload resulting from the increase in the amount of discovery in criminal cases. Paralegals have helped trial attorneys collect, organize, and manage discovery in their most serious cases. However, the diversity of types of files and naming conventions for the many thousands of files received in a single case consume paralegal time. In one Denver area jurisdiction, fifteen different arresting agencies provide discovery, with each agency having its own discovery practices and using different software programs for their media.

While OSPD paralegals have been critical in preparing discovery for review, and at times reviewing and summarizing it for the defense team, attorneys continue to have an ethical duty to do their own independent review of discovery. Colorado Rule of Professional Conduct 1.1 requires competent representation which includes "the legal knowledge, skill, thoroughness and preparation necessary". Diligence, promptness, and reasonable consultation about the client's goals are required by Rules of Professional Conduct 1.2 and 1.4. The burden of increased discovery cannot be fully ameliorated by paralegals. With help from a paralegal, the attorney can be more prepared and focused in their review of discovery, and spend more time communicating with clients and preparing for court.

The OSPD's 2017 The Colorado Project, studied attorney workload and time spent on attorney-related tasks. "Case Prep" and "Client Related Contact" were two tasks with significant discovery impacts. "Case prep" involves "reviewing all case-related materials/evidence, strategic planning, trial preparation and sentence preparation". "Client related contact" is "all time spent communicating with client or family on the phone, in person, or in writing. Includes case consultation time." The OSPD estimated that half of "Case Prep" time was spent on discovery review and a quarter of "Client Related Contact" was spent on showing and reviewing discovery with the client.

The OSPD states that since the 2017 study, it has seen the most significant increase in the amount and complexity of discovery in its history. The OSPD estimates that the number of hours attorneys have to spend is almost ten times what it was in 2016, even accounting for paralegals assistance with case preparation and discovery review with clients.

The OSPD projects it needs an additional 180 attorney FTE to address the attorney time needed to handle the increase in discovery for these two task types. The OSPD requests 40 attorneys for FY 2024-25 based on the "discovery" category of need; and suggests that it anticipates requesting an additional 50 attorneys in future years.

STAFF ASSESSMENT OF NEED 1

It is staff's opinion that the 40 attorneys requested is reasonable, particularly in relationship to the OSPD identified need of 180. The OSPD has an attorney staff of 584.2 FTE, including 502.2 non-supervising or –managing attorneys, and including 329.0 deputy public defenders. An increase of 40 attorneys represents an increase of:

- 6.8 percent on total attorney staff;
- 8.0 percent on non-supervisory attorney staff; and
- 12.2 percent on entry-level, deputy state public defender staff.

Based on the OSPD's assessment that the number of hours attorneys spend is almost ten times what it was in 2016, a request for 40 attorneys is incremental. Staff believes it would be arbitrary to simply offer any lower number, simply on the basis of need as described in the justification. **Staff recommends that the Committee consider funding the request for 40 additional attorneys related to increased discovery.**

2. SPECIALTY COURTS AND DOCKETS

The OSPD states that another significant area that has affected public defender workload is the increased number of courtrooms, special courts, and magistrates the Judicial Branch has assigned to handle criminal and juvenile cases.

One of the key factors that creates expertise and efficiency is the placement of attorneys in designated courthouses and courtrooms throughout the state. OSPD attorneys appear on multiple cases in a single place, increasing efficiency. OSPD attorneys know the prosecutors who also routinely appear in these courtrooms and dockets and understand the judge's preferences for case flow and practices in sentencing, motions resolution, and trial. In a single "docket day", a public defender may routinely appear on twenty felony cases or forty misdemeanor cases.

OSPD staff also represent clients in specialty courts and dockets, including competency dockets, diversion courts (adult, juvenile, competency), specialty courts such as Veterans, Wellness, DUI, Sobriety, Recovery, and Domestic Violence, and "setting" or "scheduling" divisions. Specialty court dockets help both the community and OSPD clients by seeking to problem-solve, reduce recidivism, and support positive, community-safe outcomes on cases.

In the largest judicial districts, first appearance, "advisement" courtrooms require two to four OSPD attorneys every day to appear with recently arrested people. For smaller offices that cover several counties, advisement dockets cause significant inefficiencies because of the coordination and time necessary to appear with a few clients. The OSPD states that jail scheduling demands, jail staffing issues, and the failure of rural courts to agree to consolidated advisement dockets additionally negatively affect public defender workloads.

The time necessary to cover first appearance advisements has increased with H.B. 21-1280 (Pre-trial Detention Reform) and H.B. 23-1151 (Clarifications to 48-hour Bond Hearing Requirement) requiring that someone jailed on an out-of-county detainer receive a bail hearing in the county that generated that detainer within 48 hours of arrest. The OSPD states that while these hearings can happen virtually, public defense attorneys face significant logistical challenges providing advisements to clients in jails around the state and there is currently no statewide plan or coordination by State Courts.

The State Courts staff additional dockets by adding judges and funding through "additional district judge" legislation, transitioning judges from civil to criminal work, or by assigning magistrates to criminal matters. The addition of magistrates allows the Courts to add judicial officers, with budget funding or funding in a bill, without district judge legislation. Magistrates often oversee first appearance advisement dockets, competency, specialty courts, and juvenile dockets.

The OSPD states that since 2016, the number of magistrates has grown by 23.2 FTE or 39 percent, with no increase in OSPD staff to cover the additional courtrooms over which magistrates preside. Historically, the OSPD requests additional attorneys through the fiscal note process. The last judges bill, S.B. 19-043 (Increasing Number of District Court Judges) added 15 judges; the OSPD received 12 attorneys.

In specialty courts, casework is typically engaged in post-adjudication treatment, check-in, and follow-up processes, a time when the public defender's work would normally be over. Competency and specialty courts may require more appearances where the model is to have a "docket" and a separate court appearance called a "staffing". A "staffing" in specialty and competency courts is typically an informal but regular meeting of professionals, including the attorneys, treatment providers, probation officers, and judicial officers, to discuss best approaches for the case before the court date.

The OSPD provided the data included in the following tables.

SPECIALTY DOCKETS AND COURTROOMS BY JUDICIAL DISTRICT					
1st (Jefferson)	3 specialty courts	8th (Larimer)	4 specialty courts 2 competency dockets	15th and 16th (SE CO)	1 specialty court 1 competency docket
2nd (Denver)	7 specialty courts 3 competency dockets	9th (Garfield, Pitkin, Rio Blanco)	2 specialty courts	17th (Adams)	3 specialty courts
3rd (Huerfano-Las Animas)	4 specialty courts	10th (Pueblo)	3 specialty courts 1 competency docket	18th (Arapahoe, Douglas)	4 specialty courts 1 competency docket
4th (El Paso)	1 setting docket 4 specialty courts 1 competency docket	11th (Chaffee, Custer, Fremont, Park)	4 specialty courts	19th (Weld)	2 specialty courts
5th (Eagle)	2 specialty courts	12th (San Luis Valley)	2 specialty courts 1 competency docket	20th (Boulder)	2 specialty courts
6th and 22nd (SW CO)	3 specialty courts	13th (NE CO)	none	21st (Mesa)	none
7th (Gunnison, Montrose, Delta)	5 specialty courts	14th (Grand, Moffat, Routt)	2 specialty courts		

DOCKETS OVERSEEN BY MAGISTRATES BY JUDICIAL DISTRICT					
1st (Jefferson)	1 specialty court 5 juvenile courts 1 advisement court	6th and 22nd (SW CO)	1 domestic violence docket	13th (NE CO)	1 advisement court
2nd (Denver)	1 specialty court 2 juvenile courts 3 advisement courts	11th (Chaffee, Custer, Fremont, Park)	1 preliminary hearing 1 juvenile court	15th and 16th (SE CO)	1 advisement court 1 competency docket

DOCKETS OVERSEEN BY MAGISTRATES BY JUDICIAL DISTRICT				
4th (El Paso)	1 specialty court 2 advisement courts 3 juvenile courts 1 competency docket	12th (San Luis Valley)	1 advisement court	17th (Adams) 3 advisement courts

The OSPD projects it needs an additional 20 attorney FTE to address the increased staffing required by the Judicial Department's expansion of specialty courts and dockets and magistrates. The OSPD requests 10 attorneys for FY 2024-25 based on the "specialty courts" category of need; and suggests that it anticipates requesting an additional 10 attorneys in future years.

STAFF ASSESSMENT OF NEED 2

It is staff's opinion that the 10 attorneys requested is reasonable.

An increase of 10 attorneys represents an increase of:

- 1.7 percent on total attorney staff;
- 2.0 percent on non-supervisory attorney staff; and
- 3.0 percent on entry-level, deputy state public defender staff.

Based on the 23.2 FTE of magistrate's added by the State Courts since the last judge's bill in 2019, a request of 10 attorneys represents less than half of the magistrate's added. **Staff recommends that the Committee consider funding the request for 10 additional attorneys related to specialty courts and dockets simply on the basis of additional magistrates added by the State Courts.**

3. COMPETENCY

The OSPD states that it has not previously sought funding to address the increased workload created by competency restoration delays as it appeared a solution would be forthcoming over the last six years between statutory change and federal court oversight of the competency system in Colorado. However, the problem has not resolved and has gotten worse. People accused of crimes who are in jail and incompetent to proceed are waiting on average 104.6 days to receive treatment and inpatient restoration services, with some people waiting as many as 575 days just to begin restoration. These wait times – simply to begin the process of restoration to competency – are inconsistent with the precise, short timelines ordered by a federal court and codified in Colorado statute that mandate admission to a hospital within either seven or twenty-eight days, depending on the acuity of the person's situation.

The OSPD adds that the competency crisis increases public defender workload. These cases require more court appearances as cases for incompetent clients languish on criminal dockets, sometimes for years. Much of the work public defenders do on behalf of incompetent clients occurs outside of the courtroom. Representing people living with mental illness requires extra care, knowledge, and attention. Colorado Rule of Professional Conduct 1.14(a) requires that when representing clients with a diminished capacity, the lawyer must, "as far as reasonably possible, maintain a normal client-lawyer relationships with the client." This means that the lawyer must seek to communicate with the client regularly, share relevant discovery, discuss plea and trial options, and advise the client, even if the client cannot yet move their case forward. Meetings with incompetent clients can be long, frequent, and repetitive because of the client's mental capacity, memory deficits, and the physical and mental suffering they experience while incarcerated and mentally ill.

The ABA Criminal Justice Standards on Mental Health Standard 7-1.427 requires attorneys who represent people with mental illness to “work particularly closely with their clients,” explore all mental state questions that the attorney might raise and seek relevant information from family members and collateral sources. These cases often require investigation into collateral records, which can be extensive if the person has lifelong mental health conditions; interviews of family, friends, and behavioral health professionals; and consultation with experts.

Defense teams seek competency re-evaluations, find community resources if the court releases the client into the community, and mental health treatment. Judges routinely condition release on the client having stable housing, supportive mental health resources, and medication management. With a lack of support services for people criminally accused and living with mental health conditions, public defenders must scrape together options that courts will accept.

For clients who remain warehoused in jails, held for extended periods of time awaiting restoration treatment, defense counsel must advocate for safe, sanitary, and humane treatment, which requires more motions and hearings to protect these vulnerable clients.

In FY 2022-23, the OSPD closed 3,797 cases in which competency was raised. Approximately a third of those cases had inpatient restoration orders. The OSPD recorded 9,335 hearings involving competency across all jurisdictions. In August 2023 alone, the OSPD had 672 clients waiting to be transported to inpatient restoration.

The OSPD projects it needs an additional 20 attorney FTE to address the workload increases related to the competency crisis. The OSPD requests 15 attorneys for FY 2024-25 based on the "competency crisis" category of need.

STAFF ASSESSMENT OF NEED 3

It is staff's opinion that the 15 attorneys requested appears reasonable related to the caseload statistics presented on competency cases and clients.

An increase of 15 attorneys represents an increase of:

- 2.6 percent on total attorney staff;
- 3.0 percent on non-supervisory attorney staff; and
- 4.6 percent on entry-level, deputy state public defender staff.

In addition to the caseload statistics, staff is encouraging the use of additional competency dockets by the State Courts for the purpose of encouraging the development of the use of processes that lead to diversion from competency. Staff would seek to ensure that the OSPD has the capacity to staff those additional competency dockets and processes related to diversion from competency. **Staff recommends that the Committee consider funding the request for 15 additional attorneys related to competency.**

4. JUVENILE CHARGED AS ADULT

Cases where the prosecution seeks to charge youth as adults require specialized advocacy and extensive pretrial litigation and mitigation work different from a typical adult criminal case. When the prosecution files a juvenile case directly in adult court, the court must hold a hearing that considers many factors, including an analysis of "the age . . . and maturity of the juvenile, as determined by

considerations of the juvenile's home, environment, emotional attitude, and pattern of living", "[t]he juvenile's current and past mental health status, as evidenced by relevant mental health or psychological assessments or screenings that are made available to both the district attorney and defense counsel", and "[t]he likelihood of the juvenile's rehabilitation by use of the sentencing options available in the juvenile . . . and district courts". When the prosecution wants to transfer a youth's case from juvenile to adult court, the court must hold a hearing considering similar factors. These hearings, known as transfer and reverse transfer hearings, typically include several days of testimony and argument.

The work to prepare for these hearings is specialized and labor-intensive. Defenders in jurisdictions where direct file and transfer cases are routinely sought report these cases require at the outset an amount of work typically associated with taking a murder or complex felony to trial just to determine whether the case will next proceed in adult or juvenile court. The youth defense team must seek, vet, and prepare expert witnesses; interview family members; and collect records from schools, treatment providers, and systems and institutions that have interacted with the child. The team must also defend against the prosecution's substantive charges because in both transfer and reverse transfer proceedings the court must consider "the seriousness of the offense" and whether the alleged offense was committed in an "aggressive, violent, premeditated, or willful manner" against property or person. This work must be done in addition to the usual pretrial and trial tasks involved in standard adult criminal cases. Once the court decides where the case will move forward, the lawyers must then defend the case on the merits.

Recently, the Colorado Court of Appeals issued an unpublished decision discussing the level of representation required to effectively prepare sentencing arguments on behalf of youth facing adult penalties. *People v. Gregg*s referenced defense guideline standards that defense counsel "present to the court any ground which will assist in reaching a proper disposition favorable to the accused". In addition to discussing the ABA Criminal Justice Standards for the Defense Function § 4-8.3(e) (4th ed. 2017), for sentencing proceedings generally, the court of appeals also cited youth-specific practice guidelines from The Campaign for the Fair Sentencing of Youth. These guidelines require that defenders apply a team approach on a case, using "a minimum of four qualified defense team members: two attorneys, one investigator, and one mitigation specialist". The guidelines set forth the roles and responsibilities of the defense team representing youth and list child-specific considerations relevant throughout that representation that highlight the complexity of this work. For example, at least one attorney must have relevant substantive experience representing child clients and at least one attorney must have homicide experience, including the investigation and presentation of sentencing mitigation. Because of the scope of work and seriousness of the consequences for these young clients, OSPD routinely staffs these cases with two attorneys, an investigator, a social worker, and, sometimes, a paralegal.

The OSPD states that it has not previously requested staffing for the increased workload in defending youth clients charged as adults. Each year since 2016, there have been between 70 and 100 juvenile cases directly filed or successfully transferred to adult courts in Colorado. The OSPD projects it needs an additional 10 attorney FTE to address the increased staffing required for juveniles charged as adults. **The OSPD requests 5 attorneys for FY 2024-25 based on the "juvenile charged as adult" category of need; and suggests that it anticipates requesting an additional 5 attorneys in future years.**

STAFF ASSESSMENT OF NEED 4

It is staff's opinion that the 5 attorneys requested appears reasonable related to the caseload of 70 to 100 cases per year since 2016.

An increase of 5 attorneys represents an increase of:

- 0.9 percent on total attorney staff;
- 1.0 percent on non-supervisory attorney staff; and
- 1.5 percent on entry-level, deputy state public defender staff.

Staff recommends that the Committee consider funding the request for 5 additional attorneys related to juvenile charged as adult.

TOTAL REQUEST – 70 ATTORNEYS

The following table outlines the OSPD suggested need, FY 2024-25 request, and proposed future request for each of the need categories.

OSPD R1 ATTORNEYS REQUESTED BY CATEGORY			
CATEGORY	SUGGESTED NEED	FY 2024-25 REQUEST	FUTURE REQUEST
Increased Discovery	180	40	50
Specialty Courts	20	10	10
Competency	20	15	0
Juvenile Charged as Adult	10	5	5
Total	230	70	65

An increase of 70 attorneys represents an increase of:

- 12.0 percent on total attorney staff;
- 13.9 percent on non-supervisory attorney staff; and
- 21.3 percent on entry-level, deputy state public defender staff.

The OSPD last received a large block of attorney FTE with support staff in FY 2020-21 and FY 2021-22. Appropriations provided over two years, representing the total request submitted for FY 2020-21, included 36.0 FTE of attorneys and 23.6 FTE of support staff – 59.6 FTE in total.

In addition to the justifications presented, the OSPD has a history of deploying staff resources efficiently and effectively, and staff is confident that the OSPD will maximize the use of and return on these resources. While this represents a significant increase in attorney staff, based on the descriptions of need and caseload statistics and justifications presented, **staff recommends that the Committee consider supporting the full request.**

Alternatively, the Committee may wish to approve some portion of this request or provide the total requested resources over multiple fiscal years. In either case, staff recommends that the Committee fund as many positions as possible in the first year and extend the provision of resources over no more than two years.

The request also includes 58.0 FTE of support staff, including 23.3 FTE Investigator I (1:3 ratio), 11.7 FTE Paralegal I (1:6 ratio), 17.5 Administrative Assistant I (1:4 ratio), and 5.5 centralized administrative staff (estimated 4.5 percent of FTE for central administrative overhead); 128.0 FTE in total.

BUDGET BUILD

The following table outlines the request, the staff recommendation, and the staff recommended annualization. The OSPD states that newly recruited attorneys would take the bar exam in July with estimated start dates of July or August (consistent with recruitment offers from law firms generally based on annual law school graduation and bar exam dates). Staff's recommendation assumes a start date of July 2024 for half of the attorneys and a start date of August 2024 for the second half. Staff recommendation also assumes a start date of January 2025 for support staff positions.

OSPD R1 ATTORNEY FTE REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Attorney I	70.0	\$6,483,234	61.3	\$5,842,872	70.0	\$6,877,895
Investigator I	23.3	1,702,217	11.7	892,437	23.3	1,874,117
Paralegal I	11.7	728,956	5.9	376,451	11.7	790,547
Administrative Assistant I	17.5	849,210	8.8	427,116	17.5	896,944
State Office Support Staff	5.5	560,720	2.8	427,116	5.5	587,421
POTS		2,488,307		1,805,015		2,554,201
Operating Expense		121,600		121,600		121,600
Capital Outlay		853,760		853,760		0
Leased Space		844,800		595,650		844,800
Automation Plan		42,240		42,240		42,240
Attorney Registration		13,300		13,300		13,300
Subtotal	128.0	\$14,688,344	90.3	\$11,397,558	128.0	\$14,603,065
FY 2024-25 OSPD R1 line item adjustments						
Personal Services			90.3	\$7,965,992		
HLD				1,071,719		
STD				10,377		
AED/SAED				691,789		
PFMLI				31,131		
Operating Expenses				121,600		
Capital Outlay				853,760		
Leased Space				595,650		
Automation Plan				42,240		
Attorney Registration				13,300		
Subtotal - OSPD R1			90.3	\$11,397,558		
FY 2025-26 OSPD R1 line item annualization adjustments						
Personal Services					128.0	\$11,026,924
Operating Expenses						121,600
Capital Outlay						0
Leased Space						844,800
Automation Plan						42,240
Attorney Registration						13,300
POTS included in Statewide Comp						2,554,201
Subtotal - OSPD R1					128.0	\$14,603,065

→ OSPD R2 SOCIAL WORKERS AND CLIENT ADVOCATES

REQUEST: The OSPD requests \$2.9 million General Fund and 27.6 FTE for FY 2024-25 for 11.0 Licensed Social Worker FTE and 5.0 Client Advocate FTE positions to start July 1, 2024, and 20.0

additional Client Advocate FTE to begin January 1, 2025. The request annualizes to \$3.3 million General Fund and 37.6 FTE for FY 2025-26.

RECOMMENDATION: Staff recommends that the Committee consider approving the request for 11 social workers and 0.5 FTE of centralized support staff. Staff recommends an appropriation of \$817,534 General Fund and 9.9 FTE for FY 2024-25 and an annualization of \$1,127,845 General Fund and 11.5 FTE for FY 2025-26 as outlined in the budget build table at the end of the analysis section. Staff recommends denial of the request for client advocates at this time.

ANALYSIS

SOCIAL WORKERS

The criminal legal system increasingly addresses people living with mental illness and substance abuse disorders and people who have committed poverty-related crimes. These individuals are predominantly represented by public defenders, who provide legal defense but also seek to address the factors that contribute to the person's involvement in the criminal legal system. Longstanding standards for defense advocacy require inclusion of mitigation for all clients. Colorado law also requires the defense to explore and include mitigation to meet these minimum standards of representation. Mitigation is shown to decrease the amount and severity of punishment.

Social workers provide critical perspective and expertise on the intersecting influences of neurology and environment on behavior through a lens of cultural sensitivity and context. Duties of the criminal defense-based forensic social worker include client and family advocacy, service connection and navigation, assessment/evaluation, mitigation investigation and presentation, therapeutic and emotional support, release planning, expert identification, and social science research.

Forensic social workers conduct mental and behavioral health need assessments, with sensitivity to the person in their environment, identifying the most appropriate intervention. They help the defense team and, where appropriate, the court, prosecutors, and probation officers, in identifying how behavioral health affected the client's culpability, understanding the client's life, and finding appropriate sentencing options. By understanding the underlying influences on behavior, courts can make more informed, evidence-based decisions and can tailor outcomes to meet the needs of both the individual and the community, reducing the degree of costly over-incarceration.

In addition to social work for adult clients, the OSPD must provide mitigation for youth clients. When representing youth who may face adult penalties, according to the Colorado Children's Code, counsel must investigate and present evidence to the court on several factors including "the...maturity of the juvenile as determined by considerations of the juvenile's home, environment, emotional attitude, and pattern of living" and "the current and past mental health status of the juvenile".

The OSPD states that its 25 social workers (23 FTE and two temporary positions) must focus on the most serious cases, engaging in forensic mitigation investigation and advocacy, leaving little time to provide community-based resource planning for clients accused of lower-level offenses. The OSPD also states that the requested social worker and client advocate positions will address gaps in the provision of forensic mitigation work on serious cases and allow for assessment of underlying concerns and identification of appropriate supports for clients accused in less serious cases.

The following table outlines the distribution of OSPD social workers statewide.

OSPD LICENSED SOCIAL WORKERS			
OFFICE	SOCIAL WORKERS	ADULT/YOUTH	JUDICIAL DISTRICTS
Arapahoe	3	Adult	18th
Arapahoe	1	Youth	18th
Boulder	1	Adult	20th, 14th
Brighton	1	Adult	2nd, 13th, 17th
Brighton	1	Youth	17th, 20th
Colorado Springs	3	Adult	4th
Colorado Springs	1	Youth	4th
Denver	3	Adult	2nd
Denver	1	Youth	2nd
Dillon	1	Adult	1st, 5th, 14th
Durango	1	Adult	6th, 12th, 2nd
Fort Collins	1	Adult	8th, 19th
Golden	1	Adult	1st
Golden	1	Adult	1st, 5th
Grand Junction	1	Adult	7th, 9th, 21st
Grand Junction	1	Youth	21st, 14th, 9th,, 7th, 6th, 22nd
Greeley	1	Youth	8th, 13th, 19th
Pueblo	1	Adult	3rd, 10th, 11th, 15th, 16th
Pueblo	1	Youth	3rd, 10th, 11th, 12th, 15th, 16th
Total	25		

The OSPD states that it worked approximately 175,000 cases last year. Social workers in rural areas cover wide geographic areas and find it difficult to provide parity of service to non-Denver-metro communities. In front range and larger offices, social workers cannot meet the demand for their services, which places the burden on attorneys and more expensive outside experts.

The OSPD states that while attorneys often do work to mitigate the circumstances of the accusation and provide community-based resources, licensed social workers and client advocates can more appropriately – effectively and efficiently – do that work. Additional social worker positions will help meet the current client need with a high level of expertise but at a lower cost than attorney positions.

CLIENT ADVOCATES

The twenty-five OSPD social workers are all master's level professionals who, because of their advanced education and licensing credentials, are expected to engage in high level mitigation work. The demand for this work on serious cases leaves them unable to address broader client needs, including critical tasks like finding housing and treatment options, helping with benefits applications, identifying transportation options, and providing client support.

The OSPD states that it can close this gap with staff who do not have a master's degree in social work or specific licensure. Emerging professionals from bachelor's programs and people with lived experience in the criminal legal system who have meaningful context and connection for OSPD clients can provide these services. Using client advocate positions to provide this support broadens the workforce from which OSPD can recruit beyond the pool of master's degree level professionals, are a cost-effective alternative to attorneys and forensic social workers, and can help address the needs of OSPD clients. While identifying a client's symptomology may require a forensic social worker, client advocates can identify community-based treatment, housing, medical care, and transportation options so that forensic social workers can focus on legally required mitigation and mental health assessment.

The OSPD states that it has engaged Partners for Justice (PFJ) to provide initial program direction for 5.0 FTE positions if this decision item is funded. PFJ provides a cost-effective and community safe model for public defense, reporting a 43 percent reduction in criminal justice system involvement. A study of this model showed an estimated \$165 million in cost savings with no increased risk to public safety. PFJ has helped twenty-six other public defender systems set up client advocate programs by providing recruitment, training, service delivery, capacity building, and data gathering systems.

Through their collaborative defense intervention approach, client advocates provide clients with connection to treatment and support, as well as foster partnerships with community providers. Client advocate positions specialize in helping with and coordinating access to community services, directly reducing incarceration and recidivism; including providing help obtaining state and federal benefits, access to community resources, jobs, housing, and mental health services. Client advocates also engage in bail advocacy, eviction prevention, averting employment termination due to arrest, obtaining identification or driver's license reinstatement, helping clients to follow court requirements, connecting with employment or education resources, and identifying counsel for civil, family, and immigration law matters.

OSPD client advocate positions can directly address and reduce systematic barriers to treatment and support increasing the OSPD's ability to intervene at earlier stages of a client's system involvement, thus decreasing the longitudinal risk level of our clientele. OSPD client advocates will be able to intervene directly in contributors to recidivism such as housing, vocational opportunities, mental health and substance abuse issues and help contribute to reducing reliance on jail and prison.

STAFF ASSESSMENT

It is staff's opinion that this request is intended to primarily address the increasing number of OSPD clients who are in the competency process or who are at risk of entering the competency process on the basis of behavioral and mental health and substance abuse issues in connection with economic instability.

Staff is generally supportive of the solutions that the OSPD is seeking in this request. Staff appreciates that OSPD seeks to identify organizational efficiencies through the use of alternate professional and technical staff to maximize the efficiency of job class specialties and provide better service to clients and state court processes.

Basically this request seeks 1) licensed social workers who will provide the heaviest life for the most severe or acute cases and 2a) client advocates to augment and assist social workers with client case management to mitigate behavioral health and economic instability through connection to community support resources. Additionally, 2b) client advocates could more directly provide client case management for mitigation for those lower level cases that may not rise to the need for a forensic social worker assessment.

Nevertheless, staff identifies two concerns that should be considered: (1) the scale of additional staff resource requests already sought by the OSPD at a higher priority level; and (2) the recognition that the client advocate role is functionally equivalent to the role provided by the Bridges Program liaisons for the same purpose.

While staff is very much open to considering and testing various program resource components in different organizations and structures to better determine a best fit for a policy or program solution,

as well as taking an "all of the above" approach to a problem like competency, in this case the client advocate program appears to be the very same work assigned to the Bridges Program.

The Bridges Program is in the first year of a three-year expansion to provide liaisons for 100 percent of competency cases estimated at the time of its approval for expansion in 2023. With the scale of resources and policy-program attention provided for that purpose, and with the scale of resources sought by OSPD and recommended by staff for additional attorneys, staff believes it is a better choice in this context to delay consideration of client advocate resources for the OSPD at this time.

Further, the Bridges model functions as an independent liaison model with the court; while the OSPD client advocate model, due to its location, may favor client support that is in the interest of legal defense generally; i.e., there may be times when the best interest of the client would be determined on the basis of legal defense rather than on behavioral health outcome. The Bridges model for delivery of independent, client-based behavioral health support is superior from a public policy perspective in this aspect.

Nevertheless, staff does support the request for the addition of licensed social workers to address the most severe cases and better serve judicial districts and OSPD regional offices statewide. **Staff recommends that the Committee consider approving the OSPD request for an additional 11 social workers.**

BUDGET BUILD

The following table outlines the request, the staff recommendation, and the staff recommended annualization. Staff's recommendation assumes an average start date of October 2024 for all of the licensed social worker positions; this assumes that these positions would be hired proportionally over time over the first six months of the fiscal year. Staff recommendation also assumes a start date of January 2025 for support staff.

OSPD R2 SOCIAL WORKERS AND CLIENT ADVOCATES REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Social Worker (LSW)	11.0	\$810,231	9.6	\$498,403	11.0	\$770,032
Case Manager (Client Advocate)	15.0	915,055	0.0	0	0.0	0
State Office Support Staff	1.6	162,749	0.3	25,430	0.5	53,402
POTS		504,826		139,182		213,791
Operating Expense		36,100		9,381		10,925
Capital Outlay		253,460		76,705		0
Leased Space		250,800		65,175		75,900
Automation Plan		12,540		3,259		3,795
Subtotal	27.6	\$2,945,761	9.9	\$817,534	11.5	\$1,127,845
FY 2024-25 OSPD R2 line item adjustments						
Personal Services			9.9	\$523,832		
HLD				90,052		
STD				695		
AED/SAED				46,349		
PFMLI				2,086		
Operating Expenses				9,381		
Capital Outlay				76,705		
Leased Space				65,175		

OSPD R2 SOCIAL WORKERS AND CLIENT ADVOCATES REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Automation Plan				3,259		
Subtotal - OSPD R2			9.9	\$817,534		
FY 2025-26 OSPD R2 line item annualization adjustments						
Personal Services					11.5	\$823,434
Operating Expenses						10,925
Capital Outlay						0
Leased Space						75,900
Automation Plan						3,795
POTS included in Statewide Comp						213,791
Subtotal - OSPD R2					11.5	\$1,127,845

➔ OSPD R3/BA2 DIGITAL DISCOVERY AND IT LICENSING

REQUEST: The OSPD requests \$296,663 General Fund and 1.0 FTE for IT and digital discovery items. This includes: \$123,636 for increased Axon vendor licensing costs, consistent with the supplemental S2 request for this item; and \$173,027 and 1.0 FTE for an additional IT manager.

RECOMMENDATION: Staff recommends an appropriation of \$260,570 General Fund and 0.9 FTE for FY 2024-25 and an annualization of \$295,315 General Fund and 1.0 FTE for FY 2025-26 as outlined in the budget build table at the end of the analysis section.

ANALYSIS

IT LICENSING – AXON

This item is associated with the S2 supplemental budget request approved by the Committee. This item is not discretionary and is determined and required by the vendor. The OSPD reports that changes in Axon vendor licensing requirements now requires individual licenses for each user in the agency; the prior contract only required a single license for the OSPD's use of the website's application programming interface (API) that allows for an automated download process with Evidence.com.

Axon provides the Evidence.com website that provides evidence management and distribution services for body-worn camera hardware and software for local law enforcement agencies. This evidence provision system, selected by local law enforcement agencies for their body-worn camera hardware and software solutions, bypasses the statewide discovery system created in S.B. 14-190 (Statewide Discovery Sharing System), requiring prosecutors and the OSPD to pay vendor costs for discovery access at vendor-determined rates. The current structure will lead to additional increases in the future.

IT MANAGER – DIGITAL DISCOVERY

The FY 2022-23 IT project and operating budget item titled "Public Defense in the Digital Age" provided data storage and IT infrastructure resources to address the massive increase in video, audio, cell phone, and other types of evidence. The amount of discovery and complexity of investigative techniques continues to grow, increasing challenges to storing and accessing the data as well as reviewing, analyzing, interpreting, and cataloguing information and determining what is relevant to the case. The OSPD states that it has continued to invest in various tools to address these needs,

including transcription, case management, discovery download, jury selection, and video analysis; but acquiring, implementing, and maintaining all these systems, requires significant time and effort. Additionally, the OSPD states that it also anticipates the need to develop or purchase new systems for payroll, personnel, and training. The process of investigating technology options, negotiating contracts, overseeing development projects, and managing the use of the expanding number of new IT systems requires additional IT manager staff. The OSPD identifies a need for an additional IT manager, in addition to the current, sole IT manager, to more effectively manage the increase in systems and applications, oversee developers, explore new solutions, and review new and ongoing SAAS or *software as a service* contracts.

Staff recommends that the Committee consider approving the IT manager position.

BUDGET BUILD

The following table outlines the request, the staff recommendation, and the staff recommended annualization. Staff's recommendation assumes a July 2024 start date. Staff recommendation includes no funding for benefits POTS for the first year.

OSPD R3/BA2 DIGITAL DISCOVERY AND IT LICENSING REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
IT Manager	1.0	\$140,710	0.9	\$128,984	1.0	\$144,931
POTS		24,697		0		25,468
Operating Expense		950		950		950
Capital Outlay		6,670		6,670		0
Automation Plan - staff		330		330		330
Automation Plan - IT Licensing		123,636		123,636		123,636
Subtotal	1.0	\$296,993	0.9	\$260,570	1.0	\$295,315
FY 2024-25 OSPD R3/BA2 line item adjustments						
Personal Services			0.9	\$128,984		
HLD				0		
STD				0		
AED/SAED				0		
PFMLI				0		
Operating Expenses				950		
Capital Outlay				6,670		
Automation Plan				123,966		
Subtotal - OSPD R3			0.9	\$260,570		
FY 2025-26 OSPD R3/BA2 line item annualization adjustments						
Personal Services					1.0	\$144,931
Operating Expenses						950
Capital Outlay						0
Automation Plan						123,966
POTS included in Statewide Comp						25,468
Subtotal - OSPD R3					1.0	\$295,315

➔ OSPD BA1 EXPERT WITNESS RATE INCREASE

REQUEST: The OSPD requests \$180,039 General Fund, consistent with the associated supplemental S1 request, to accommodate the increased cost of contracting with experts related to Chief Justice

Directive 12-03, amended effective July 1, 2023, which implemented an 18 percent hourly rate increase for experts.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OSPD reports expenditures of \$1,000,219 for experts in FY 2022-23. An 18.0 percent rate increase is equal to \$180,039. The Committee approved the associated supplemental request.

→ OSPD BA3 OFFICE SECURITY

REQUEST: The OSPD requests \$27,789 General Fund, including \$16,449 of one-time funding and \$11,340 in ongoing (monitoring) costs, anticipated to continue in years thereafter, for remaining installation and monthly contract monitoring costs associated with the S3 request item approved by the Committee.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OSPD states that its regional offices have experienced security issues involving individuals having no business with the office taking over the lobby and confronting staff. Additional security measures will provide buzzers, and automated messaging, and improved structural changes to physical space, including safe exits.

Per office installation costs are \$1,706 for the front range metro areas and \$1,259 statewide. Monitoring is \$45 per month per office, or \$540 annually; \$11,340 for 21 offices statewide. Building modifications and first installations would be scheduled to begin March 2024. Installations for the remaining offices are scheduled for July 2024.

The following table outlines the FY 2023-24 and FY 2024-25 implementation and cost plans.

OSPD S3 - OFFICE SECURITY							
	FY 2023-24				FY 2024-25		
	BLDG MOD	INSTALL	MONITOR	TOTAL	INSTALL	MONITOR	TOTAL
Alamosa	0	0	0	0	1,259	540	1,799
Arapahoe	28,650	1,706	135	30,491	0	540	540
Boulder	0	1,706	135	1,841	0	540	540
Brighton	22,730	1,706	135	24,571	0	540	540
Colorado Springs	10,029	0	0	10,029	1,706	540	2,246
Denver	31,500	1,706	135	33,341	0	540	540
Dillon	0	0	0	0	1,259	540	1,799
Douglas	0	0	0	0	1,706	540	2,246
Durango	0	0	0	0	1,259	540	1,799
Fort Collins	35,549	1,706	135	37,390	0	540	540
Glenwood Springs	0	0	0	0	1,259	540	1,799
Golden	0	0	0	0	1,706	540	2,246
Grand Junction	0	0	0	0	1,259	540	1,799
Greeley	0	1,706	135	1,841	0	540	540
La Junta	0	0	0	0	1,259	540	1,799

OSPD S3 - OFFICE SECURITY							
	FY 2023-24				FY 2024-25		
	BLDG MOD	INSTALL	MONITOR	TOTAL	INSTALL	MONITOR	TOTAL
Montrose	0	0	0	0	1,259	540	1,799
Pueblo	0	1,259	135	1,394	0	540	540
Salida	0	0	0	0	1,259	540	1,799
Steamboat Springs	0	0	0	0	1,259	540	1,799
Sterling	0	0	540	540	0	540	540
Trinidad	31,900	1,259	135	33,294	0	540	540
Total	\$160,358	\$12,754	\$1,620	\$174,732	\$16,449	\$11,340	27,789

The Committee approved the associated supplemental request.

→ OSPD BA4 GRANTS SPENDING AUTHORITY

REQUEST: The OSPD requests \$588,364 cash funds from gifts, grants, and donations and 5.7 FTE for anticipated grants spending authority for FY 2024-25.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

Consistent with the Committee approval of the associated S4 supplemental request item, this item provides spending authority for additional grants that the OSPD anticipates receiving for FY 2024-25.

→ OSPD BA5 TRAINING

REQUEST: The OSPD requests \$260,493 General Fund for training.

RECOMMENDATION: Staff recommends that the Committee deny the request.

ANALYSIS

Please refer to the analysis included in the staff-initiated recommendation that follows.

→ STAFF-INITIATED: TRAINING RESOURCES BUDGET POLICY

REQUEST: This item was not submitted as an agency request.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$116,000 General Fund for training, including \$105,000 for the attorney, paralegal, and investigator (defense team support staff) positions recommended for R1 and \$11,000 for the social worker positions recommended for R2. This amount is based on the recommendation of adoption of a Committee policy to provide funding of \$1,000 per attorney or other defense team support staff (investigator, paralegal, social worker), for training for the OSPD as a standard appropriation policy for budget requests and fiscal notes.

ANALYSIS

The OSPD requested \$350,000 General Fund for Training for FY 2023-24. Staff included the following analysis in last year's figure setting document for this request item:

The OSPD states that to comply with its statutory function to "provide legal services to indigent persons" it must have the necessary resources, including adequately trained attorneys and support staff. The OSPD must provide CLE training (including credit hours in the areas of legal ethics or legal professionalism and equity, diversity, and inclusivity) as required by the Colorado Supreme Court for approximately 577 staff attorneys. The OSPD states that since 2014, the legislature has appropriated \$350,000 annually to the Department of Law to allocate to the Colorado District Attorneys Council for prosecution "training, seminars, continuing education programs, and other prosecution-related services."

The OSPD states that for many years it has been able to self-fund training within existing resources but that is not a sustainable, ongoing option. The OSPD cites (1) increased turnover and attrition and the need to devote more resources to training new employees and (2) the increased costs of goods and services (inflation) to self-fund training for a system of more than a thousand employees.

STAFF CONSIDERATIONS

Staff agrees that the OSPD has experienced increased turnover requiring an increase in the use of resources for training new employees. However, the OSPD has traditionally funded training from its base funding in its operating expenses line item; staff is not convinced that this item was historically unfunded simply because it was included in operating expenses. Similarly, staff is not convinced that training is necessarily underfunded within the context of all operating expenses needs of the agency. This request is a request to augment OSPD base funding and to more discretely fund and track training expenditures in a new line item.

Staff is not averse to recommend increased resources for training. However, the OSPD has requested and received significant increased funding in the current fiscal year and the budget year for:

- an IT data storage project, including technical staff;*
- an organizational efficiency plan for paralegal staff, totaling 104 paralegals;*
- the creation of a central discovery clerk unit of 15 staff;*
- a system maintenance study for compensation plan adjustments totaling \$13.4 million (approved in statewide compensation);*
- current requests for leased space and additional administrative support staff as a result of staff increases.*

This item was the lowest prioritized request item from the OSPD for FY 2023-24. The additional \$350,000 requested represents only 0.2 percent of the current OSPD base; i.e., this request is "incremental" and on that basis, the Committee may wish to consider funding this item. However, staff has recommended higher need items with significantly higher costs for the OSPD over the current two-year cycle, and staff is not convinced, on the basis of the scale of the request (0.2 percent of base appropriations), that the OSPD could not manage its training needs for at least another year with current base appropriations.

The OSPD submitted a FY 2023-24 supplemental request for \$236,000 and a FY 2024-25 budget amendment (BA5) for \$260,493 for training resources. Staff recommended denial of the supplemental as it was a re-request of the previously denied regular budget request for a lower amount, and therefore represented a request that did not meet Committee criteria for supplemental requests. Staff has recommended denial of the budget amendment request and offers this policy and appropriation recommendation in its place.

Staff is concerned that the OSPD must provide specialized, ongoing and annual legal education to its attorneys and to its defense team support staff. Given the significant increase in attorneys and support staff requested for R1, 70 attorneys and 35 defense team support staff, and for R2, 11 social workers, staff recommends that the Committee consider adopting a policy to provide additional incremental funding for training on an ongoing basis for new attorneys and defense team support staff, including investigators, paralegals, and social workers.

While the following recommended amount is generally arbitrary, staff recommends setting an appropriation of \$1,000 per attorney or defense team support staff including investigators, paralegals, or social workers. Based on the request for 70 attorneys and 35 defense team support staff and 11 social workers, this would total \$126,000, significantly less than the \$350,000 or \$236,000 previously requested. While this policy would not "fully fund" training costs in the estimation of the OSPD, this would at least provide a budget policy mechanism for the provision of dedicated training resources for the OSPD based on additional attorney and defense team staff that may be added through budget requests or fiscal notes for bills. This policy would more accurately reflect the actual cost for additional attorney and defense team staff given the requirement for annual training for these positions.

Additionally, with changes made to the compensation plan over the last two years, staff believes these changes should reduce turnover which was one of the primary reasons identified for significantly more funding for training in the FY 2023-24 request.

LINE ITEM DETAIL – OFFICE OF THE STATE PUBLIC DEFENDER

PERSONAL SERVICES

This line item provides funding to support staff in the central administrative and appellate offices in Denver, as well as the 21 regional trial offices.

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

REQUEST: The OSPD requests \$124,936,630 General Fund and 1,258.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1, R2, and R3.

OFFICE OF STATE PUBLIC DEFENDER, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$96,197,556	\$96,197,556	\$0	\$0	\$0	1,097.6
HB24-1188 (Supplemental)	\$27,750	\$27,750	\$0	\$0	\$0	0.5
TOTAL	\$96,225,306	\$96,225,306	\$0	\$0	\$0	1,098.1
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$96,225,306	\$96,225,306	\$0	\$0	\$0	1,098.1
Annualize prior year actions	16,358,242	16,358,242	0	0	0	3.3
OSPD R1 Attorney FTE	7,965,992	7,965,992	0	0	0	90.3
OSPD R2 Social Workers and Client Advocates	523,832	523,832	0	0	0	9.9
OSPD R3 Digital Discovery	128,984	128,984	0	0	0	0.9

OFFICE OF STATE PUBLIC DEFENDER, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$121,202,356	\$121,202,356	\$0	\$0	\$0	1,202.5
INCREASE/(DECREASE)	\$24,977,050	\$24,977,050	\$0	\$0	\$0	104.4
Percentage Change	26.0%	26.0%	0.0%	0.0%	0.0%	9.5%
FY 2024-25 EXECUTIVE REQUEST	\$124,936,630	\$124,936,630	\$0	\$0	\$0	1,258.0
Request Above/(Below) Recommendation	\$3,734,274	\$3,734,274	\$0	\$0	\$0	55.5

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of health, life, and dental insurance.

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

REQUEST: The OSPD requests \$15,373,832 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1 and R2, and adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF STATE PUBLIC DEFENDER, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$12,944,641	\$12,944,641	\$0	\$0	\$0	0.0
TOTAL	\$12,944,641	\$12,944,641	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$12,944,641	\$12,944,641	\$0	\$0	\$0	0.0
OSPD R1 Attorney FTE	1,071,719	1,071,719	0	0	0	0.0
Centrally appropriated line items	569,942	569,942	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	90,052	90,052	0	0	0	0.0
OSPD R3 Digital Discovery	0	0	0	0	0	0.0
TOTAL	\$14,676,354	\$14,676,354	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,731,713	\$1,731,713	\$0	\$0	\$0	0.0
Percentage Change	13.4%	13.4%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$15,373,832	\$15,373,832	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$697,478	\$697,478	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of short-term disability insurance premiums.

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

REQUEST: The OSPD requests \$158,391 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1 and R2, and adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF STATE PUBLIC DEFENDER, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$157,798	\$157,798	\$0	\$0	\$0	0.0
TOTAL	\$157,798	\$157,798	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$157,798	\$157,798	\$0	\$0	\$0	0.0
OSPD R1 Attorney FTE	10,377	10,377	0	0	0	0.0
Centrally appropriated line items	3,110	3,110	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	695	695	0	0	0	0.0
OSPD R3 Digital Discovery	0	0	0	0	0	0.0
TOTAL	\$171,980	\$171,980	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$14,182	\$14,182	\$0	\$0	\$0	0.0
Percentage Change	9.0%	9.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$5,323	\$5,323	\$0	\$0	\$0	0.0

UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS [NEW LINE ITEM]

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees' Retirement Association (PERA). This line item replaces the former *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items through FY 2023-24.

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

REQUEST: For AED and SAED, the Department requests a total appropriation of \$xxx General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1 and R2, and adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF STATE PUBLIC DEFENDER, UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0

FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$10,727,234	\$10,727,234	\$0	\$0	\$0	0.0
OSPD R1 Attorney FTE	691,789	691,789	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	46,349	46,349	0	0	0	0.0
OSPD R3 Digital Discovery	0	0	0	0	0	0.0
TOTAL	\$11,465,372	\$11,465,372	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$11,465,372	\$11,465,372	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
Request Above/(Below) Recommendation	(\$11,465,372)	(\$11,465,372)	\$0	\$0	\$0	0.0

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

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for PERA amortization payments.

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

REQUEST: The OSPD requests \$5,910,117 General Fund.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

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

Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA amortization payments.

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

REQUEST: The OSPD requests \$5,910,117 General Fund.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

SALARY SURVEY

The OSPD uses this line item to pay for annual salary increases.

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

REQUEST: The OSPD requests \$8,725,974 General Fund, which includes \$3,773,303 for step pay.

RECOMMENDATION: Staff recommends an appropriation of \$4,952,671 General Fund as outlined in the following table and consistent with the Committee decision for statewide compensation.

OFFICE OF STATE PUBLIC DEFENDER, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$16,158,336	\$16,158,336	\$0	\$0	\$0	0.0
TOTAL	\$16,158,336	\$16,158,336	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$16,158,336	\$16,158,336	\$0	\$0	\$0	0.0
Centrally appropriated line items	3,434,832	3,434,832	0	0	0	0.0
Annualize prior year actions	(14,640,497)	(14,640,497)	0	0	0	0.0
TOTAL	\$4,952,671	\$4,952,671	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$11,205,665)	(\$11,205,665)	\$0	\$0	\$0	0.0
Percentage Change	(69.3%)	(69.3%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$8,725,974	\$8,725,974	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$3,773,303	\$3,773,303	\$0	\$0	\$0	0.0

STEP PAY [NEW LINE ITEM]

This line item provides detail on the amount of funding appropriated to each department as a result of the step pay plan. The step pay plan takes effect in FY 2024-25 and is a result of negotiations between the State of Colorado and Colorado Workers for Innovative and New Solutions (COWINS). The Courts and Probation and Office of State Public Defender have each instituted independent and equivalent step plans. The other Judicial Department independent agencies are provided a step-like increase equivalent at an average 3.7 percent of salary base to be distributed as merit increases.

STATUTORY AUTHORITY: Section 24-50-1101 et seq., C.R.S.

REQUEST: The Department requests an appropriation of \$3,773,303 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$3,773,303 General Fund, consistent with the Committee decision for statewide compensation.

OFFICE OF STATE PUBLIC DEFENDER, STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$3,773,303	\$3,773,303	\$0	\$0	\$0	0.0
TOTAL	\$3,773,303	\$3,773,303	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$3,773,303	\$3,773,303	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%

PERA DIRECT DISTRIBUTION

This line item is included as a common policy allocation payment for the state portion of the PERA Direct Distribution created in Section 24-51-414, C.R.S., which was enacted in S.B. 18-200. Prior to FY 2023-24 appropriations were paid by the Courts for all agencies in the Judicial Department. Beginning in FY 2023-24 this item includes a distribution to the OSPD.

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

REQUEST: The OSPD requests an appropriation of \$1,873,870 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$1,622,163 General Fund, consistent with the Committee decision for statewide compensation.

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

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

Pursuant to H.B. 22-1133 (Family and Medical Leave Insurance Fund), the State's portion of the insurance premium is prepaid until the balance in the Fund reaches zero.

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

REQUEST: The Department requests an appropriation of \$531,909 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1 and R2, and adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF STATE PUBLIC DEFENDER, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	482,725	482,725	0	0	0	0.0
OSPD R1 Attorney FTE	31,131	31,131	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	2,086	2,086	0	0	0	0.0
OSPD R3 Digital Discovery	0	0	0	0	0	0.0
TOTAL	\$515,942	\$515,942	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$515,942	\$515,942	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%

FY 2024-25 EXECUTIVE REQUEST	\$531,909	\$531,909	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$15,967	\$15,967	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for general operating expenses, including travel and motor pool, equipment rental and maintenance, office supplies, printing, postage, and employee training.

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

REQUEST: The OSPD requests a total of \$2,363,623 total funds, including \$2,333,623 General Fund and \$30,000 cash funds from training fees.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1, R2, and R3.

OFFICE OF STATE PUBLIC DEFENDER, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$2,204,423	\$2,174,423	\$30,000	\$0	\$0	0.0
TOTAL	\$2,204,423	\$2,174,423	\$30,000	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$2,204,423	\$2,174,423	\$30,000	\$0	\$0	0.0
OSPD R1 Attorney FTE	121,600	121,600	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	9,381	9,381	0	0	0	0.0
OSPD R3 Digital Discovery	950	950	0	0	0	0.0
Annualize prior year actions	550	550	0	0	0	0.0
TOTAL	\$2,336,904	\$2,306,904	\$30,000	\$0	\$0	0.0
INCREASE/(DECREASE)	\$132,481	\$132,481	\$0	\$0	\$0	0.0
Percentage Change	6.0%	6.1%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$2,363,623	\$2,333,623	\$30,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$26,719	\$26,719	\$0	\$0	\$0	0.0

VEHICLE LEASE PAYMENTS

This line item provides funding for annual payments to the Department of Personnel for the cost of vehicle lease-purchase payments for new and replacement motor vehicles.

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

REQUEST: The OSPD requests \$116,752 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$116,752 General Fund, consistent with the Committee decision for operating common policies.

OFFICE OF STATE PUBLIC DEFENDER, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$99,192	\$99,192	\$0	\$0	\$0	0.0
TOTAL	\$99,192	\$99,192	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$99,192	\$99,192	\$0	\$0	\$0	0.0
Centrally appropriated line items	17,560	17,560	0	0	0	0.0
TOTAL	\$116,752	\$116,752	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$17,560	\$17,560	\$0	\$0	\$0	0.0
Percentage Change	17.7%	17.7%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$116,752	\$116,752	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CAPITAL OUTLAY

This line item provides funding for one-time furniture and computer costs for new employees.

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

REQUEST: The OSPD requests \$1,113,890 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1, R2, and R3.

OFFICE OF STATE PUBLIC DEFENDER, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$281,350	\$281,350	\$0	\$0	\$0	0.0
TOTAL	\$281,350	\$281,350	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$281,350	\$281,350	\$0	\$0	\$0	0.0
OSPD R1 Attorney FTE	853,760	853,760	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	76,705	76,705	0	0	0	0.0
OSPD R3 Digital Discovery	6,670	6,670	0	0	0	0.0
Annualize prior year actions	(281,350)	(281,350)	0	0	0	0.0
TOTAL	\$937,135	\$937,135	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$655,785	\$655,785	\$0	\$0	\$0	0.0
Percentage Change	233.1%	233.1%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$1,113,890	\$1,113,890	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$176,755	\$176,755	\$0	\$0	\$0	0.0

LEASED SPACE AND UTILITIES

This line item funds lease payments at 22 OSPD locations statewide. This line item covers all OSPD leases except those associated with the OSPD's central administrative and appellate offices, which are located at the Ralph L. Carr Colorado Judicial Center. All Carr Center leased space costs for judicial agencies are included in the line item appropriation in the Courts Administration section of the budget.

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

REQUEST: The OSPD requests an appropriation of \$10,643,598 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1, R2, and R3.

OFFICE OF STATE PUBLIC DEFENDER, LEASED SPACE AND UTILITIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$8,952,480	\$8,952,480	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$174,732	\$174,732	\$0	\$0	\$0	0.0
TOTAL	\$9,127,212	\$9,127,212	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$9,127,212	\$9,127,212	\$0	\$0	\$0	0.0
OSPD R1 Attorney FTE	595,650	595,650	0	0	0	0.0
Centrally appropriated line items	567,729	567,729	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	65,175	65,175	0	0	0	0.0
OSPD BA3 Office security	27,789	27,789	0	0	0	0.0
Annualize prior year actions	(174,732)	(174,732)	0	0	0	0.0
TOTAL	\$10,208,823	\$10,208,823	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,081,611	\$1,081,611	\$0	\$0	\$0	0.0
Percentage Change	11.9%	11.9%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$434,775	\$434,775	\$0	\$0	\$0	0.0

AUTOMATION PLAN

This line item funds the maintenance and lifecycle replacement of the following types of equipment for all 23 OSPD offices: phone systems; data circuits for electronic data transmission; multifunction scanner/copier/fax/printers; desktop computers, laptop/tablet computers, docking stations, and screens; software licenses (includes Adobe Professional and specialized courtroom and case analysis software); servers and network equipment (routers, switches, racks, etc.); presentation, analysis, and recording equipment (cameras, projectors, digital voice recorders, etc.); and IT security protection services. In addition, this line item funds technology-related supplies and contractual expenses for online legal research resources.

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

REQUEST: The OSPD requests \$3,752,377 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for BA2, R1, R2, and R3.

OFFICE OF STATE PUBLIC DEFENDER, AUTOMATION PLAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$3,452,419	\$3,452,419	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$123,636	\$123,636	\$0	\$0	\$0	0.0
TOTAL	\$3,576,055	\$3,576,055	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$3,576,055	\$3,576,055	\$0	\$0	\$0	0.0
OSPD BA2 IT licensing	123,636	123,636	0	0	0	0.0
OSPD R1 Attorney FTE	42,240	42,240	0	0	0	0.0
OSPD R2 Social Workers and Client Advocates	3,259	3,259	0	0	0	0.0
OSPD R3 Digital Discovery	330	330	0	0	0	0.0
Annualize prior year actions	(123,636)	(123,636)	0	0	0	0.0
TOTAL	\$3,621,884	\$3,621,884	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$45,829	\$45,829	\$0	\$0	\$0	0.0
Percentage Change	1.3%	1.3%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$3,752,377	\$3,752,377	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$130,493	\$130,493	\$0	\$0	\$0	0.0

ATTORNEY REGISTRATION

This line item covers the cost of annual attorney registration fees for OSPD attorneys.

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

REQUEST: The OSPD requests continuation funding of \$169,934 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for R1.

OFFICE OF STATE PUBLIC DEFENDER, ATTORNEY REGISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$156,634	\$156,634	\$0	\$0	\$0	0.0
TOTAL	\$156,634	\$156,634	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$156,634	\$156,634	\$0	\$0	\$0	0.0
OSPD R1 Attorney FTE	13,300	13,300	0	0	0	0.0
TOTAL	\$169,934	\$169,934	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$13,300	\$13,300	\$0	\$0	\$0	0.0
Percentage Change	8.5%	8.5%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$169,934	\$169,934	\$0	\$0	\$0	0.0

Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0
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CONTRACT SERVICES

This line item allows the OSPD to hire attorneys to represent the Public Defender's attorneys in grievance claims filed by former clients.

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

REQUEST: The OSPD requests a continuation appropriation of \$49,395 General Fund.

RECOMMENDATION: Staff recommends the requested continuation appropriation.

MANDATED COSTS

This is one of several line item appropriations for mandated costs. These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. The OSPD also incurs costs for discovery, transcripts, expert witnesses, interpreter services, and travel.

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

REQUEST: OSPD requests an appropriation of \$4,604,036 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for BA1.

OFFICE OF STATE PUBLIC DEFENDER, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$4,303,997	\$4,303,997	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$180,039	\$180,039	\$0	\$0	\$0	0.0
Other legislation	\$100,800	\$100,800	\$0	\$0	\$0	0.0
TOTAL	\$4,584,836	\$4,584,836	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$4,584,836	\$4,584,836	\$0	\$0	\$0	0.0
OSPD BA1 Expert witness rate increase	180,039	180,039	0	0	0	0.0
Annualize prior year actions	(160,839)	(160,839)	0	0	0	0.0
TOTAL	\$4,604,036	\$4,604,036	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$19,200	\$19,200	\$0	\$0	\$0	0.0
Percentage Change	0.4%	0.4%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$4,604,036	\$4,604,036	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TRAINING

This line item is requested for training expenses, formerly included in operating expenses.

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

REQUEST: OSPD requests an appropriation of \$610,493 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for BA5 and the staff initiated item.

OFFICE OF STATE PUBLIC DEFENDER, TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$350,000	\$350,000	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$350,000	\$350,000	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$350,000	\$350,000	\$0	\$0	\$0	0.0
JBC-SI OSPD training resources policy	116,000	116,000	0	0	0	0.0
OSPD BA5 Training	0	0	0	0	0	0.0
TOTAL	\$466,000	\$466,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$116,000	\$116,000	\$0	\$0	\$0	0.0
Percentage Change	33.1%	33.1%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$144,493	\$144,493	\$0	\$0	\$0	0.0

GRANTS

This line item authorizes the OSPD to receive and expend various grants.

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

REQUEST: The OSPD requests an appropriation of \$713,364 cash funds from gifts, grants, and donations.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including approval of recommended amounts for BA4.

OFFICE OF STATE PUBLIC DEFENDER, GRANTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
HB24-1188 (Supplemental)	\$284,316	\$0	\$284,316	\$0	\$0	2.6
SB 23-214 (Long Bill)	\$125,000	\$0	\$125,000	\$0	\$0	1.1
TOTAL	\$409,316	\$0	\$409,316	\$0	\$0	3.7
FY 2024-25 RECOMMENDED APPROPRIATION						

OFFICE OF STATE PUBLIC DEFENDER, GRANTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation	\$409,316	\$0	\$409,316	\$0	\$0	3.7
OSPD BA4 Grants spending authority	588,364	0	588,364	0	0	5.7
Annualize prior year actions	(284,316)	0	(284,316)	0	0	(2.6)
TOTAL	\$713,364	\$0	\$713,364	\$0	\$0	6.8
INCREASE/(DECREASE)	\$304,048	\$0	\$304,048	\$0	\$0	3.1
Percentage Change	74.3%	0.0%	74.3%	0.0%	0.0%	83.8%
FY 2024-25 EXECUTIVE REQUEST	\$713,364	\$0	\$713,364	\$0	\$0	6.8
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

The Office of the Child Protection Ombudsman was created in 2010 to serve as an independent and neutral organization to investigate complaints about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system. The Office operated as a non-profit organization under contract with the Department of Human Services (DHS). Senate Bill 15-204 established the Office of the Child Protection Ombudsman (OCPO) in the Judicial Department as an independent agency, and established its governing Child Protection Ombudsman Board. The OCPO is funded by General Fund and located in the Ralph L. Carr Colorado Judicial Center.

OFFICE OF THE CHILD PROTECTION OMBUDSMAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$2,170,852	\$2,170,852	\$0	\$0	\$0	12.0
HB24-1188 (Supplemental)	0	0	0	0	0	0.0
TOTAL	\$2,170,852	\$2,170,852	\$0	\$0	\$0	12.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$2,170,852	\$2,170,852	\$0	\$0	\$0	12.0
OCPO R1 Data Analyst	120,619	120,619	0	0	0	0.9
OCPO R2 Senior Client Services Analyst	105,394	105,394	0	0	0	0.9
OCPO R3 Admin Office Specialist	42,354	42,354	0	0	0	0.5
OCPO R4 IT Upgrades and Support	31,300	31,300	0	0	0	0.0
OCPO R5 Staff Development and Training	24,000	24,000	0	0	0	0.0
OCPO R6 Communications	0	0	0	0	0	0.0
Centrally appropriated line items	151,589	151,589	0	0	0	0.0
Annualize prior year actions	(210,915)	(210,915)	0	0	0	0.0
TOTAL	\$2,435,193	\$2,435,193	\$0	\$0	\$0	14.3
INCREASE/(DECREASE)	\$264,341	\$264,341	\$0	\$0	\$0	2.3
Percentage Change	12.2%	12.2%	0.0%	0.0%	0.0%	19.2%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$59,856	\$59,856	\$0	\$0	\$0	0.7

DESCRIPTION OF INCREMENTAL CHANGES

OCPO R1 DATA ANALYST: The recommendation includes an increase of \$120,619 General Fund and 0.9 FTE for a Data Analyst position to develop, build, and implement an external reporting system using the OCPO's case management system database.

OCPO R2 SENIOR CLIENT SERVICES ANALYST: The recommendation includes an increase of \$105,394 General Fund and 1.0 FTE for a second Senior Client Services Analyst (CSA) position. 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 a Director, a Senior CSA, and five CSAs.

OCPO R3 ADMIN OFFICE SPECIALIST: The recommendation includes an increase of \$42,354 General Fund and 0.5 FTE for an Administrative Office Specialist. The OCPO currently includes a Director of Administrative Services but includes no administrative support staff positions.

OCPO R4 IT UPGRADES AND SUPPORT: The recommendation includes an increase of \$31,000 General Fund for two IT upgrades: (1) a one-time cost of \$14,000 to replace the OCPO server; and (2) ongoing costs totaling \$17,300 for security upgrades and data storage, an increase for the contract with the OCPO's IT support vendor, staff and office equipment replacement, and database upgrades.

OCPO R5 STAFF DEVELOPMENT AND TRAINING: The recommendation includes an increase of \$24,000 General Fund for general staff training.

OCPO R6 COMMUNICATIONS: The recommendation includes denial of R6, a request for \$15,000 General Fund for communications to support outreach and education initiatives through social media ad campaigns and in-person outreach events.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$151,589 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	\$45,592	\$45,592	\$0	\$0	\$0	0.0
Step Plan	44,703	44,703	0	0	0	0.0
Health, life, and dental	39,027	39,027	0	0	0	0.0
AED/SAED	16,582	16,582	0	0	0	0.0
Paid Family & Medical Leave Insurance	5,437	5,437	0	0	0	0.0
Short-term disability	248	248	0	0	0	0.0
TOTAL	\$151,589	\$151,589	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net decrease of \$210,915 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCPO FY24 R2 Client Services Analyst	\$5,666	\$5,666	\$0	\$0	\$0	0.0
OCPO FY24 R1 HR Support	(94,240)	(94,240)	0	0	0	0.0
HB22-1375 Child Res Trmt Runaway Youth	(70,042)	(70,042)	0	0	0	0.0
OCPO FY24 R3 Comm Engage Outreach	(33,299)	(33,299)	0	0	0	0.0
HB22-1240 Mandatory Reporters	(19,000)	(19,000)	0	0	0	0.0
TOTAL	(\$210,915)	(\$210,915)	\$0	\$0	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OCPO table above is \$59,856 General Fund. This includes differences of:

- \$13,291 less for the R2 Senior Client Services Analyst request;
- \$57,827 less for the R3 Admin Office Specialist request; and

- \$41,000 less for the R5 Staff Development and Training and R6 Communications requests.

Other variances include incremental differences for compensation policies and new staff budget builds.

DECISION ITEMS – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

→ OCPO R1 DATA ANALYST

REQUEST: The OCPO requests \$118,880 General Fund and 1.0 FTE for a Data Analyst position to develop, build, and implement an external reporting system using the OCPO's case management system database built on a Salesforce platform selected for its robust reporting capabilities. The OCPO requires a data analyst skill set for this expertise.

RECOMMENDATION: Staff recommends that the Committee approve the request. Staff recommends an appropriation of \$120,619 General Fund and 0.9 FTE as outlined in the budget build table at the end of the analysis section.

ANALYSIS

The OCPO's statutory charge includes educating "the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe" and making recommendations "to the general assembly, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado." The OCPO serves as a resource for individuals concerned, frustrated, or confused by the child protection services in which they are involved.

The OCPO has a custom, internal database built on a Salesforce platform that holds data concerning over 7,700 cases reviewed by the agency. For each case, the Client Services Team collects data points that include client demographics, agencies involved in complaints, alleged law and regulatory violations, practice concerns, and final OCPO case outcomes. The OCPO also tracks the nature and area of concern and monitors approximately 40 regional and statewide child protection trends including the lack of monthly contacts by caseworkers with parents and children, misuse of the Colorado Family Safety Assessment and Risk Tool, bias and discrimination by child protection professionals working with families, citizens' lack of access to behavioral health care services, and restraint and seclusion of youth in facilities.

The OCPO selected the Salesforce platform in part, for its robust reporting capabilities. However, extracting reports and analyzing data sets requires a unique skill set that the OCPO staff currently lacks. Currently, the OCPO struggles to inform agencies, stakeholders and the public about the many concerning issues that impact the child protection system. While the agency does provide general information in its annual report, the information is often based on anecdotal evidence and broad, high-level data from the OCPO's internal database. A data analyst would be charged with developing a plan to build and implement an external reporting system.

In addition, to enhance the OCPO's ability to report to external agencies and partners, the OCPO seeks to build a system that also measures the effectiveness of its internal programs including developing quality assurance standards. The OCPO contacted other Judicial independent agencies that employ a full-time position focused on data collection and analysis. The OCPO has modeled this position – and the correlating requested salary – based on these examples. In all examples reviewed by the OCPO, independent agencies utilize this position, in part, for reviewing internal data and developing quality assurance standards and protocols.

STAFF ASSESSMENT

The OCPO, as a Judicial independent agency, has a unique and narrowly tailored statutory charge and mission related to independent review and oversight of the state's child welfare system. This charge extends to making recommendations for system improvement on the basis of review. Data analysis is critical for the mission of the OCPO and for its efforts to track data, identify critical trends, and monitor change in the system broadly. It is necessary that OCPO have the technical staff resources as well as the database tools to be effective at making and justifying recommendations for change and improvement on the basis of data analysis.

Staff recommends that the Committee approve the request for a data analyst as outlined in the following budget build table. Staff's recommendation assumes salary minimum for a Business Intelligence Analyst in the Judicial Department compensation system (equivalent to positions at OADC and ORPC) and recommends inclusion of POTS due to the scale of the agency.

OCPO R1 DATA ANALYST REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Business Intelligence Analyst	1.0	\$89,615	0.9	\$92,761	1.0	\$104,229
POTS		18,955		19,908		22,003
Operating Expense		950		950		950
Capital Outlay		9,360		6,670		0
Operating Expense - software		0		330		330
Subtotal	1.0	\$118,880	0.9	\$120,619	1.0	\$127,512
FY 2024-25 OCPO R1 line item adjustments						
OCPO Program Costs			0.9	\$120,619		
FY 2025-26 OCPO R1 line item annualization adjustments						
OCPO Program Costs					1.0	\$105,509
POTS included in Statewide Comp						22,003
Subtotal - OCPO R1					1.0	\$127,512

→ OCPO R2 SENIOR CLIENT SERVICES ANALYST

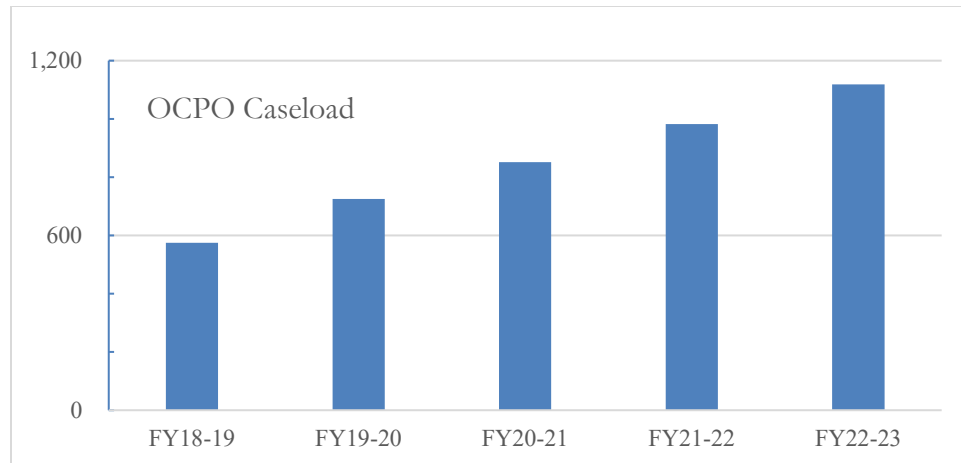
REQUEST: The OCPO requests \$118,685 General Fund and 1.0 FTE for a second Senior Client Services Analyst (CSA) to function as a Client Services Team supervisor.

RECOMMENDATION: Staff recommends that the Committee approve the request. Staff recommends an appropriation of \$105,394 General Fund and 0.9 FTE as outlined in the budget build table at the end of the analysis section.

ANALYSIS

The OCPO's Client Services Team is currently comprised of seven members including the Director of Client Services, one Senior CSA, and five CSAs. CSAs are equivalent to a Probation Services Analyst occupational classification in the Judicial compensation plan. In the current structure, the Director supervises three CSAs and the Senior CSA supervises two CSAs. Additionally, all positions including the Director carry a caseload.

The following chart outlines OCPO caseload (new cases opened) over five years.



Caseload has doubled since FY 2018-19 and increased at a 14.2 percent compound average annual growth rate over the five years. Additional data identifies that 97.0 percent of cases are closed in each year over that period.

The OCPO suggests that the ideal active caseload is 20 per CSA; however, there is no data, either way, to justify that number. The work of the OCPO is unique and at the forefront nationally as it relates to child welfare system review. Staff is not aware of caseload or workload statistics that may be available from similar or related offices or industry organizations.

The OCPO states that CSA staff are carrying an average active caseload of 40 at this time. Given the effectiveness of a 97.0 percent case closure rate, staff is willing to use the 40 caseload as a reasonable standard until better data is available.

Based on the current growth trend, total caseload is estimated at approximately 1,280 total cases for FY 2023-24 and approximately 1,460 for FY 2024-25. On average, the seven-member team is responsible for approximately 180 cases per year. Cases are anticipated to increase by about 180-200 cases over FY 2024-25 and FY 2025-26. This suggests that one additional CSA team member is a reasonable addition based on recent and current caseload data.

The OCPO also reports that it is seeking to better structure the team at its managerial and supervisory levels in order to more appropriately address growth in coming years. The OCPO would seek to eliminate casework for the Director, and reduce the caseload for supervisors, while establishing supervision responsibility for CSAs exclusively at the supervisor level.

Based on the caseload growth, the OCPO is in need of an additional CSA team member. Additionally, based on the current supervisory and caseload distribution across the Director and Senior CSA positions, it is appropriate that the OCPO better position its lead staff at this time. On this basis, staff recommends that the Committee approve the request for a Senior CSA.

The OCPO requests salary at midpoint in order to provide a salary consistent with the current Senior CSA. Staff is not convinced that salary at midpoint is necessary or appropriate. Staff's recommendation assumes salary minimum for a Probation Services Analyst II in the Judicial Department compensation system and recommends inclusion of POTS due to the scale of the agency. Staff recommends that the Committee approve the request for a Senior CSA as outlined in the following budget build table.

OCPO R2 SENIOR CSA REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Senior CSA (Probation Svcs Analyst II)	1.0	\$89,437	0.9	\$78,841	1.0	\$88,589
POTS		18,938		18,603		20,536
Operating Expense		950		950		950
Capital Outlay		9,360		6,670		0
Operating Expense - software		0		330		330
Subtotal	1.0	\$118,685	0.9	\$105,394	1.0	\$110,405
FY 2024-25 OCPO R2 line item adjustments						
OCPO Program Costs			0.9	\$105,394		
FY 2025-26 OCPO R2 line item annualization adjustments						
OCPO Program Costs					1.0	\$89,869
POTS included in Statewide Comp						20,536
Subtotal - OCPO R2					1.0	\$110,405

→ OCPO R3 ADMIN OFFICE SPECIALIST

REQUEST: The OCPO requests \$100,181 General Fund and 1.0 FTE for an Administrative Office Specialist. The OCPO currently includes a Director of Administrative Services but includes no administrative support staff positions.

RECOMMENDATION: Staff recommends that the Committee consider approving an appropriation of \$42,354 General Fund and 0.5 FTE for a half-time staff position for this request. Staff recommendation is outlined in the budget build table at the end of the analysis section.

ANALYSIS

The OCPO requests an administrative support staff position to streamline day-to-day business operations, enhance staff productivity and to allow staff members to focus on their core job responsibilities. The OCPO currently includes a Director of Administrative Services, which has grown from ministerial tasks to responsibilities that include financial, accounting, and human resource functions. Over seven years, the OCPO has grown from a staff of three to 12, and includes relationships with more than a dozen vendors and contract positions. The OCPO is relatively small and does not employ staff specifically designated to perform budgetary, accounting, and human resource functions.

The OCPO cites its relationship with the SCAO for the provision of administrative support as being related to the number of tasks handled internally, that would otherwise be addressed by a central support services office. The OCPO states:

In the past, the OCPO had a memorandum of understanding with the State Court Administrator's Office (SCAO) to provide support in these areas. However, the support provided by the SCAO was at a very high level. The OCPO was expected to handle all day-to-day work associated with these tasks. For example, while the SCAO provided the OCPO with human resource advice related to changes in employee benefit packages and discipline/termination matters, they did not handle the recruitment, interviewing, on-boarding of new employees or administration of leave for employees. Additionally, while the SCAO provided accounting services to the OCPO, the OCPO handled all business transactions leading up to that point including negotiating vendor contracts, ensuring vendor contracts comply with SCAO fiscal requirements, documenting expenses in Quick Books, managing all expenses, ensuring payment and processing of all invoices, maintaining inventory lists and ensuring compliance with the OCPO's document retention policies.

The SCAO will cease providing all services to the OCPO in July 2024, and such assistance is anticipated to come from the newly created Administrative Services Unit for Independent Agencies (ASIA). However, the OCPO will continue to be responsible for all in-house administrative functions. For example, while it is envisioned that ASIA will provide payroll support, the OCPO will continue to be responsible for entering time, approving leave cases and working with staff. ASIA will serve as the conduit between this work and Judicial's systems. As such, this additional position is necessary to absorb the additional workload created by the increased number of staff and expansion of program areas. Additionally, this position will ensure that the Director of Administrative Services is no longer tasked with absorbing this workload and, instead, may focus on their specific job duties.

STAFF ASSESSMENT

Staff agrees with the depiction of additional administrative tasks that have remained internal to OCPO despite SCAO support services; and relative to how those support services are generally provided within a larger department providing central support services at the executive director's office level. The SCAO, particularly in recent years as additional independent agencies have been added beginning with the OCPO, have significantly diminished the level of services provided to independent agencies. This was the basis for staff's recommendation to create the Office of Administrative Services for Independent Agencies (ASIA). Staff addresses challenges with the ASIA model later in the figure setting document.

Nevertheless, an agency like the OCPO is having to attend to many central support service-adjacent administrative tasks. Staff agrees that there is a need for additional administrative support exclusive to OCPO that cannot be "centralized" in either case.

However, staff has recommended approval for two additional staff positions requested for FY 2024-25. On that basis, staff recommends that the Committee consider approving a half-time administrative support staff position at this time.

The OCPO requests a salary at just above midpoint for an administrative office specialist II position in the Judicial compensation system. OCPO states that it seeks to recruit applicants with at least one to two years of experience. Staff is not convinced that salary at midpoint is necessary in this case and recommends salary at minimum; staff recommends the inclusion of POTS due to the scale of the agency. The following budget build table outlines staff recommendation.

OCPO R3 ADMIN OFFICE SPECIALIST REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Admin Office Specialist II	1.0	\$72,521	0.5	\$26,801	0.5	\$30,115
POTS		17,350		8,118		8,938
Operating Expense		950		435		475
Capital Outlay		9,360		6,670		0
Operating Expense - software		0		330		330
Subtotal	1.0	\$100,181	0.5	\$42,354	0.5	\$39,858
FY 2024-25 OCPO R3 line item adjustments						
OCPO Program Costs			0.5	\$42,354		
FY 2025-26 OCPO R3 line item annualization adjustments						
OCPO Program Costs					0.5	\$30,920
POTS included in Statewide Comp						8,938
Subtotal - OCPO R3					0.5	\$39,858

→ OCPO R4 IT UPGRADES AND SUPPORT

REQUEST: The OCPO requests \$31,300 General Fund for two IT upgrades: (1) a one-time cost of \$14,000 to replace the OCPO server; and (2) ongoing costs totaling \$17,300 for security upgrades and data storage (\$3,300), an increase for the contract with the OCPO's IT support vendor (\$6,000), staff and office equipment replacement (\$6,000), and database upgrades (\$2,000).

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

As listed above in the request section, these are relatively non-discretionary IT expenses that the OCPO needs to maintain its operations. Staff recommends that the Committee approve this request.

→ OCPO R5 STAFF DEVELOPMENT AND TRAINING

REQUEST: The OCPO requests \$50,000 General Fund for staff development and training, including \$24,000 for staff training and \$26,000 for ongoing equity, diversity, and inclusion (EDI) assessment and development.

RECOMMENDATION: Staff recommends that the Committee approve the request for basic staff training of \$24,000 General Fund.

ANALYSIS

The OCPO states that it employs diverse professionals, including child welfare, communications and public policy experts, requiring specialized and ongoing training to effectively carry out their respective duties. Additionally, providing staff with professional development opportunities has become key to recruiting and retaining staff. The OCPO states that historically, the agency has relied on vacancy and surplus funds to provide training and development opportunities for staff.

The OCPO states that it has worked to ensure that customer service is a top priority, and this includes providing staff adequate training to ensure they are able to hear and identify each client's concerns. To enhance this skillset, all client services analysts attend a 40-hour course on mediation through the Colorado Bar Association. These and other trainings have helped to elevate staff and provide them with the necessary tools to thoroughly and compassionately address client needs.

Based on past years, the OCPO has determined that an annual training budget of \$2,000 per employee – \$24,000 annually – would allow the agency to provide each employee to participate in one conference or multiple online training courses per year.

For FY 2023-24, the OCPO was provided one-time funds of \$35,000 to contract with a vendor for equity, diversity and inclusion (EDI) consultation and support. These funds are dedicated to evaluating the OCPO's own practices, messaging, and actions, and determining if they are conducive to EDI principles. This work, however, is not accomplished in one year. In fact, to ensure the agency is truly considering EDI principles and ensuring it is serving citizens in an inclusive way, the OCPO must continue to provide staff with training regarding explicit and implicit bias and continue to evaluate its own practices. This recurring evaluation and training are necessary to ensure changes are implemented and the agency adheres to EDI principles on a day-to-day basis. At this time, the OCPO has determined that \$26,000 in annual funding will allow the OCPO to continue this work, through the use of outside vendors and training.

STAFF ASSESSMENT

Staff agrees that there is a need for annual, ongoing staff training, particularly for the work of the Client Services Team. Staff is unable to recommend an amount based on empirical analysis, aside from the per-person amount requested by the OCPO. However, based on the totality of OCPO requests submitted for FY 2024-25, and the associated staff recommendations for funding (12.2 percent increase), staff recommends that the Committee consider funding no more than the basic \$24,000 training request and require the OCPO to manage within that amount for its various needs.

→ OCPO R6 COMMUNICATIONS

REQUEST: The OCPO requests \$15,000 General Fund to support outreach and education initiatives through social media ad campaigns and in-person outreach events.

RECOMMENDATION: Staff recommends that the Committee deny this request.

ANALYSIS

The OCPO states that during the past fiscal year it has worked to determine where to best focus its communication efforts. The most successful outreach and education initiatives were paid social media ads that allowed the OCPO to focus its efforts on connecting with certain populations and in-person community outreach events.

The OCPO states that it utilized approximately \$1,400 in vacancy savings during the fourth quarter of FY 2022-23 to purchase a series of paid social media ads. This outreach strategy allowed the agency to focus its efforts on reaching youth, caregivers, and professionals in every region of the state. During

the 11-day campaign, ads featuring information about the OCPO were viewed 37,232 times. This represents a 73% increase in views, compared to all of the social media the agency completed between March 2022 and March 2023.

During the five months following the ad campaign, the OCPO saw a significant increase in the number of cases brought to the agency each month. On average, the agency saw a 34.8 percent increase in cases brought to the OCPO during that five-month period, compared to the same period the year before.

STAFF ASSESSMENT

Staff is generally agnostic on this request. At \$15,000, this request is relatively minor, even in the context of this small agency.

For FY 2023-24, the Committee approved the OCPO's request for its Tori Shuler Youth Program, which totaled \$40,000 and included a \$15,000 youth messaging component and a \$20,000 contract with Fostering Great Ideas, a vendor that connect and coordinates youth with OCPO for its outreach to youth, plus \$5,000 for an additional youth-oriented component. That item was entirely directed to outreach to youth, while this request is related to communications to the public generally.

The OCPO identifies that it spent \$1,400 on ads that are the basis of this request. Staff is inclined to encourage the OCPO to use its annual savings to the extent it is able for a purpose like this, given the scale of the first ad buy. If the Committee wishes to fund this item, staff would assume that this amount simply gets added to the communications budget generally, which may include some amount for this specific purpose. Regardless, staff is confident that the OCPO would use these funds appropriately and effectively; staff is simply concerned that the scale of this request is perhaps a bit "inappropriate" for the time it takes for the preparation and consideration of a discrete budget request.

On that basis, staff recommends that the Committee deny this request.

LINE ITEM DETAIL – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

PROGRAM COSTS

This is a consolidated line item that includes funding for OCPO operations, including personal services, employee benefits, and operating expenses. It does not include legal expenses.

STATUTORY AUTHORITY: Section 19-3.3-101 et seq., C.R.S.

REQUEST: The OCPO requests \$2,141,793 General Fund and 13.0 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$2,076,057 and 12.0 FTE as outlined in the following table. The recommendation includes the R1-R6 recommendations previously outlined and adjustments consistent with Committee decisions for statewide compensation.

OFFICE OF THE CHILD PROTECTION OMBUDSMAN, PROGRAM COSTS

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$2,170,852	\$2,170,852	\$0	\$0	\$0	12.0
HB24-1188 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$2,170,852	\$2,170,852	\$0	\$0	\$0	12.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$2,170,852	\$2,170,852	\$0	\$0	\$0	12.0
Centrally appropriated line items	151,589	151,589	0	0	0	0.0
OCPO R1 Data Analyst	120,619	120,619	0	0	0	0.9
OCPO R2 Senior Client Services Analyst	105,394	105,394	0	0	0	0.9
OCPO R3 Admin Office Specialist	42,354	42,354	0	0	0	0.5
OCPO R4 IT Upgrades and Support	31,300	31,300	0	0	0	0.0
OCPO R5 Staff Development and Training	24,000	24,000	0	0	0	0.0
OCPO R6 Communications	0	0	0	0	0	0.0
Annualize prior year actions	(210,915)	(210,915)	0	0	0	0.0
TOTAL	\$2,435,193	\$2,435,193	\$0	\$0	\$0	14.3
INCREASE/(DECREASE)	\$264,341	\$264,341	\$0	\$0	\$0	2.3
Percentage Change	12.2%	12.2%	0.0%	0.0%	0.0%	19.2%
FY 2024-25 EXECUTIVE REQUEST	\$2,495,049	\$2,495,049	\$0	\$0	\$0	15.0
Request Above/(Below) Recommendation	\$59,856	\$59,856	\$0	\$0	\$0	0.7

(10) INDEPENDENT ETHICS COMMISSION

The Independent Ethics Commission (IEC) was established by a constitutional amendment approved by voters in 2006. The IEC gives advice and guidance on ethics-related matters arising under the Colorado Constitution and any other standards of conduct or reporting requirements provided by law concerning public officers, members of the General Assembly, local government officials, or government employees. The IEC hears complaints, issues findings, assesses penalties and sanctions where appropriate, and issues advisory opinions. The five members of the IEC serve without compensation and are appointed by the Governor, the Chief Justice of the Supreme Court, the Senate, the House of Representatives, and the IEC itself. The IEC is an independent agency within the Judicial Department and is funded by General Fund.

INDEPENDENT ETHICS COMMISSION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$352,508	\$352,508	\$0	\$0	\$0	1.5
TOTAL	\$352,508	\$352,508	\$0	\$0	\$0	1.5
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$352,508	\$352,508	\$0	\$0	\$0	1.5
IEC R1 HB21-1110 ADA compliance	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	4,279	4,279	0	0	0	0.0
Annualize prior year actions	(50,000)	(50,000)	0	0	0	0.0
TOTAL	\$356,787	\$356,787	\$0	\$0	\$0	1.5
INCREASE/(DECREASE)	\$4,279	\$4,279	\$0	\$0	\$0	0.0
Percentage Change	1.2%	1.2%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$8,039)	(\$8,039)	\$0	\$0	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

IEC R1 HB21-1110 ADA COMPLIANCE: The recommendation includes an increase of \$50,000 General Fund for the IEC for a second year of spending authority for a website upgrade to enable compliance with H.B. 21-1110 (CO Laws for Persons with Disabilities).

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$4,279 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	\$7,273	\$7,273	\$0	\$0	\$0	0.0
Step Plan	7,113	7,113	0	0	0	0.0
AED/SAED	3,144	3,144	0	0	0	0.0
Paid Family & Medical Leave Insurance	868	868	0	0	0	0.0
Short-term disability	47	47	0	0	0	0.0
Health, life, and dental	(14,166)	(14,166)	0	0	0	0.0
TOTAL	\$4,279	\$4,279	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net decrease of \$50,000 General Fund to reflect the impact of IEC FY24 R1 HB21-1110 Compliance.

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the IEC table is \$8,039 General Fund reflecting incremental differences for compensation policies.

DECISION ITEMS – INDEPENDENT ETHICS COMMISSION

→ IEC R1 WEBSITE UPGRADE FOR H.B. 21-1110

REQUEST: The IEC requests an additional one-time appropriation of \$50,000 General Fund to continue and complete work on website compliance with H.B. 21-1110 (CO Laws for Persons with Disabilities).

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

House Bill 21-1110 strengthens state discrimination laws for individuals with disabilities: (1) adding three discrimination violations; (2) providing additional responsibility for the Governor's Office of Information Technology (OIT) to improve the accessibility of state agency web content; and (3) prohibiting state agencies from failing to comply with OIT accessibility standards. State agencies are required to fully implement their accessibility plans by July 1, 2024.

The *Other state agencies* section in the fiscal note identifies that workload will increase for state agencies for compliance costs and that these will be addressed through the annual budget process:

Other state agencies. This bill will increase workload for state agencies to evaluate their level of compliance with the accessibility standards established by OIT. ... Once each agency identifies the gaps between their current accessibility and the new requirements by July 1, 2022, they will identify the costs to bring their systems into compliance by July 1, 2024. These costs will be addressed through the annual budget process.

The IEC began work in FY 2023-24 and has determined one additional year of a \$50,000 appropriation will complete the project.

LINE ITEM DETAIL – INDEPENDENT ETHICS COMMISSION

PROGRAM COSTS

This is a consolidated line item that includes funding for the administrative office that supports the Commission, including personal services, employee benefits, and operating expenses.

STATUTORY AUTHORITY: Article XXIX of the State Constitution and Section 24-18.5-101 *et seq.*, C.R.S.

REQUEST: The IEC requests an appropriation of \$348,748 General Fund and 1.5 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$356,787 General Fund and 1.5 FTE, as outlined in the following table. The recommendation includes IEC R1 and adjustments consistent with Committee decisions for statewide compensation.

INDEPENDENT ETHICS COMMISSION, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$352,508	\$352,508	\$0	\$0	\$0	1.5
TOTAL	\$352,508	\$352,508	\$0	\$0	\$0	1.5
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$352,508	\$352,508	\$0	\$0	\$0	1.5
IEC R1 HB21-1110 ADA compliance	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	4,279	4,279	0	0	0	0.0
Annualize prior year actions	(50,000)	(50,000)	0	0	0	0.0
TOTAL	\$356,787	\$356,787	\$0	\$0	\$0	1.5
INCREASE/(DECREASE)	\$4,279	\$4,279	\$0	\$0	\$0	0.0
Percentage Change	1.2%	1.2%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$8,039)	(\$8,039)	\$0	\$0	\$0	0.0

(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship (OPG), which is overseen by the Public Guardianship Commission, originated as a pilot program through June 30, 2024, and established as an independent agency by H.B. 17-1087 (Office of Public Guardianship); amended pursuant to H.B. 19-1045 (Funding Office of Public Guardianship) to provide cash funding of \$19 from each probate fee, pursuant to Section 15-12-623 (1)(c), C.R.S.; and extended as a permanent program pursuant to S.B. 23-064 (Continue Office of Public Guardianship) in Section 13-94-101, et seq., C.R.S., with increasing General Fund appropriations over three years beginning in FY 2025-26, to provide guardianship services statewide by December 31, 2030.

The Office is funded by: (1) cash funds from increased probate fees pursuant to H.B. 19-1045; (2) cash funds from grant funding from institutional health care providers for the provision of guardianship services for patients of those institutions; and (3) reappropriated funds from the mental health institutes at the Department of Human Services for the provision of guardianship services for patients of those institutions.

OFFICE OF PUBLIC GUARDIANSHIP						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$1,903,288	\$0	\$1,705,895	\$197,393	\$0	14.0
TOTAL	\$1,903,288	\$0	\$1,705,895	\$197,393	\$0	14.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$1,903,288	\$0	\$1,705,895	\$197,393	\$0	14.0
OPG R1 Workforce Development Mgr	155,861	0	155,861	0	0	1.0
OPG R2 Staff Attorney	173,827	0	173,827	0	0	1.0
Centrally appropriated line items	102,357	0	75,237	27,120	0	0.0
TOTAL	\$2,335,333	\$0	\$2,110,820	\$224,513	\$0	16.0
INCREASE/(DECREASE)	\$432,045	\$0	\$404,925	\$27,120	\$0	2.0
Percentage Change	22.7%	0.0%	23.7%	13.7%	0.0%	14.3%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$64,692)	\$0	(\$59,047)	(\$5,645)	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

OPG R1 : The recommendation includes an increase of \$155,861 cash funds from the OPG Cash Fund and 1.0 FTE for a workforce development manager and employee wellness program.

OPG R21 : The recommendation includes an increase of \$173,827 cash funds from the OPG Cash Fund and 1.0 FTE for a staff attorney to support clients in court processes.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$102,357 cash and reappropriated funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$38,531	\$0	\$33,425	\$5,106	\$0	0.0
Step Plan	37,687	0	32,692	4,995	0	0.0
Health, life, and dental	14,135	0	4,980	9,155	0	0.0
Indirect cost assessment	18,527	0	18,527	0	0	0.0
Paid Family & Medical Leave Insurance	4,597	0	3,988	609	0	0.0
Short-term disability	1,532	0	1,329	203	0	0.0
AED/SAED	(12,652)	0	(19,704)	7,052	0	0.0
TOTAL	\$102,357	\$0	\$75,237	\$27,120	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request is \$64,692 reflecting incremental differences for request item budget builds and compensation policies.

DECISION ITEMS – OFFICE OF PUBLIC GUARDIANSHIP

→ OPG R1 WORKFORCE DEVELOPMENT MANAGER

REQUEST: The OPG requests \$152,104 cash funds from the OPG Cash Fund and 1.0 FTE for a Workforce Development Manager and Employee Wellness Program. The Legislative Council Staff (LCS) Fiscal Note for S.B. 23-064 (Continue Office of Public Guardianship) includes a General Fund appropriation for this item for FY 2025-26. This request accelerates funding for that item by one year and requests the use of cash funds for this acceleration.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the budget build table at the end of the analysis.

ANALYSIS

The fiscal note for S.B. 23-064 identifies a need for 28.0 FTE through FY 2027-28 related to expansion of the OPG. This includes 10.0 FTE for FY 2025-26 that include this position. The OPG states that it seeks to accelerate this position in order to enable the OPG to be in a better position to hire the additional positions identified for S.B. 23-064. Additionally, the fiscal note identifies funding for the employee wellness program as included in this request at \$25,000. Funding in the fiscal note is identified as General Fund; this request is for the use of cash funds for this first year.

Staff recommends that the Committee approve this request. The following table outlines the staff recommended budget build for this item. Staff recommends including POTS due to the size/scale of the agency.

OPG R1 WORKFORCE DEVELOPMENT MANAGER REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
HR Analyst III	1.0	\$98,232	1.0	\$101,193	1.0	\$104,229
POTS		20,722		21,718		22,003

OPG R1 WORKFORCE DEVELOPMENT MANAGER REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Operating Expense		950		950		950
Capital Outlay		7,200		6,670		0
Operating Expense - software		0		330		330
Employee Wellness Program		25,000		25,000		25,000
Subtotal	1.0	\$152,104	1.0	\$155,861	1.0	\$152,512
FY 2024-25 OPG R1 line item adjustments						
OPG Program Costs			1.0	\$155,861		
FY 2025-26 OPG R1 line item annualization adjustments						
OPG Program Costs					1.0	\$130,509
POTS included in Statewide Comp						22,003
Subtotal - OPG R1					1.0	\$152,512

→ OPG R2 STAFF ATTORNEY

REQUEST: The OPG requests \$155,485 cash funds from the OPG Cash Fund and 1.0 FTE for a staff attorney. The Legislative Council Staff (LCS) Fiscal Note for S.B. 23-064 (Continue Office of Public Guardianship) includes a General Fund appropriation for this item for FY 2025-26. This request accelerates funding for that item by one year and requests the use of cash funds for this acceleration.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the budget build table at the end of the analysis.

ANALYSIS

The fiscal note for S.B. 23-064 identifies a need for 28.0 FTE through FY 2027-28 related to expansion of the OPG. This includes 10.0 FTE for FY 2025-26 that include this position. The OPG states that it seeks to accelerate this position related to immediate needs for client support in court processes.

Consistent with R1, the fiscal note identifies a General Fund appropriation for this item for FY 2025-26. This request accelerates funding for that item by one year and requests the use of cash funds for this acceleration. Currently the OPG does not have a staff attorney dedicated to client support.

Staff recommends that the Committee approve this request. The following table outlines the staff recommended budget build for this item. The position was requested at midpoint for an Assistant Legal Counsel; however, the independent agencies anchor their staff attorney positions at the First Assistant Legal Counsel. Staff recommends funding at salary minimum for a First Assistant Legal Counsel. Staff recommends including POTS due to the size/scale of the agency.

OPG R2 STAFF ATTORNEY REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
First Asst Legal Counsel	1.0	\$124,177	1.0	\$140,475	1.0	\$144,689
POTS		23,158		25,402		25,797
Operating Expense		950		950		950

OPG R2 STAFF ATTORNEY REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Capital Outlay		7,200		6,670		0
Operating Expense - software		0		330		330
Subtotal	1.0	\$155,485	1.0	\$173,827	1.0	\$171,766
FY 2024-25 OPG R2 line item adjustments						
OPG Program Costs			1.0	\$173,827		
FY 2025-26 OPG R2 line item annualization adjustments						
OPG Program Costs					1.0	\$145,969
POTS included in Statewide Comp						25,797
Subtotal - OPG R2					1.0	\$171,766

LINE ITEM DETAIL – OFFICE OF PUBLIC GUARDIANSHIP

PROGRAM COSTS

This is a consolidated line item that includes all program funding for the Office of Public Guardianship, including personal services, employee benefits, legal services, and operating expenses.

STATUTORY AUTHORITY: Section 13-94-101, C.R.S., and following sections.

REQUEST: The Office requests an appropriation of \$2,252,114 total funds, including \$2,033,246 cash funds and \$218,868 reappropriated funds and 16.0 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$2,316,806 total funds, including \$2,092,293 cash funds and \$224,513 reappropriated funds and 16.0 FTE, as outlined in the following table. The recommendation includes staff recommendations for R1 and R2 and adjustments consistent with Committee decisions for statewide compensation.

OFFICE OF PUBLIC GUARDIANSHIP, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$1,903,288	\$0	\$1,705,895	\$197,393	\$0	14.0
TOTAL	\$1,903,288	\$0	\$1,705,895	\$197,393	\$0	14.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$1,903,288	\$0	\$1,705,895	\$197,393	\$0	14.0
OPG R2 Staff Attorney	173,827	0	173,827	0	0	1.0
OPG R1 Workforce Development Mgr	155,861	0	155,861	0	0	1.0
Centrally appropriated line items	83,830	0	56,710	27,120	0	0.0
TOTAL	\$2,316,806	\$0	\$2,092,293	\$224,513	\$0	16.0
INCREASE/(DECREASE)	\$413,518	\$0	\$386,398	\$27,120	\$0	2.0
Percentage Change	21.7%	0.0%	22.7%	13.7%	0.0%	14.3%
FY 2024-25 EXECUTIVE REQUEST						
Request	\$2,252,114	\$0	\$2,033,246	\$218,868	\$0	16.0
Recommendation	(\$64,692)	\$0	(\$59,047)	(\$5,645)	\$0	0.0

INDIRECT COST ASSESSMENT [NEW LINE ITEM]

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

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

REQUEST: Department requests \$18,527 cash funds.

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

OFFICE OF PUBLIC GUARDIANSHIP, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$18,527	\$0	\$18,527	\$0	\$0	0.0
TOTAL	\$18,527	\$0	\$18,527	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	n/a	0.0%	n/a	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(12) COMMISSION ON JUDICIAL DISCIPLINE

The general authority and function for the Colorado Commission on Judicial Discipline (CJD) are defined by Section 23 of Article VI of the Colorado Constitution, created in Amendment 3, passed by the voters in 1966. The overriding purpose of Colorado's merit-based system of judicial selection, retention, and oversight is to reinforce judicial independence through an ongoing and reliable verification of judicial qualifications. The CJD protects the public interest in circumstances where, due to disability or violation of ethical standards, a judge is unable to perform the duties of his or her office. The CJD comprises 10 members, serving without compensation, including two district court judges, two county court judges, two attorneys, and four non-lawyer/non-judge citizens. Judicial members are selected by the Supreme Court and the attorney and lay members are selected by the Governor and confirmed by the Senate.

The CJD is authorized to remove or discipline judges for willful misconduct in office, willful or persistent failure to perform duties, intemperance, and violations of the Colorado Code of Judicial Conduct. Within the context of its disciplinary powers, the CJD is further authorized to conduct investigations, order informal remedial action, order a formal hearing before the Commission, or appoint a panel of three special masters (who must be qualified judges or justices) to hold a hearing and issue a report to the Commission. The CJD may initiate formal proceedings in the Supreme Court by filing recommendations. The Supreme Court may conduct further proceedings before either approving or rejecting the CJD's recommendations, in whole or in part. CJD proceedings and records are confidential prior to the filing of recommendations with the Colorado Supreme Court.

In 2022, the General Assembly passed S.B. 22-201 (Commission on Judicial Discipline) to establish the Commission and the Office of Judicial Discipline as an independent agency in the Judicial Department and codify in statute its organizational structure in Section 13-5.3-101, et seq., C.R.S. The Commission on Judicial Discipline is funded by General Fund.

COMMISSION ON JUDICIAL DISCIPLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$1,502,190	\$1,502,190	\$0	\$0	\$0	8.0
Other legislation	(212,087)	(212,087)	0	0	0	(3.2)
TOTAL	\$1,290,103	\$1,290,103	\$0	\$0	\$0	4.8
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$1,290,103	\$1,290,103	\$0	\$0	\$0	4.8
Centrally appropriated line items	80,489	80,489	0	0	0	0.0
Annualize prior year actions	(52,488)	(52,488)	0	0	0	0.2
TOTAL	\$1,318,104	\$1,318,104	\$0	\$0	\$0	5.0
INCREASE/(DECREASE)	\$28,001	\$28,001	\$0	\$0	\$0	0.2
Percentage Change	2.2%	2.2%	0.0%	0.0%	0.0%	4.2%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$27,165)	(\$27,165)	\$0	\$0	\$0	(0.0)

DESCRIPTION OF INCREMENTAL CHANGES

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$80,489 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	\$24,576	\$24,576	\$0	\$0	\$0	0.0
Step Plan	24,035	24,035	0	0	0	0.0
AED/SAED	19,518	19,518	0	0	0	0.0
Health, life, and dental	9,136	9,136	0	0	0	0.0
Paid Family & Medical Leave Insurance	2,932	2,932	0	0	0	0.0
Short-term disability	292	292	0	0	0	0.0
TOTAL	\$80,489	\$80,489	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net decrease of \$52,488 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Prior year salary survey	\$0	\$0	\$0	\$0	\$0	0.0
HB23-1019 Jud Disc Proc Reptg	(27,488)	(27,488)	0	0	0	0.2
IEC FY24 R2 Rule Rev Consult	(25,000)	(25,000)	0	0	0	0.0
TOTAL	(\$52,488)	(\$52,488)	\$0	\$0	\$0	0.2

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request is \$27,165 General Fund reflecting incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF JUDICIAL DISCIPLINE – NONE

LINE ITEM DETAIL – COMMISSION ON JUDICIAL DISCIPLINE

OFFICE OF JUDICIAL DISCIPLINE

This is a consolidated line item that includes all standard operations funding for the Office of Judicial Discipline, including personal services, employee benefits, legal services, and operating expenses.

STATUTORY AUTHORITY: Section 13-5.3-101, C.R.S., and following sections.

REQUEST: The Commission requests an appropriation of \$1,290,939 General Fund and 5.0 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$1,318,104 General Fund and 5.0 FTE as outlined in the following table. The recommendation includes adjustments consistent with Committee decisions for statewide compensation.

COMMISSION ON JUDICIAL DISCIPLINE, OFFICE OF JUDICIAL DISCIPLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$1,502,190	\$1,502,190	\$0	\$0	\$0	8.0
Other legislation	(212,087)	(212,087)	0	0	0	(3.2)
TOTAL	\$1,290,103	\$1,290,103	\$0	\$0	\$0	4.8
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$1,290,103	\$1,290,103	\$0	\$0	\$0	4.8
Centrally appropriated line items	80,489	80,489	0	0	0	0.0
Annualize prior year actions	(52,488)	(52,488)	0	0	0	0.2
TOTAL	\$1,318,104	\$1,318,104	\$0	\$0	\$0	5.0
INCREASE/(DECREASE)	\$28,001	\$28,001	\$0	\$0	\$0	0.2
Percentage Change	2.2%	2.2%	0.0%	0.0%	0.0%	4.2%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$27,165)	(\$27,165)	\$0	\$0	\$0	(0.0)

APPROPRIATION TO THE COMMISSION ON JUDICIAL DISCIPLINE SPECIAL CASH FUND

Pursuant to Section 13-5.3-104, C.R.S., this line item provides funding for evaluations, investigations, formal proceedings undertaken by contract investigators and special counsel as needed. The Commission on Judicial Discipline Special Cash Fund is continuously appropriated to the Commission for this purpose. And subsection (7) specifies that the Fund shall receive appropriations to maintain a balance of \$400,000: "In each subsequent fiscal year, the general assembly shall appropriate sufficient money to the fund, so that it begins the fiscal year with not less than four hundred thousand dollars." It is anticipated that this provision shall be addressed through supplemental appropriations in January, based on the prior fiscal year end balance for the fund.

STATUTORY AUTHORITY: Section 13-5.3-104, C.R.S.

REQUEST: The Office requests no appropriation.

RECOMMENDATION: Staff recommends no appropriation.

(13) STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO) [NEW DIVISION]

The Statewide Behavioral Health Court Liaison known as Bridges of Colorado (BRI) originated as a program located in the state courts in 2018 by S.B. 18-251 (Statewide Behavioral Health Court Liaison Program) and established as an independent agency in 2023 by S.B. 23-229 (Statewide Behavioral Health Court Liaison Office) in Section 13-95-101, et seq., C.R.S. The Bridges Program provides court liaisons in each judicial district who serve participants involved in the criminal justice system who have entered the court competency to proceed process or who are at risk of entering the competency process due to behavioral health issues. Liaisons are charged with reporting to the court related to the provision of case management, identification of community stabilization resources, and diversion from incarceration and criminal justice system involvement for clients. Bridges is governed by the Bridges Program Commission, comprised of 11 members, including five designated in statute and six appointed by the Chief Justice. Bridges is funded by General Fund.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
Other legislation	\$5,181,020	\$5,181,020	\$0	\$0	\$0	33.7
TOTAL	\$5,181,020	\$5,181,020	\$0	\$0	\$0	33.7
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$5,181,020	\$5,181,020	\$0	\$0	\$0	33.7
JBC-SI BRI psychological assessment services	781,675	781,675	0	0	0	4.9
Centrally appropriated line items	1,938,162	1,938,162	0	0	0	0.0
Annualize prior year actions	7,051,780	7,051,780	0	0	0	65.3
TOTAL	\$14,952,637	\$14,952,637	\$0	\$0	\$0	103.9
INCREASE/(DECREASE)	\$9,771,617	\$9,771,617	\$0	\$0	\$0	70.2
Percentage Change	188.6%	188.6%	0.0%	0.0%	0.0%	208.3%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$1,090,168)	(\$1,090,168)	\$0	\$0	\$0	(4.9)

DESCRIPTION OF INCREMENTAL CHANGES

JBC-SI BRI PSYCHOLOGICAL ASSESSMENT SERVICES: The recommendation includes an increase of \$781,675 General Fund and 4.9 FTE for a JBC staff-initiated recommendation for up to five clinical psychological positions, staff or contract, one program director, and one program coordinator, for Bridges of Colorado. This recommendation is for a three-year trial period that annualizes to \$1,069,774 General Fund and 7.0 FTE for FY 2025-26 and FY 2026-27. This initiative is intended to enable court-requested, "pre-competency" psychological assessments of psychological and neuropsychological health and to recommend alternative behavioral health support or treatment that may lead to alternative adjudication outcomes for participants prior to their entry into the competency evaluation process.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$1,938,162 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	\$923,005	\$923,005	\$0	\$0	\$0	0.0
AED/SAED	423,782	423,782	0	0	0	0.0
Salary survey	279,087	279,087	0	0	0	0.0
Step Plan	272,954	272,954	0	0	0	0.0
Paid Family & Medical Leave Insurance	33,293	33,293	0	0	0	0.0
Short-term disability	6,041	6,041	0	0	0	0.0
TOTAL	\$1,938,162	\$1,938,162	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net increase of \$7,051,780 General Fund to reflect the impact of S.B. 23-229 (Statewide Behavioral Health Court Liaison Office).

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request is \$1,090,168 General Fund including \$781,675 for the staff-initiated recommendation for psychological assessment services related to diversion from competency. The remainder reflects differences for compensation policies.

DECISION ITEMS – STATEWIDE BEHAVIORAL HEALTH COURT LIAISON

➔ STAFF-INITIATED: BRIDGES PSYCHOLOGICAL ASSESSMENT SERVICES

REQUEST: This item was not submitted as a request by the agency.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$781,675 General Fund and 4.9 FTE, for up to five clinical psychological positions, staff or contract, one program director, and one program coordinator, for Bridges of Colorado. This recommendation is for a three-year trial period that annualizes to \$1,069,774 General Fund and 7.0 FTE for FY 2025-26 and FY 2026-27. This initiative is intended to enable court-requested, "pre-competency" psychological assessments of psychological and neuropsychological health and to recommend alternative behavioral health support or treatment that may lead to alternative adjudication outcomes for participants prior to their entry into the competency evaluation process.

ANALYSIS

Due to the length of the write-up, for additional detail and background that better informs this staff-initiated budget item, please refer to the issue brief titled, *A Reconsideration of the Competency Crisis*, from the December 5, 2023 Judicial Department budget briefing document. For current reference, the issue brief executive summary states:

The "competency crisis" in the state courts that drives the current high cost behavioral health systems approach to build forensic mental health system capacity and infrastructure, should be more precisely stated and considered, reframed within the context of the courts, public safety, and community stability, and solutions reconsidered from that reframe. Specifically,

pursuing policies that encourage "diversion from competency" may deliver competency crisis relief at a lower cost than capacity and infrastructure buildout, while also providing a more sustainable, permanent, and holistic approach to addressing behavioral health issues for individuals at risk of entering the competency process.

While the question of public safety is always foremost in mind among judges and prosecutors, there is recognition that many individuals arrested for low-level crimes suffer from the interplay of untreated behavioral health issues (mental health and substance abuse) and general economic instability and homelessness, and therefore, a defendant's involvement in the criminal justice system and the community's interest in public safety often coincide and are enhanced through the resolution of the underlying factors creating instability rather than through further engagement in the criminal justice system and incarceration.

There is a broad belief among officers of the court – judges, defense attorneys, and prosecutors – that a defendant who exhibits behavioral health issues or problems may be best served with a holistic, behavioral health assessment and holistic behavioral health treatment. On this basis, officers of the court typically default to the only court process solution available – the use of the competency process – as a way of seeking a holistic behavioral health solution for defendants.

However, what is commonly and loosely called "competency" is actually a much more limited legal principle also known as "aid and assist". Can the defendant "aid and assist" in their defense? On that basis, the competency evaluation and restoration process is entirely and only engaged in considering and resolving this slim question.

Therefore, the belief that engaging a defendant in the competency process as a solution to holistic behavioral health, connection to community support, and sustained personal stability in the community is mostly mistaken. There is no good reason to route individuals into competency who can readily find an off-ramp to additional stability and holistic behavioral health through more refined attention to diagnostic processes that help to avoid the overuse of the competency system.

AN OUTLINE OF THE DIVERSION FROM COMPETENCY SOLUTION

Once a defendant is in the competency process, the defendant is essentially confined to resolution through that process and completion of that process. And that process will not help that defendant with the ancillary and unique mental health and substance abuse issues and likely, community supports related to homelessness and economic instability, that can be addressed more effectively outside of the competency process, and especially outside of incarceration.

Jails are not well suited to address mental health issues, should not be used for that purpose, and should not be expected to deliver good public policy results for that purpose. This is functionally warehousing the social problems of mental health, substance abuse, and economic instability and homelessness in our law enforcement and criminal justice institutions.

Jails can continue to be used to safely incarcerate those individuals who are genuine threats to public safety. And the competency process as an institutional solution should be reserved for those cases where public safety is at issue and the defendant must be institutionalized or incarcerated. There is no good reason to route individuals into competency who can readily find an off-ramp to additional

stability and holistic behavioral health through more refined attention to diagnostic processes that help to avoid the overuse of the competency system.

When the competency question is raised during legal proceedings, a judge is required to make a decision and issue an order to have the defendant evaluated for competency to proceed. The judge might also choose to stay that decision for a period and first request a neuro-psych or comprehensive psychological evaluation prior to ruling on the question of competency.

Prior to committing a defendant to the necessary wait involved in competency evaluation and restoration, a neuro-psychological or comprehensive psychological evaluation can determine:

- (1) whether a defendant may be permanently incompetent to proceed (PITP) due to intellectual and developmental disability, dementia, or mental illness requiring long-term institutional care, and appropriately and immediately route the individual to alternate adjudication or case resolution and provision of appropriate and necessary legal and institutional care; or
- (2) the need for additional mental health or substance abuse treatment to address the behavioral health issues that may have led to the contact by law enforcement and involvement in the criminal justice system.

For those in the second category, prior to being automatically routed into competency as the only apparent solution to behavioral health concerns, there may first be a need for: mental health diagnosis, treatment, intensive case management, medication, substance abuse treatment, or some combination of these. Any of these alternatives, in combination with addressing social determinants of health, such as housing and transportation, is more likely to return the individual to more stable behavioral health that avoids and precludes the need to route the individual into the competency process – a process not designed or intended to engage the individual from a holistic, behavioral health approach.

A Bridges court liaison may be assigned to a participant who is "at risk of entering competency" as readily as one who is in the competency process. The Bridges liaison can more effectively find community support for a participant prior to entering the competency process that can lead to a quicker determination of diversion from incarceration and possibly diversion from the criminal justice process entirely. While issues like homelessness and finding housing may be the greatest challenge to Bridges liaisons in aiding participants under their care, the greatest frustration is losing the opportunity to help stabilize a participant who is locked into the competency process prematurely or unnecessarily and who cannot receive help to find stability in the community until after the competency process is concluded.

ISSUE BRIEF RECOMMENDATION

The issue brief includes several recommendations for incremental budget items to encourage "diversion" from competency. Staff believes the recommendation for the Bridges Program is the most critical and highest priority component. That recommendation states:

- 1 Staff recommends that the Committee provide "pilot program" resources for three to five clinical positions to be located in Bridges of Colorado for two to three years. These clinical evaluator positions will be available through Bridges to conduct more thorough, and more directed, neuro-psych and other comprehensive psychological evaluations prior to a judge's

decision on the "question" for a competency evaluation which initiates the competency process for a defendant. The "pilot program" structure is intended to test the effectiveness of the deployment of these resources from within the Bridges model, and to deliver annual reports each budget cycle to report on the effectiveness and use of these resources in achieving diversion from competency. Three positions will provide coverage predominantly for front range urban judicial districts; an additional two positions will provide coverage to the western slope and an additional outlying area of the state. Additionally, Bridges is likely to be structured statewide in six regions; five clinical positions may also enable almost statewide coverage through a regional assignment structure.

FIGURE SETTING RECOMMENDATION

Staff recommends that the Committee consider funding five clinical psychological staff positions, one program director, and one program coordinator for the Bridges Program. In addition to the psychologists and psychologist supervisor/program director, staff recommends one program coordinator to support psychologists with collateral information requests, HIPAA compliance, and scheduling; such a position requires knowledge of behavioral health and direct interaction with participants. Staff recommends that these positions be provided for a trial period of three years. Staff recommends that Bridges report to the Committee at two years into the program, due on November 1, 2026, for recommendations on the continuation of this initiative beyond FY 2026-27. The report is to include: data on the number and types of assessments and recommendations and participant outcome related to diversion from the competency process and the use of alternate adjudication and diversion from incarceration; and recommendations on continuation and capacity. The report is encouraged to include an assessment of diversion from competency, including estimated system cost savings, and recommendations for additional improvements for the competency process and community behavioral health services access.

BRIDGES COMMENTS

Focusing on off-ramps (diversion) from the competency system is a recommended best practice evolving from years of research by the National Center of State Courts, Council of State Governments, and other similar institutions. One solution lies in early identification of individuals with neurocognitive deficits, intellectual and developmental disabilities, traumatic brain injuries, and other high acuity conditions would enable courts to move these individuals out of the competency process altogether.

Specific to the recommendation of creating a team of licensed mental health evaluators for Bridges of Colorado, the need for this type of resource is significant. Court liaisons report that 27% of their current caseload needs neuro-psychological evaluations and another 38% would benefit from a comprehensive mental health evaluation. These numbers represent 65% of the caseload, and liaisons anticipate that 45% of those individuals could eventually be found permanently incompetent to proceed (PITP).

This could happen through a number of legal directions, including competency docket staffing and relevant problem solving, a finding of ITP, or movement to civil certification. Due to the nature of these disabilities, participants truly do not have the ability to be restored to competency even when all barriers are removed. All of these options reduce the burden and costs of long wait times for competency services on jails, courts, the state hospital, and participants and their families.

Beyond diversion, there are numerous additional benefits to providing neuro-psychological and comprehensive mental health evaluations for the population served by Bridges:

*1)**Early Intervention:** Bridges serves individuals outside of the competency system (20% of caseload), and earlier diagnosis and connection to appropriate services can prevent these individuals from ever entering the competency system.*

*2)**Increased Access to Services and Benefits:** Diagnosis of cognitive disabilities helps participants gain access to the services and benefits they only qualify for with a formal diagnosis (such as SSDI, the Brain Injury Medicaid Waiver or Community Mental Health Supports Waiver), increase benefits they are already receiving (such as veteran's benefits), receive ADA accommodations so they can better access services and resources, access long-term Medicaid and long-term housing, and ultimately reduce the financial burden for engaging in services.*

*3)**Faster Hospitalization for Those Who Need It:** Competency diversion won't be a fit for every participant. Currently, those who need hospital level care are not getting it because of the backlog, which results in more significant deterioration, exacerbated symptoms that often are never repaired, and ironically a potential for increased engagement in the criminal justice system.*

*4)**More Robust Case Planning and Engagement:** Court liaisons are often limited in their case planning because an individual in custody needs a neuro-psych or mental health evaluation, but providers won't go to the jail. A Bridges team of evaluators would conduct evaluations regardless of setting. And for participants both in and out of custody, more information about their needs allows liaisons to identify the most appropriate and effective services. Often, knowledge and understanding about their own diagnosis and related treatment also helps participants to more successfully engage in services.*

*5)**Improved Care and Court Outcomes:** Understanding the capacity of a participant's mental health can inform court liaisons, courts, and attorneys regarding expectations around a participant's ability to be restored to competency. Additionally, psychologists could be readily available to assist with evaluations, medication prescription, and treatment planning. This benefits the participants, as an understanding of the mental health needs provides context to the court regarding a participant's behavior and ability to comply with court orders, and informs remaining stakeholders of barriers and gaps being experienced. Early identification of needs and barriers benefits all involved and most importantly, improves the access to care for the participant.*

*6)**Improved Distinction Between Incompetency and Other Barriers:** Individuals identified as incompetent to proceed can generally be considered to fall into three categories:*

- 1) those who are truly incompetent to proceed and will eventually be found permanently incompetent to proceed;*
- 2) those who are truly incompetent to proceed and restoration could be effective so long as barriers to basic needs and mental health are address; and*
- 3) those who would not need to be involved in the competency system so long as they are able to be stabilized through intervention other than competency education, such as stabilization on medication, detoxification from substances, addressing language or cultural barriers, or stabilization through community-based services.*

Early access to psychological evaluations enables Bridges to present judges and attorneys with more comprehensive information in alignment with these categories, ultimately enabling them to exercise more discernment in identifying appropriate court responses and interventions.

LEGISLATION/STATUTORY AMENDMENT

Staff is not recommending legislation by the Committee for this purpose. The Bridges Program currently includes statutory authority for the provision of behavioral health services for their participants.

Nevertheless, the Bridges Program is currently seeking a statutory amendment through other legislation (H.B. 24-1034 Adult Competency to Stand Trial from the Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems) to clarify confidentiality of participant information. This provision is primarily intended to provide assurance to public defenders that any information gained through casework with participants is not disclosed through the court process unless required by the court, by a court order, or by agreement with defense counsel. This provision is intended to address current Bridges Program involvement and work with participants and would also cover confidentiality for the psychological assessment services initiative.

Additionally, the Bridges Program has proposed seeking the following statutory amendment as a part of their current legislative efforts, to additionally clarify the structure of this budget recommendation:

C.R.S. § 13-95-106 is amended as follows:

Bridges of Colorado court liaisons AND OTHER BRIDGES PROFESSIONALS – duties and responsibilities

(5) Effective October 1, 2024, and for a minimum of three years, to the extent funded in the budget process in a clearly identified line item, the Office shall hire or contract the number of licensed neuropsychologists and clinical psychologists funded in the budget process to conduct a range of diagnostic assessments evaluating cognitive and functional abilities to assist in the early identification of participant need, inform appropriate levels of care and intervention, and expedite access to services and benefits to increase long-term stability and improve outcomes. If funded in the budget process for this purpose, the Office shall develop a model that identifies participants in need of neuropsychological assessments or comprehensive mental health evaluations who may benefit in ways that increase opportunities for deflection from competency or release from custody and increase access to individualized services and benefits, with the goals to increase connections to appropriate community-based services and reduce the amount of time spent in the criminal justice system.

(6) If funded in the budget process, by November 1, 2026, the Office shall submit a report to the Joint Budget Committee to assist in determining whether the provision of these services should be continued. The report shall include data to illustrate progress toward the goals of the model and shall include the number of participants served and the estimated number of psychologists necessary to serve the future annual need.

(7) Information that the licensed neuropsychologists and clinical psychologists receive from participants shall not be available to the public and shall be suppressed in all court reports. Any requests for information shall be subject to 13-95-103 (2)(b), C.R.S.

Staff is supportive of this amendment through separate legislation in the General Assembly.

RECOMMENDED BUDGET BUILD

The following table outlines the FY 2024-25 recommendation and the recommended annualization for FY 2025-26. Staff's recommendation assumes: a Health Professional VII job class from the executive branch at salary midpoint for the Program Manager (psychologist supervisor); a Psychologist II job class from the executive branch at salary midpoint for the staff psychologists; and a Problem Solving Court Coordinator I job class from the Judicial Department at salary minimum. Staff's recommendation assumes a July 2024 start date for the Program Manager and an October 2024 start date for the other positions. Staff includes POTS due to the scale of the agency. Staff includes \$1,000

per psychologist and program manager for operating expenses for vehicle mileage and travel, consistent with that provided for liaisons, and \$5,000 total for annual training.

BRIDGES PSYCHOLOGICAL ASSESSMENT SERVICES JBC STAFF RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Psychologist II			3.3	\$423,898	5.0	\$654,922
Health Professional VII			0.9	128,519	1.0	147,213
Problem Solving Court Coordinator I			0.7	50,420	1.0	79,411
POTS				116,655		168,268
Operating Expense				6,293		8,960
Capital Outlay				46,690		0
Travel and Mileage				4,200		6,000
Training				5,000		5,000
Subtotal	0.0	\$0	4.9	\$781,675	7.0	\$1,069,774
FY 2024-25 Bridges line item adjustments						
Psychological Assessment Services			4.9	\$665,020		
HLD				60,116		
STD				800		
AED/SAED				53,339		
PFMLI				2,400		
Subtotal - Bridges JBC-SI			4.9	\$781,675		
FY 2025-26 Bridges line item annualization adjustments						
Psychological Assessment Services					7.0	\$901,506
POTS included in Statewide Comp						168,268
Subtotal - Bridges JBC-SI					7.0	\$1,069,774

LINE ITEM DETAIL – STATEWIDE BEHAVIORAL HEALTH COURT LIAISON [NEW DIVISION]

PERSONAL SERVICES [NEW LINE ITEM]

This line item provides funding to support staff.

STATUTORY AUTHORITY: Section 13-95-101 et seq., C.R.S.

REQUEST: Bridges requests \$10,285,964 General Fund and 99.0 FTE.

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

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$3,566,814	\$3,566,814	\$0	\$0	\$0	33.7
TOTAL	\$3,566,814	\$3,566,814	\$0	\$0	\$0	33.7
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$3,566,814	\$3,566,814	\$0	\$0	\$0	33.7

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year actions	6,719,150	6,719,150	0	0	0	65.3
TOTAL	\$10,285,964	\$10,285,964	\$0	\$0	\$0	99.0
INCREASE/(DECREASE)	\$6,719,150	\$6,719,150	\$0	\$0	\$0	65.3
Percentage Change	188.4%	188.4%	0.0%	0.0%	0.0%	193.8%
FY 2024-25 EXECUTIVE REQUEST	\$10,285,964	\$10,285,964	\$0	\$0	\$0	99.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

HEALTH, LIFE, AND DENTAL [NEW LINE ITEM]

This line item provides funding for the employer's share of health, life, and dental insurance.

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

REQUEST: Bridges requests \$1,311,788 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including the recommended amount for the JBC staff-initiated item and adjustments consistent with the Committee decision for statewide compensation.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$388,783	\$388,783	\$0	\$0	\$0	0.0
TOTAL	\$388,783	\$388,783	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$388,783	\$388,783	\$0	\$0	\$0	0.0
Centrally appropriated line items	923,005	923,005	0	0	0	0.0
JBC-SI BRI psychological assessment services	60,116	60,116	0	0	0	0.0
TOTAL	\$1,371,904	\$1,371,904	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$983,121	\$983,121	\$0	\$0	\$0	0.0
Percentage Change	252.9%	252.9%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$1,311,788	\$1,311,788	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$60,116)	(\$60,116)	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY [NEW LINE ITEM]

This line item provides funding for the employer's share of short-term disability insurance premiums.

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

REQUEST: Bridges requests \$11,098 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including the recommended amount for the JBC staff-initiated item and adjustments consistent with the Committee decision for statewide compensation.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$5,057	\$5,057	\$0	\$0	\$0	0.0
TOTAL	\$5,057	\$5,057	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$5,057	\$5,057	\$0	\$0	\$0	0.0
Centrally appropriated line items	6,041	6,041	0	0	0	0.0
JBC-SI BRI psychological assessment services	800	800	0	0	0	0.0
TOTAL	\$11,898	\$11,898	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$6,841	\$6,841	\$0	\$0	\$0	0.0
Percentage Change	135.3%	135.3%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$11,098	\$11,098	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$800)	(\$800)	\$0	\$0	\$0	0.0

UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS [NEW LINE ITEM]

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees' Retirement Association (PERA). This line item replaces the former *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items through FY 2023-24.

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

REQUEST: For AED and SAED, Bridges requests a total appropriation of \$xxx General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including the recommended amount for the JBC staff-initiated item and adjustments consistent with the Committee decision for statewide compensation.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0

**STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO),
UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS**

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$739,848	\$739,848	\$0	\$0	\$0	0.0
JBC-SI BRI psychological assessment services	53,339	53,339	0	0	0	0.0
TOTAL	\$793,187	\$793,187	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$793,187	\$793,187	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
Request Above/(Below) Recommendation	(\$793,187)	(\$793,187)	\$0	\$0	\$0	0.0

SALARY SURVEY [NEW LINE ITEM]

This line item pay for annual salary increases.

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

REQUEST: Bridges requests \$243,548 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$279,087 General Fund as outlined in the following table and consistent with the Committee decision for statewide compensation.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$279,087	\$279,087	\$0	\$0	\$0	0.0
TOTAL	\$279,087	\$279,087	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$279,087	\$279,087	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$243,548	\$243,548	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$35,539)	(\$35,539)	\$0	\$0	\$0	0.0

STEP PAY [NEW LINE ITEM]

This line item provides detail on the amount of funding appropriated to each department as a result of the step pay plan. The step pay plan takes effect in FY 2024-25 and is a result of negotiations between the State of Colorado and Colorado Workers for Innovative and New Solutions (COWINS). The Courts and Probation and Office of State Public Defender have each instituted independent and equivalent step plans. The other Judicial Department independent agencies are provided a step-like increase equivalent at an average 3.7 percent of salary base to be distributed as merit increases.

STATUTORY AUTHORITY: Section 24-50-1101 et seq., C.R.S.

REQUEST: Bridges did not request an appropriation for this item.

RECOMMENDATION: Staff recommends an appropriation of \$272,954 General Fund, consistent with the Committee decision for statewide compensation.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$272,954	\$272,954	\$0	\$0	\$0	0.0
TOTAL	\$272,954	\$272,954	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$272,954	\$272,954	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
Request Above/(Below) Recommendation	(\$272,954)	(\$272,954)	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

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

Pursuant to H.B. 22-1133 (Family and Medical Leave Insurance Fund), the State's portion of the insurance premium is prepaid until the balance in the Fund reaches zero.

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

REQUEST: Bridges requests an appropriation of \$33,293 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including the recommended amount for the JBC staff-initiated item and adjustments consistent with the Committee decision for statewide compensation.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE

FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$33,293	\$33,293	\$0	\$0	\$0	0.0
JBC-SI BRI psychological assessment services	2,400	2,400	0	0	0	0.0
TOTAL	\$35,693	\$35,693	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$2,400)	(\$2,400)	\$0	\$0	\$0	0.0

OPERATING EXPENSES [NEW LINE ITEM]

This line item provides funding for general operating expenses, including travel and motor pool, equipment rental and maintenance, office supplies, printing, postage, and employee training.

STATUTORY AUTHORITY: Section 13-95-101 et seq., C.R.S.

REQUEST: Bridges requests an appropriation of \$736,930 General Fund.

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

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$904,300	\$904,300	\$0	\$0	\$0	0.0
TOTAL	\$904,300	\$904,300	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$904,300	\$904,300	\$0	\$0	\$0	0.0
Annualize prior year actions	(167,370)	(167,370)	0	0	0	0.0
TOTAL	\$736,930	\$736,930	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	(18.5%)	(18.5%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PARTICIPANT SERVICES [NEW LINE ITEM]

This line item provides funding to provide, or contract for the provision of, behavioral health services, basic necessities, transitional housing, and other services to support the social determinants of health for participants.

STATUTORY AUTHORITY: Section 13-95-107, C.R.S.

REQUEST: Bridges requests a total of \$500,000 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$500,000 General Fund.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), PARTICIPANT SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Annualize prior year actions	\$500,000	\$500,000	\$0	\$0	\$0	0.0
TOTAL	\$500,000	\$500,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PSYCHOLOGICAL ASSESSMENT SERVICES [NEW LINE ITEM]

This line item provides funding for psychological clinical evaluation staff or contractors for the provision of neuropsychological clinical evaluations for the purpose of preliminarily assessing, identifying, and recommending alternative behavioral health and court process and adjudication outcomes for participants at risk of entering the competency to proceed process prior to their entry into the competency evaluation process.

STATUTORY AUTHORITY: Section 13-95-107, C.R.S.

REQUEST: Bridges did not include this item in their budget request.

RECOMMENDATION: Staff recommends an appropriation of \$781,675 General Fund and 4.9 FTE.

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), PSYCHOLOGICAL ASSESSMENT SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
JBC-SI BRI psychological assessment services	\$665,020	\$665,020	\$0	\$0	\$0	4.9
TOTAL	\$665,020	\$665,020	\$0	\$0	\$0	4.9
INCREASE/(DECREASE)						
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	n/a

STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO), PSYCHOLOGICAL ASSESSMENT SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	(\$665,020)	(\$665,020)	\$0	\$0	\$0	(4.9)

(14) ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES [NEW DIVISION]

The Office of Administrative Services for Independent Agencies (ASIA) was established in 2023 by S.B. 23-228 (Office of Admin Services for Independent Agencies) in Section 13-100-101, et seq., C.R.S. ASIA was established to more efficiently and effectively provide centralized administrative and fiscal support services, previously provided by the State Court Administrator's Office (SCAO), for the smaller, newer, and any future independent agencies not otherwise appropriated central support services staff. Central support services include payroll, accounting, budgeting, and human resources. ASIA will also provide payroll services for the OADC, the OCR, and the ORPC. ASIA is governed by the ASIA Board, comprised of the directors of each independent agency, excluding the OSPD, the OADC, the OCR, and the ORPC.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
Other legislation	\$746,909	\$746,909	\$0	\$0	\$0	6.0
TOTAL	\$746,909	\$746,909	\$0	\$0	\$0	6.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$746,909	\$746,909	\$0	\$0	\$0	6.0
ASIA BA1 Additional funding for ASIA salaries	0	0	0	0	0	0.0
Centrally appropriated line items	94,550	94,550	0	0	0	0.0
Annualize prior year actions	34,292	34,292	0	0	0	0.0
TOTAL	\$875,751	\$875,751	\$0	\$0	\$0	6.0
INCREASE/(DECREASE)	\$128,842	\$128,842	\$0	\$0	\$0	0.0
Percentage Change	17.3%	17.3%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$251,008	\$251,008	\$0	\$0	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

ASIA BA1 ADDITIONAL FUNDING FOR ASIA SALARIES: The recommendation is for denial of BA1, a request for \$275,126 General Fund for salary increases and job class reclassifications for five of the six positions, including: the Office Director of \$54,000, equivalent to a SCAO Division Director (\$198,000); the HR Analyst IV of \$32,000, equivalent to a SCAO Deputy Director (\$132,000); the Budget Analyst IV of \$36,000, equivalent to a SCAO Deputy Director (\$132,000); the Accountant II of \$51,000, equivalent to a SCAO Controller (\$134,000); the Payroll Analyst of \$49,000, equivalent to a SCAO Payroll Supervisor (\$116,000).

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$94,550 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	\$42,637	\$42,637	\$0	\$0	\$0	0.0
Salary survey	21,811	21,811	0	0	0	0.0
Step Plan	21,411	21,411	0	0	0	0.0
AED/SAED	6,034	6,034	0	0	0	0.0
Paid Family & Medical Leave Insurance	2,612	2,612	0	0	0	0.0
Short-term disability	45	45	0	0	0	0.0
TOTAL	\$94,550	\$94,550	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net increase of \$34,292 General Fund to reflect the impact of S.B. 23-228 (Office of Admin Services for Independent Agencies).

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request is \$251,008 General Fund reflecting denial of BA1 of \$275,126 and incremental differences for compensation policies.

DECISION ITEMS – ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES

➔ ASIA BA1 ADDITIONAL FUNDING FOR ASIA SALARIES

REQUEST: The ASIA Board requests \$275,126 General Fund for salary increases and job class reclassifications for five of the six positions, including: the Office Director of \$54,000, equivalent to a SCAO Division Director (\$198,000); the HR Analyst IV of \$32,000, equivalent to a SCAO Deputy Director (\$132,000); the Budget Analyst IV of \$36,000, equivalent to a SCAO Deputy Director (\$132,000); the Accountant II of \$51,000, equivalent to a SCAO Controller (\$134,000); the Payroll Analyst of \$49,000, equivalent to a SCAO Payroll Supervisor (\$116,000).

RECOMMENDATION: Staff recommends that the Committee deny the request.

ANALYSIS

As outlined in the request section, the ASIA Board seeks to increase salaries and reclassify staff operations positions to leadership positions for the ASIA Office staff positions added in S.B. 23-228.

In its request narrative the ASIA Board states:

When the initial budget was developed for the ASIA Office, however, the salaries for these positions were not equalized / made comparable to the equivalent positions in SCAO. Instead, the salary for the Director was calculated slightly below the average salary of the Executive Directors of the included agencies. Excepting the Office Manager position, the other initial positions were classified as lower-level non-management positions. It is logical that the ASIA Director's salary should be commensurate with the salary of SCAO's Division Directors and that the other initial positions should be classified as management/supervisor level positions with salaries commensurate with the salaries of similar positions within SCAO. The ASIA Board has encountered obstacles in its ability to attract qualified applicants for the Director position, in part due to the budgeted salary not being competitive with similar positions in SCAO and in other governmental agencies.

With significant growth projected for a subsequently included agency, Bridges, the ASIA Office will need to serve approximately 76.5 FTE (or double what was contemplated with only the four initially budgeted for included agencies). In order to conform to the intention of providing adequate and equivalent administrative support services, the ASIA Board is requesting a budget amendment that will set the salaries for the ASIA Office according to SCAO's funding of similar positions.

If the salary adjustments and position classifications are not modified as requested, the ASIA Office will continue to encounter difficulties in attracting candidates for its vacant positions who possess experience and expertise comparable to employees of SCAO and other agencies who perform similar functions. Differences in the salary ranges and in the classification of the primary positions within the ASIA Office as compared with SCAO and other agencies also present risks that the ASIA Office will not be able to retain qualified employees because of market conditions.

STAFF ASSESSMENT

As communicated at the December 5th budget briefing, staff was disappointed by the ASIA Board's inability to deliver its single statutory requirement – to hire an office director by October 1, 2023. Through December, despite the signs that the ASIA Board was functioning ineffectively, staff counseled patience to allow the ASIA Board to complete its process for hiring an office director, which was communicated as only weeks away.

On December 27th, staff received word from the Chair of the ASIA Board that the final candidate for the ASIA office director position declined the job. It was later communicated anecdotally to staff that the candidate sought a salary of just under \$200,000, equivalent to the Financial Services Director (CFO) or Administrative Services Director at the SCAO, despite the position recruitment notice identifying a salary of \$130,000-140,000. As communicated in the request narrative, JBC staff figure set this salary at \$144,000 in the FY 2023-24 figure setting recommendation for this legislation.

For comparison, the FY 2024-25 requested appropriation from the Courts and Probation includes a total budget of \$775.7 million and 4,226.7 FTE. The ASIA included agencies FY 2023-24 appropriations total \$11.6 million and 72.0 FTE and the FY 2024-25 requested appropriations total \$21.8 million and 144.3 FTE. The increase is primarily attributable to the expansion of the Bridges Program pursuant to S.B. 23-229 (Statewide Behavioral Health Court Liaison Office).

In staff's opinion, this budget amendment request is emblematic of the ASIA Board's over-managed, over-complicated, and overwrought approach to standing up the ASIA Office – a program with a straightforward purpose intended to provide a menu of well understood services used by every state agency. This is a program that does not require reinvention or particular or special consideration and was set at a scale appropriate for its position in the organizational structure of the Judicial Department budget.

In staff's opinion, the ASIA Board's experience with its final candidate was ineffectual and perhaps not a surprising outcome; but an outcome that is not primarily driven by the budget funding provided for this position. In staff's opinion, it is possibly a sign that the ASIA Board was misdirected in its recruitment process, and possibly overstated to recruitment candidates the responsibilities, expectations, and scale of the office. In their defense, and to their credit, it suggests that the included agencies have a heightened sense of importance and priority for the ASIA Office and the provision of services to their agencies. That attention is not unreasonable, but it perhaps could be balanced by a more objective and realistic sense of scale of their organizations and the ASIA Office.

The Bridges Program is the only independent agency that might outgrow the ASIA model by scale – it will be significantly larger than any other independent agency except for the Office of State Public Defender. There may be good reason to provide dedicated central support resources for Bridges at some point; but staff is not convinced that the ASIA model cannot also accommodate provision of central support services for Bridges.

Finally, staff sees the ASIA Board's delay in arriving at a final candidate offer almost three months after its statutory requirement as emblematic of the ASIA Board's inattention to its primary responsibility as required by S.B. 23-228.

For all of these reasons, staff is no longer confident that the ASIA Board is the proper structure for standing up the ASIA office function. Nevertheless, regardless of larger issues suggested by this request, **staff recommends that the Committee deny the BA1 request.**

→ STAFF-INITIATED ASIA RECONSIDER AND REORG

REQUEST: ASIA did not request this item.

RECOMMENDATION: Staff recommends that the Committee pursue legislation to (1) repeal the current ASIA structure; (2) transfer the appropriation to a statutory unit in the State Court Administrator's Office (SCAO); and (3) re-establish additional statutory structure defining the provision of central administrative and fiscal support services for the independent agencies to include: defined rights and responsibilities of the SCAO and the independent agencies and a conflict-resolution process; and statutorily defined requirements for budget process and compensation system structure for all independent agencies, vis a vis the re-formed ASIA unit, including the use of standard OSPB-JBC budget schedules and systems and the establishment of a single budget submission process through the ASIA unit for all independent agencies.

ANALYSIS

For additional background please refer to the issue brief titled, *Update on Administrative Services for Independent Agencies*, from the December 5, 2023 Judicial Department budget briefing document.

At the time of the briefing, staff was hopeful that the ASIA Board would conclude its hiring process for a director by mid-December and office stand-up would proceed quickly and efficiently that might still enable a transition of administrative and fiscal support services from the SCAO by the end of the current fiscal year. As communicated previously, on December 27th, staff received word from the Chair of the ASIA Board that the final candidate for the ASIA office director position declined the job.

The prior decision item communicates staff's frustration and lack of confidence in the current governing structure for the ASIA office as an independent agency. However, due to this organizational ineffectiveness and policy fail, the direction to a resolution and solution for the provision of centralized administrative and fiscal support services now becomes trickier and more limited.

ASIA SOLUTION

The SCAO does not wish to be involved in providing services for the independent agencies and the independent agencies, likewise, do not wish to have services provided by the SCAO. It is staff's opinion that the relationship between the SCAO and the independent agencies has additionally deteriorated over the last year.

There appears to be anecdotal evidence that the SCAO has continued to restrict professional level support for human resources issues that may increase costs to the independent agencies affected and may lead to additional requests for General Fund for additional consulting technical support. It appears that the independent agencies may have an unrealistic outlook on the provision of central services in which they may hold an expectation of efficient service and delivery of support in relative short order. In staff's opinion, the SCAO is a traditional, large government central office structure and it does not appear to move quickly for turnaround on day-to-day responsibilities; particularly not at the speed that the small independent agencies are used to working.

However, it does not appear that SCAO has willingly or effectively communicated clear steps, guidelines, limits, or boundaries to the independent agencies as it relates to securing central support services; with the exception of those times when the SCAO independently determines it does not need to provide services for a particular request. This process is not transparent and does not appear to be delivered in keeping with a sense of good will across agencies or for the efficient use of state resources.

Staff is not responsible for recommending a solution to reconcile the poor cross-agency relationships at the Judicial Department. Nevertheless, staff is convinced that a final ASIA solution should not be located at the SCAO due to the festering and possibly increasing acrimony from both sides.

GOVERNING MODELS

There are basically two models:

1. The traditional hierarchical organizational model locates the office and the supervision of the director under a managing or executive director within the larger department structure.
2. The independent agency model with a governing board comprised of the included agencies.

LONG-TERM SOLUTION

Staff remains convinced that the most effective model for serving the independent agencies will be delivered from within the independent agency structure. While a larger, central agency could functionally continue to provide services, in this case, the SCAO does not wish to be involved in providing services for the independent agencies and the independent agencies, likewise, do not wish to have services provided by the SCAO. Therefore, a preferred long-term solution is to return to an ASIA Office as independent agency.

Keep in mind, the governing board structure attempted in S.B. 23-228 was essentially whittled down to one board responsibility – the hiring of a director. The bill's provisions then assigned the director the responsibility to stand-up the office. The current governing board did not accomplish its one and only statutory requirement; and on that basis, it is staff's opinion that "we can't get there from here", i.e., we cannot immediately rely on the independent agency governing model to stand up the ASIA office at this time.

TWO-STEP IMPLEMENTATION

Therefore, the next, and perhaps only, option is to stand-up the office within the more stable, traditional model; standardize custom and operating procedure; stabilize a standard for delivery of services for some period; and then handoff the governance to an only slightly-involved advisory board with clear statutory guidance for third party assessments of organizational and leadership performance by the office and the director.

PROBLEMS, CONCERNS, ISSUES

1. The first critical problem is the SCAO's unwillingness to participate in this two-step implementation solution.

Prior to recommending S.B. 23-228 to the Committee, staff attempted to seek a two-step implementation concept for the bill. Staff had general buy-in and agreement for this concept from SCAO budget office representatives. However, just prior to presenting that bill to the Committee, staff was informed that, officially, the Courts/SCAO would actively oppose the bill; that the Courts/SCAO refused to be responsible for the stand-up of an independent agency. At that point, staff had to find another solution, and brought the solution that became S.B. 23-228.

The policy negotiation work that staff completed in partnership with the SCAO budget office came from a realistic and practical perspective that if ASIA did not get implemented, the SCAO would continue to be responsible for ongoing provision of central support services within the existing statutory structure. Therefore, it was in the SCAO's interest to have a functional and stable ASIA office as soon as possible in order for the SCAO to be relieved of these responsibilities.

Nevertheless, officially, Courts/SCAO leadership determined that it was in their best interest not to participate in an ASIA solution as an active partner and participant in the two-step implementation concept. Despite having the scale, infrastructure, and technical ability to simply orient these additional state resources – resources to be appropriated in addition to their own – in the right direction, SCAO determined that they did not wish to aid in a resolution of their largest concern related to independent agencies.

COMMITTEE OPTIONS

1. Therefore, in order to pursue legislation for a two-step implementation concept, staff is not convinced that the SCAO will willingly partner on this concept. Staff would prefer their open engagement in bill drafting, even if they oppose the concept; however, staff does not expect cooperation and cannot guarantee the Committee that either cooperation or support would be forthcoming from the SCAO.

2. Alternatively, by repealing the current ASIA structure, legislation will be required that restores prior responsibilities for the provision of central support services by the SCAO for the independent agencies. At best, the SCAO will return to the system as it was prior to S.B. 23-228. However, the Committee will need to pursue that legislation or otherwise appropriate central support services for each independent agency, as there is no other source of support for these agencies for accounting, budget, payroll, and HR. Again, staff anticipates that the SCAO will object to a return to the prior system.

3. Finally, the Committee may wish to retain the current ASIA structure and allow the existing ASIA Board to resume their work to hire a director. Staff will work supportively for this goal if the

Committee wishes to seek this outcome. However, staff is concerned that even if a director is hired over the next six months, the ineffectiveness of the current governing structure may lead to additional challenges in how ASIA is implemented. Nevertheless, additional statutory structure can be added to better encourage more objective and light-handed governance that appears to be overly personal or self-interested by the ASIA Board thus far.

SPECIFIC STATUTORY RECOMMENDATIONS FOR A TWO-STEP IMPLEMENTATION

Due to the acrimonious relationship between the SCAO and the independent agencies, staff recommends the following principles to be included more specifically in statutory provisions for a two-step implementation:

1. A more clearly defined list of support services that are required to be provided; such as payroll and timekeeping; human resources that includes technical and advisory assistance with recruitment advice and systems, hiring process documentation and systems, guidance on disciplinary actions and documentation, guidance on labor law questions generally, including PFMLI and FMLA including explanations of employer and employee rights and responsibilities, calculations, process, and coordination of forms and required documents.
2. A general provision that encourages the provision of support services not otherwise listed, for which the re-formed ASIA unit has the staff knowledge or expertise to deliver, and for which that service would cost more to provide by the addition of specialty staff resources within each independent agency. If the support service requires special, professional, or technical expertise that exceeds the knowledge of independent agency program staff, but the advice does not rise to a level that "requires" the use of legal counsel from the Department of Law, the re-formed ASIA unit should opt to provide the service. Issues for the provision of services related to ASIA unit workload capacity should be addressed at the next budget request cycle and quantified and justified as necessary.
3. A conflict resolution process, that may include the use of arbitration through the Administrative Courts at the Department of Personnel, including administrative law judge decision on the assignment of costs to the parties based on the judgment. Staff is concerned about the unevenness of the power distribution in the current SCAO provision model as it relates to decisions about what should be provided and for what is provided. Staff sees this provision as a last resort or "nuclear option" that encourages parties on both sides to follow statutory and legislative intent related to ensuring cost savings through the provision of central service resources. Nevertheless, a neutral third party should be contemplated to settle disagreements if necessary.
4. Due to the level of coordination required across the number of agencies, biweekly, one-on-one meetings between the director of the re-formed ASIA unit and each director of the agencies served. This is not a recommendation for meetings with the group of directors as a quasi-board. This is specifically intended to ensure that each director of the independent agencies and the director of the ASIA unit commit to regular and open communication throughout the year without the filter or imposition of group direction or guidance.
5. Clearly defined rights and responsibilities for SCAO and for the independent agencies. This should include the establishment of clearly documented timeline expectations for the provision of support services by the ASIA unit and the responsibilities by the agencies for providing information within those timeline requirements.

ADDITIONAL RECOMMENDATIONS FOR BUDGET AND COMPENSATION

Regardless of the option the Committee chooses for the ASIA function generally, staff recommends the following statutory provisions to increase particular process efficiencies within the independent agency structure.

BUDGET

Staff recommends that the Committee include a statutory provision that requires the annual submission of a single budget request and a single submission for supplemental requests within the budget cycle from all Judicial Department independent agencies.

The recommendation of this provision assumes that the ASIA unit will function as a consolidated budget office for all of the independent agencies; this includes the Office of State Public Defender (OSPD), the Office of Alternate Defense Counsel (OADC), the Office of the Child's Representative (OCR), and the Office of the Respondent Parents' Counsel (ORPC).

This provision is recommended to include the requirement that independent agencies use standard OSPB-JBC budget schedules and the OSPB budget system for the preparation of their budget requests. Staff recommends that this requirement be additionally "reiterated" for the Courts and Probation as well.

Each agency may continue to engage in budget production internally to the extent each wishes; however, this provision requires that all independent agencies submit their completed budget work to the ASIA unit in time for inclusion in the consolidated budget request. The OSPD, the OADC, the OCR, and the ORPC may continue to conduct "budget work" internally as they wish; the smaller agencies currently rely entirely on the SCAO and are only responsible for the preparation of the request narratives and general agency information. Staff recommends that all agencies, except for the OSPD, should begin using the ASIA unit for all budget work, including the uniform drafting of request narrative and support documents.

COMPENSATION

Staff recommends that the Committee include a statutory provision that requires the use of a consolidated compensation plan for all Judicial Department independent agencies.

The OSPD is large enough and mature enough to continue to maintain its own compensation system; however, even that information should be provided to the ASIA unit for inclusion in a consolidated compensation plan across all independent agencies.

The OADC, OCR, and ORPC are not included in this figure setting document. However, they have submitted a substantial budget request for a compensation plan across the three agencies. Staff anticipates addressing that request at the next figure setting for the Judicial Department. However, given the issues staff is seeing related to the understanding of "compensation systems" causes some concern.

The Courts and Probation reside in their independent compensation system, apart from the executive branch. Similarly, the OSPD likewise resides in an independent compensation system because it is primarily comprised of case-carrying attorney and legal defense staff not otherwise addressed in either the executive branch or Courts and Probation compensation systems.

However, the other independent agencies should, as a matter of course, attach each of their positions to an "anchor" job class in one of the three available compensation plans and simply move their staff compensation within those classifications. For the most part staff has been successful in moving the agencies to this system, process, or methodology. However, staff believes that there is a sense of "independence" among independent agencies that has the tendency to push for special treatment of their staff compensation needs. On that basis, staff recommends that the Committee use this opportunity in re-forming the ASIA concept, to standardize the expectations related to compensation.

LINE ITEM DETAIL – ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES

ASIA OFFICE [NEW LINE ITEM]

This is a consolidated program line item that includes all standard operations funding for the ASIA Office, including personal services and operating expenses.

STATUTORY AUTHORITY: Section 13-100-101, C.R.S., and following sections.

REQUEST: ASIA requests an appropriation of \$940,342 General Fund and 6.0 FTE, including ASIA BA1 Additional Funding for ASIA Salaries.

RECOMMENDATION: Staff recommends an appropriation of \$665,216 General Fund and 6.0 FTE. The recommendation includes denial of ASIA BA1, as outlined in the following table.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, ASIA OFFICE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$746,909	\$746,909	\$0	\$0	\$0	6.0
TOTAL	\$746,909	\$746,909	\$0	\$0	\$0	6.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$746,909	\$746,909	\$0	\$0	\$0	6.0
Annualize prior year actions	34,292	34,292	0	0	0	0.0
ASIA BA1 Add'l funding for ASIA salaries	0	0	0	0	0	0.0
Centrally appropriated line items	(115,985)	(115,985)	0	0	0	0.0
TOTAL	\$665,216	\$665,216	\$0	\$0	\$0	6.0
INCREASE/(DECREASE)	(\$81,693)	(\$81,693)	\$0	\$0	\$0	0.0
Percentage Change	(10.9%)	(10.9%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$940,342	\$940,342	\$0	\$0	\$0	6.0
Request Above/(Below) Recommendation	\$275,126	\$275,126	\$0	\$0	\$0	0.0

HEALTH, LIFE, AND DENTAL [NEW LINE ITEM]

This line item provides funding for the employer's share of health, life, and dental insurance.

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

REQUEST: ASIA requests \$105,796 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	105,796	105,796	0	0	0	0.0
TOTAL	\$105,796	\$105,796	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)						
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY [NEW LINE ITEM]

This line item provides funding for the employer's share of short-term disability insurance premiums.

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

REQUEST: ASIA requests \$871 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	871	871	0	0	0	0.0
TOTAL	\$871	\$871	\$0	\$0	\$0	0.0

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$871	\$871	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$871	\$871	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS [NEW LINE ITEM]

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees' Retirement Association (PERA). This line item replaces the former *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items through FY 2023-24.

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

REQUEST: ASIA requests \$58,034 General Fund for AED and SAED.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	58,034	58,034	0	0	0	0.0
TOTAL	\$58,034	\$58,034	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$58,034	\$58,034	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$58,034)	(\$58,034)	\$0	\$0	\$0	0.0

SALARY SURVEY [NEW LINE ITEM]

This line item pays for annual salary increases.

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

REQUEST: ASIA requests \$19,104 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$21,811	\$21,811	\$0	\$0	\$0	0.0
TOTAL	\$21,811	\$21,811	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$21,811	\$21,811	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$19,104	\$19,104	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$2,707)	(\$2,707)	\$0	\$0	\$0	0.0

STEP PAY [NEW LINE ITEM]

This line item provides detail on the amount of funding appropriated to each department as a result of the step pay plan. The step pay plan takes effect in FY 2024-25 and is a result of negotiations between the State of Colorado and Colorado Workers for Innovative and New Solutions (COWINS). The Courts and Probation and Office of State Public Defender have each instituted independent and equivalent step plans. The other Judicial Department independent agencies are provided a step-like increase equivalent at an average 3.7 percent of salary base to be distributed as merit increases.

STATUTORY AUTHORITY: Section 24-50-1101 et seq., C.R.S.

REQUEST: ASIA did not request an appropriation for this item.

RECOMMENDATION: Staff recommends an appropriation of \$21,411 General Fund, consistent with the Committee decision for statewide compensation.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$21,411	\$21,411	\$0	\$0	\$0	0.0
TOTAL	\$21,411	\$21,411	\$0	\$0	\$0	0.0

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$21,411	\$21,411	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
Request Above/(Below) Recommendation	(\$21,411)	(\$21,411)	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

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

Pursuant to H.B. 22-1133 (Family and Medical Leave Insurance Fund), the State's portion of the insurance premium is prepaid until the balance in the Fund reaches zero.

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

REQUEST: The Department requests an appropriation of \$2,612 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$2,612, consistent with the Committee decision for statewide compensation.

OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
Other legislation	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$2,612	\$2,612	\$0	\$0	\$0	0.0
TOTAL	\$2,612	\$2,612	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$2,612	\$2,612	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$2,612	\$2,612	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(15) OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN [NEW DIVISION]

The Office of the Judicial Discipline (OJDO) was established in 2023 by H.B. 23-1205 (Office of Judicial Ombudsman) in Section 13-3-120, C.R.S., as an independent agency within the Judicial Department. The OJDO will begin operations in 2024, "to act as an independent, confidential, informal, impartial, neutral, and nonpartisan office that responds to questions or concerns from a complainant about misconduct that occurs within the [judicial] department". The OJDO is governed by the Judicial Discipline Ombudsman Selection Board comprised of five members, with individual appointments by the Governor, the president and minority leader of the Senate, and the speaker and minority leader of the House.

OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	72,696	72,696	0	0	0	0.0
Annualize prior year actions	343,479	343,479	0	0	0	1.8
TOTAL	\$416,175	\$416,175	\$0	\$0	\$0	1.8
INCREASE/(DECREASE)	\$416,175	\$416,175	\$0	\$0	\$0	1.8
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	n/a
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$8,642)	(\$8,642)	\$0	\$0	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$72,696 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	\$35,265	\$35,265	\$0	\$0	\$0	0.0
AED/SAED	20,724	20,724	0	0	0	0.0
Salary survey	7,817	7,817	0	0	0	0.0
Step Plan	7,646	7,646	0	0	0	0.0
Paid Family & Medical Leave Insurance	933	933	0	0	0	0.0
Short-term disability	311	311	0	0	0	0.0
TOTAL	\$72,696	\$72,696	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes an increase of \$343,479 General Fund to reflect the impact of H.B. 23-1205 (Office of Judicial Ombudsman).

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request is \$8,642 General Fund reflecting incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF JUDICIAL DISCIPLINE OMBUDSMAN – NONE

LINE ITEM DETAIL – OFFICE OF JUDICIAL DISCIPLINE OMBUDSMAN

OFFICE OF JUDICIAL DISCIPLINE OMBUDSMAN [NEW LINE ITEM]

This is a consolidated line item that includes all standard operations funding for the Office of Judicial Discipline Ombudsman, including personal services, employee benefits, legal services, and operating expenses.

STATUTORY AUTHORITY: Section 13-3-120, C.R.S.

REQUEST: The Office requests an appropriation of \$407,533 General Fund and 1.8 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$407,533 General Fund and 1.8 FTE, as outlined in the following table.

OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN, OFFICE OF JUDICIAL DISCIPLINE OMBUDSMAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Annualize prior year actions	343,479	343,479	0	0	0	1.8
Centrally appropriated line items	72,696	72,696	0	0	0	0.0
TOTAL	\$416,175	\$416,175	\$0	\$0	\$0	1.8
INCREASE/(DECREASE)	\$416,175	\$416,175	\$0	\$0	\$0	1.8
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	n/a
FY 2024-25 EXECUTIVE REQUEST	\$407,533	\$407,533	\$0	\$0	\$0	1.8
Request Above/(Below) Recommendation	(\$8,642)	(\$8,642)	\$0	\$0	\$0	0.0

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends **CONTINUING** the following footnotes:

- 66 Judicial Department, Office of the State Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

COMMENT: *This is the first of four footnotes that authorize the independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to \$1.0 million per fiscal year. Staff recommends continuing the footnote.*

REQUESTS FOR INFORMATION

Staff recommends **CONTINUING AND MODIFYING** the following request for information:

Requests Applicable to Judicial Branch Only

- 1 Judicial Department, Office of the State Public Defender – The State Public Defender is requested to provide by November 1, ~~2023~~ 2024, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY ~~2022-23~~ 2023-24: 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, ~~2023~~ 2024.

COMMENT: *This request, in combination with a companion request for the Department of Law's Appellate Unit, allows the Committee to monitor and respond to unexpected growth of the inter-related backlogs of appellate cases at the two agencies.*

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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JUDICIAL DEPARTMENT
Brian Boatright, Chief Justice

(5) OFFICE OF 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.

Personal Services	<u>81,434,372</u>	<u>88,160,687</u>	<u>96,225,306</u>	<u>124,936,630</u>	<u>121,202,356</u> *
FTE	907.0	986.7	1,098.1	1,258.0	1,202.5
General Fund	81,434,372	88,160,687	96,225,306	124,936,630	121,202,356
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>9,761,325</u>	<u>11,157,201</u>	<u>12,944,641</u>	<u>15,373,832</u>	<u>14,676,354</u> *
General Fund	9,761,325	11,157,201	12,944,641	15,373,832	14,676,354
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>117,636</u>	<u>131,956</u>	<u>157,798</u>	<u>177,303</u>	<u>171,980</u> *
General Fund	117,636	131,956	157,798	177,303	171,980
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>11,465,372</u> *
General Fund	0	0	0	0	11,465,372

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
S.B. 04-257 Amortization Equalization Disbursement	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,931,186</u>	<u>5,910,117</u>	<u>0</u> *
General Fund	3,671,416	3,889,657	4,931,186	5,910,117	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,931,186</u>	<u>5,910,117</u>	<u>0</u> *
General Fund	3,671,416	3,889,657	4,931,186	5,910,117	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>2,353,529</u>	<u>2,463,110</u>	<u>16,158,336</u>	<u>8,725,974</u>	<u>4,952,671</u>
General Fund	2,353,529	2,463,110	16,158,336	8,725,974	4,952,671
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,773,303</u>
General Fund	0	0	0	0	3,773,303
PERA Direct Distribution	<u>0</u>	<u>0</u>	<u>277,101</u>	<u>1,873,870</u>	<u>1,622,163</u>
General Fund	0	0	277,101	1,873,870	1,622,163

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>531,909</u>	<u>515,942</u> *
General Fund	0	0	0	531,909	515,942
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>1,211,900</u>	<u>2,525,862</u>	<u>2,204,423</u>	<u>2,363,623</u>	<u>2,336,904</u> *
General Fund	1,207,200	2,508,437	2,174,423	2,333,623	2,306,904
Cash Funds	4,700	17,425	30,000	30,000	30,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Vehicle Lease Payments	<u>110,252</u>	<u>98,698</u>	<u>99,192</u>	<u>116,752</u>	<u>116,752</u>
General Fund	110,252	98,698	99,192	116,752	116,752
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>286,000</u>	<u>518,668</u>	<u>281,350</u>	<u>1,113,890</u>	<u>937,135</u> *
General Fund	286,000	518,668	281,350	1,113,890	937,135
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Leased Space and Utilities	<u>7,963,700</u>	<u>8,120,595</u>	<u>9,127,212</u>	<u>10,643,598</u>	<u>10,208,823</u> *
General Fund	7,963,700	8,120,595	9,127,212	10,643,598	10,208,823
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Automation Plan	<u>3,407,023</u>	<u>4,068,288</u>	<u>3,576,055</u>	<u>3,752,377</u>	<u>3,621,884</u> *
General Fund	3,407,023	4,068,288	3,576,055	3,752,377	3,621,884
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Attorney Registration	<u>159,077</u>	<u>168,998</u>	<u>156,634</u>	<u>169,934</u>	<u>169,934</u> *
General Fund	159,077	168,998	156,634	169,934	169,934
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Contract Services	<u>23,296</u>	<u>3,169</u>	<u>49,395</u>	<u>49,395</u>	<u>49,395</u>
General Fund	23,296	3,169	49,395	49,395	49,395
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Mandated Costs	<u>2,889,377</u>	<u>3,530,004</u>	<u>4,584,836</u>	<u>4,604,036</u>	<u>4,604,036</u> *
General Fund	2,889,377	3,530,004	4,584,836	4,604,036	4,604,036
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Training	<u>0</u>	<u>0</u>	<u>350,000</u>	<u>610,493</u>	<u>466,000</u> *
General Fund	0	0	350,000	610,493	466,000

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Grants	<u>42,250</u>	<u>125,000</u>	<u>409,316</u>	<u>713,364</u>	<u>713,364</u> *
FTE	0.0	0.0	3.7	6.8	6.8
General Fund	0	0	0	0	0
Cash Funds	42,250	125,000	409,316	713,364	713,364
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (5) Office of State Public Defender	117,102,569	128,851,550	156,463,967	187,577,214	181,604,368
FTE	<u>907.0</u>	<u>986.7</u>	<u>1,101.8</u>	<u>1,264.8</u>	<u>1,209.3</u>
General Fund	117,055,619	128,709,125	156,024,651	186,833,850	180,861,004
Cash Funds	46,950	142,425	439,316	743,364	743,364
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

Program Costs	<u>1,119,781</u>	<u>1,635,111</u>	<u>2,170,852</u>	<u>2,495,049</u>	<u>2,435,193</u> *
FTE	9.9	10.5	12.0	15.0	14.3
General Fund	1,119,781	1,635,111	2,170,852	2,495,049	2,435,193
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

TOTAL - (9) Office of the Child Protection					
Ombudsman	1,119,781	1,635,111	2,170,852	2,495,049	2,435,193
<i>FTE</i>	<u>9.9</u>	<u>10.5</u>	<u>12.0</u>	<u>15.0</u>	<u>14.3</u>
General Fund	1,119,781	1,635,111	2,170,852	2,495,049	2,435,193
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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(10) INDEPENDENT ETHICS COMMISSION

Program Costs	<u>178,706</u>	<u>223,974</u>	<u>352,508</u>	<u>348,748</u>	<u>356,787</u> *
FTE	1.0	1.5	1.5	1.5	1.5
General Fund	178,706	223,974	352,508	348,748	356,787
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

TOTAL - (10) Independent Ethics Commission	178,706	223,974	352,508	348,748	356,787
<i>FTE</i>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
General Fund	178,706	223,974	352,508	348,748	356,787
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship provides legal guardianship services for incapacitated and indigent adults who have no other guardianship prospects. Cash funds are from the OPG Cash Fund from revenue earned through a \$19 probate fee and gifts, grants, and donations from health care facilities. Reappropriated funds are from a transfer from the Department of Human Services.

Program Costs	<u>780,315</u>	<u>1,243,327</u>	<u>1,903,288</u>	<u>2,252,114</u>	<u>2,316,806</u> *
FTE	7.0	14.0	14.0	16.0	16.0
General Fund	0	0	0	0	0
Cash Funds	690,631	1,044,517	1,705,895	2,033,246	2,092,293
Reappropriated Funds	89,684	198,810	197,393	218,868	224,513
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>0</u>	<u>18,527</u>	<u>18,527</u>
Cash Funds	0	0	0	18,527	18,527

TOTAL - (11) Office of Public Guardianship	780,315	1,243,327	1,903,288	2,270,641	2,335,333
FTE	<u>7.0</u>	<u>14.0</u>	<u>14.0</u>	<u>16.0</u>	<u>16.0</u>
General Fund	0	0	0	0	0
Cash Funds	690,631	1,044,517	1,705,895	2,051,773	2,110,820
Reappropriated Funds	89,684	198,810	197,393	218,868	224,513
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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(12) COMMISSION ON JUDICIAL DISCIPLINE

Office of Judicial Discipline	<u>0</u>	<u>623,375</u>	<u>1,290,103</u>	<u>1,290,939</u>	<u>1,318,104</u>
FTE	0.0	4.0	4.8	5.0	5.0
General Fund	0	623,375	1,290,103	1,290,939	1,318,104
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Appropriation to the Commission on Judicial Discipline Special Cash Fund	<u>0</u>	<u>400,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	400,000	0	0	0

TOTAL - (12) Commission on Judicial Discipline	0	1,023,375	1,290,103	1,290,939	1,318,104
FTE	<u>0.0</u>	<u>4.0</u>	<u>4.8</u>	<u>5.0</u>	<u>5.0</u>
General Fund	0	1,023,375	1,290,103	1,290,939	1,318,104
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
(13) STATEWIDE BEHAVIORAL HEALTH COURT LIAISON (BRIDGES OF COLORADO)					
Personal Services	<u>0</u>	<u>0</u>	<u>3,566,814</u>	<u>10,285,964</u>	<u>10,285,964</u>
FTE	0.0	0.0	33.7	99.0	99.0
General Fund	0	0	3,566,814	10,285,964	10,285,964
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>0</u>	<u>0</u>	<u>388,783</u>	<u>1,311,788</u>	<u>1,371,904</u>
General Fund	0	0	388,783	1,311,788	1,371,904
Short-term Disability	<u>0</u>	<u>0</u>	<u>5,057</u>	<u>11,098</u>	<u>11,898</u>
General Fund	0	0	5,057	11,098	11,898
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>793,187</u>
General Fund	0	0	0	0	793,187
S.B. 04-257 Amortization Equalization Disbursement	<u>0</u>	<u>0</u>	<u>158,033</u>	<u>369,924</u>	<u>0</u>
General Fund	0	0	158,033	369,924	0
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>0</u>	<u>0</u>	<u>158,033</u>	<u>369,924</u>	<u>0</u>
General Fund	0	0	158,033	369,924	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>243,548</u>	<u>279,087</u>
General Fund	0	0	0	243,548	279,087
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>272,954</u>
General Fund	0	0	0	0	272,954
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>33,293</u>	<u>35,693</u>
General Fund	0	0	0	33,293	35,693
Operating Expenses	<u>0</u>	<u>0</u>	<u>904,300</u>	<u>736,930</u>	<u>736,930</u>
General Fund	0	0	904,300	736,930	736,930
Participant Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>500,000</u>	<u>500,000</u>
General Fund	0	0	0	500,000	500,000
Psychological Assessment Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>665,020</u>
FTE	0.0	0.0	0.0	0.0	4.9
General Fund	0	0	0	0	665,020
TOTAL - (13) Statewide Behavioral Health Court					
Liaison (Bridges of Colorado)	0	0	5,181,020	13,862,469	14,952,637
FTE	<u>0.0</u>	<u>0.0</u>	<u>33.7</u>	<u>99.0</u>	<u>103.9</u>
General Fund	0	0	5,181,020	13,862,469	14,952,637
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
(14) OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES					
ASIA Office	<u>0</u>	<u>0</u>	<u>746,909</u>	<u>940,342</u>	<u>665,216</u> *
FTE	0.0	0.0	6.0	6.0	6.0
General Fund	0	0	746,909	940,342	665,216
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>0</u>	<u>0</u>	<u>0</u>	<u>105,796</u>	<u>105,796</u>
General Fund	0	0	0	105,796	105,796
Short-term Disability	<u>0</u>	<u>0</u>	<u>0</u>	<u>871</u>	<u>871</u>
General Fund	0	0	0	871	871
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>58,034</u>
General Fund	0	0	0	0	58,034
S.B. 04-257 Amortization Equalization Disbursement	<u>0</u>	<u>0</u>	<u>0</u>	<u>29,017</u>	<u>0</u>
General Fund	0	0	0	29,017	0
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>0</u>	<u>0</u>	<u>0</u>	<u>29,017</u>	<u>0</u>
General Fund	0	0	0	29,017	0

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Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>19,104</u>	<u>21,811</u>
General Fund	0	0	0	19,104	21,811
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>21,411</u>
General Fund	0	0	0	0	21,411
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,612</u>	<u>2,612</u>
General Fund	0	0	0	2,612	2,612
TOTAL - (14) Office of Administrative Services for Independent Agencies	0	0	746,909	1,126,759	875,751
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>6.0</u>	<u>6.0</u>	<u>6.0</u>
General Fund	0	0	746,909	1,126,759	875,751
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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(15) OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN					
Office of Judicial Discipline Ombudsman	<u>0</u>	<u>0</u>	<u>0</u>	<u>407,533</u>	<u>416,175</u>
FTE	0.0	0.0	0.0	1.8	1.8
General Fund	0	0	0	407,533	416,175
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (15) Office of the Judicial Discipline					
Ombudsman	0	0	0	407,533	416,175
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>1.8</u>	<u>1.8</u>
General Fund	0	0	0	407,533	416,175
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - Judicial Department					
FTE	<u>924.9</u>	<u>1,016.7</u>	<u>1,173.8</u>	<u>1,409.1</u>	<u>1,357.8</u>
General Fund	118,354,106	131,591,585	165,766,043	206,365,347	201,215,651
Cash Funds	737,581	1,186,942	2,145,211	2,795,137	2,854,184
Reappropriated Funds	89,684	198,810	197,393	218,868	224,513
Federal Funds	0	0	0	0	0