

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2015-16 STAFF FIGURE SETTING
JUDICIAL BRANCH**

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

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JUDICIAL BRANCH

Branch Overview

The Judicial Department consists of the Colorado Supreme Court, the Colorado Court of Appeals, district courts, the Denver probate and juvenile courts, and all county courts except the Denver county court. The Judicial Department also supervises juvenile and adult offenders who are sentenced to probation, and it includes four independent agencies. The Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC) provide legal representation for indigent criminal defendants. Such cases are first assigned to the OSPD, and cases are referred to the OADC if the OSPD has an ethical conflict of interest. The Office of the Child's Representative oversees the provision of legal services to children entitled to legal representation at state expense, and is responsible for ensuring quality representation. Finally, the Independent Ethics Commission provides advice and guidance on ethics-related matters concerning public officers, members of the General Assembly, local government officials, and government employees. The Department's FY 2014-15 appropriation represents 2.5 percent of statewide operating appropriations and 5.0 percent of statewide General Fund appropriations.

BRANCH REQUEST AND RECOMMENDATION SUMMARY

Branch Request

The Judicial Branch request reflects an increase of \$51.7 million total funds (8.4 percent) compared to the adjusted FY 2014-15 appropriation, including a \$30.2 million (6.8 percent) increase in General Fund appropriations. The requested increase is primarily related to increases in employee salaries and the state contribution for employee benefits; these items account for about one-third of the overall requested increase and more than half of the requested increase in General Fund appropriations. The request also includes the following significant increases:

- the transfer of \$21.5 million cash funds to make the necessary lease payments related to the Carr Center from the capital construction section of the budget to the operating section;
- \$9.4 million General Fund to offset declining revenues in four cash funds;
- \$3.9 million cash funds for IT hardware and software upgrades and increased network bandwidth for court and probation locations across the state; and
- \$2.8 million General Fund to add 25.0 FTE to better align the ratio of probation officers to supervisors and support staff.

Staff Recommendation

Overall, the staff recommendation is \$1.5 million higher than the request. Major differences between the recommendation and the request include the following:

- Staff's recommendations for informational cash funds line item appropriations related to the regulation of the practice of law and victim compensation are \$1,275,000 and 2.0 FTE higher than the request to better reflect anticipated expenditures and staffing levels.

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- Staff's recommended General Fund increase for JUD R14 (Office of the Respondent Parents' Counsel) is \$624,474 and 1.2 FTE higher than the request because the recommendation for the Long Bill is based on current law. Staff has included recommendations to reduce these Long Bill appropriations by \$618,145 and 1.3 FTE through H.B. 15-1149 (the JBC-sponsored bill that implements recommendations of the Respondent Parent's Counsel Work Group). Thus, in total, staff's recommendation for the ORPC is only \$6,329 higher than the request.
- Staff's recommended General Fund increase for JUD R1 (General Fund support of cash funds) is \$900,000 lower than the request.
- Staff's recommended General Fund increase for JUD R6 (Self-represented litigant coordinators and family court facilitators) is \$442,837 and 8.5 FTE lower than the request.

The staff recommendation is summarized in the following table, followed by a brief description of each incremental change from the FY 2014-15 adjusted appropriation to the FY 2015-16 recommendation.

Judicial Department						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2014-15 Appropriation						
HB 14-1336 (Long Bill)	\$606,373,925	\$436,154,841	\$135,845,989	\$29,948,095	\$4,425,000	4,500.0
Other legislation	8,569,501	7,922,851	(53,350)	700,000	0	28.3
SB 15-150 (Supplemental bill)	<u>2,097,882</u>	<u>2,207,882</u>	<u>(260,000)</u>	<u>150,000</u>	<u>0</u>	<u>(6.0)</u>
TOTAL	\$617,041,308	\$446,285,574	\$135,532,639	\$30,798,095	\$4,425,000	4,522.3
FY 2015-16 Recommended Appropriation						
FY 2014-15 Appropriation	\$617,041,308	\$446,285,574	\$135,532,639	\$30,798,095	\$4,425,000	4,522.3
Transfer from capital construction budget	21,543,903	0	21,543,903	0	0	0.0
Employee benefits/ common changes	20,238,085	18,557,847	1,680,238	0	0	0.0
JUD R11 Courthouse capital and infrastructure maintenance	4,307,550	2,316,000	1,991,550	0	0	0.0
JUD R3 Network bandwidth and networking equipment	3,913,000	0	3,913,000	0	0	0.0
JUD R5 Probation supervisors and staff	2,712,610	2,681,860	30,750	0	0	22.9
JUD R14 Establishment of the Office of the Respondent Parents Counsel	1,578,138	1,555,638	22,500	0	0	3.8
Information funds adjustments	1,275,000	0	1,275,000	0	0	2.0
Reverse supplemental	718,041	718,041	0	0	0	0.0

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Judicial Department						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
JUD R6 Self-represented litigant coordinators and family court facilitators	477,448	470,068	7,380	0	0	5.5
JUD R9 Regional trainers	279,587	275,897	3,690	0	0	2.8
JUD R7 Appellate court FTE	195,716	193,256	2,460	0	0	1.8
JUD R12 Problem-solving courts FTE	183,040	179,658	3,382	0	0	2.8
Indirect cost assessment	120,691	(120,691)	118,447	122,935	0	0.0
OADC R1 Staff support	115,461	115,461	0	0	0	1.4
CDAC R1 District attorney mandated costs	100,000	100,000	0	0	0	0.0
JUD R8 Senior Judge Program maintenance	95,982	95,982	0	0	0	0.0
JUD R10 Recruitment and retention	93,230	92,000	1,230	0	0	0.9
JUD R13 Language access administration	80,094	78,864	1,230	0	0	0.9
JUD R15 Restorative justice coordinator	40,048	0	40,048	0	0	0.5
OCR R2 FTE increase	38,928	38,928	0	0	0	1.5
OCR R3 Mandated costs	17,200	17,200	0	0	0	0.0
JUD R2 Banking fees	11,327	11,327	0	0	0	0.0
IEC R1 Legal services and operating	9,221	9,221	0	0	0	0.0
Annualize prior year budget actions	(3,256,999)	(2,426,236)	(830,763)	0	0	1.3
Annualize prior year legislation	(993,547)	(3,317,146)	23,599	2,300,000	0	3.9
JUD R1 General Fund support of cash funds	(900,000)	8,500,000	(9,400,000)	0	0	0.0
Annualize prior year salary increases	(77,312)	(77,312)	0	0	0	0.0
JUD R16 Fleet vehicles	(1,716)	(1,716)	0	0	0	0.0
Other changes	<u>229,652</u>	<u>220,262</u>	<u>(160,231)</u>	<u>169,621</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$670,185,686	\$476,569,983	\$155,800,052	\$33,390,651	\$4,425,000	4,574.3
Increase/(Decrease)	\$53,144,378	\$30,284,409	\$20,267,413	\$2,592,556	\$0	52.0
Percentage Change	8.6%	6.8%	15.0%	8.4%	0.0%	1.1%
FY 2015-16 Executive Request	\$668,699,069	\$476,520,170	\$154,644,170	\$33,109,729	\$4,425,000	4,582.5
Request Above/(Below) Recommendation	(\$1,486,617)	(\$49,813)	(\$1,155,882)	(\$280,922)	\$0	8.2

Description of Recommended Incremental Changes

Transfer from capital construction budget: The recommendation reflects an appropriation of \$21.5 million cash funds from the Justice Center Cash Fund to make the necessary lease purchase payments related to the construction of the Carr Center. To date this appropriation has been reflected in the capital construction section of the Long Bill. Staff will include this line item in the operating section of the budget if the Committee ultimately approves this policy.

Employee benefits/ common changes: The recommendation includes an increase of \$20.2 million total funds (including \$18.6 million General Fund) related to employee benefits and other centrally appropriated line items.

JUD R11 Courthouse capital and infrastructure maintenance: The recommendation includes a total of \$4.3 million (including \$2.3 million General Fund) to fulfill the State's responsibility for court facility furnishings, information technology infrastructure and systems, and phone systems.

JUD R3 Network bandwidth and networking equipment: The recommendation includes \$3.9 million cash funds from the Judicial Department Information Technology Cash Fund (IT Cash Fund) for network equipment upgrades, increased network bandwidth costs for court and probation locations across the state, and hardware and software needs throughout the Department.

JUD R5 Probation supervisors and staff: The recommendation includes a total of \$2.7 million (primarily General Fund) to add 22.9 FTE to better align the ratio of probation supervisors and support staff to that of probation officers.

JUD R14 Establishment of the Office of the Respondent Parents' Counsel: The recommendation includes an increase of \$1.6 million (primarily General Fund) and 3.8 FTE to establish a new independent office within the Judicial Branch to oversee the provision of legal representation for parents who are respondents in dependency and neglect cases.

Informational funds adjustments: The recommendation reflects an increase of \$1.3 million cash funds and 2.0 FTE to adjust the amounts for certain informational line items to better reflect likely expenditures and staffing levels.

Reverse supplemental: The recommendation reflects an increase of \$718,041 General Fund to reverse several mid-year adjustments recently approved for FY 2014-15 that were one-time in nature.

JUD R6 Self-represented litigant coordinators and family court facilitators: The recommendation includes a total of \$477,448 (primarily General Fund) and 5.5 FTE to add two Self-represented Litigant Coordinators (called "Sherlocks" based on the acronym) and four Family Court Facilitators within judicial districts.

JUD R9 Regional trainers: The recommendation includes \$279,587 (primarily General Fund) and 2.8 FTE to improve the quality of training and increase the amount of instruction time for trial court staff.

JUD R7 Appellate court FTE: The recommendation includes a total of \$195,716 (primarily General Fund) and 1.8 FTE to add two staff to improve the efficiency and effectiveness of the Colorado Supreme Court and the Court of Appeals.

JUD R12 Problem-solving courts FTE: The recommendation includes a total of \$183,040 (primarily General Fund) and 2.8 FTE to permanently fund problem-solving court positions that were previously funded by a federal grant.

Indirect cost assessment: The recommendation adds \$120,691 reappropriated funds to reflect the amount of indirect cost recoveries anticipated to be collected and available to offset General Fund expenses in the State Court Administrator's Office.

OADC R1 Staff support: The recommendation includes \$115,461 General Fund and 1.4 FTE for the Office of the Alternate Defense Counsel to address workload increases.

CDAC R1 District attorney mandated costs: The recommendation includes an increase of \$100,000 General Fund to reimburse district attorneys for costs incurred for prosecution of state matters.

JUD R8 Senior Judge Program maintenance: The recommendation includes \$95,982 General Fund to increase from 46 to 49 the number of retired judges available to cover sitting district and county court judges in case of disqualifications, vacations, sick leave, over-scheduled dockets, judicial training and education, and conflicts of interest.

JUD R10 Recruitment and retention: The recommendation includes \$93,230 (primarily General Fund) and 0.9 FTE to develop and implement a strategic approach to recruiting and retaining employees.

JUD R13 Language access administration: The recommendation includes \$80,094 (primarily General Fund) and 0.9 FTE to improve the quality of language access services provided by Department employees and external agencies.

JUD R15 Restorative justice coordinator: The recommendation includes \$40,048 cash funds from the Restorative Justice Cash Fund to increase the 0.5 FTE Restorative Justice Coordinator position that was added through H.B. 13-1254 (Restorative justice) to a full-time position.

OCR R2 FTE increase: The recommendation includes \$38,928 General Fund to add 1.0 FTE administrative position in the Office of the Child's Representative's (OCR's) El Paso county *guardian ad litem* office and 0.5 FTE administrative position in the OCR's central office.

OCR R3 Mandated costs: The recommendation includes \$17,200 General Fund to cover OCR's costs of expert witnesses, discovery/ reproduction services, transcripts, interpreter services outside the courtroom, and process servers.

JUD R2 Banking fees: The recommendation includes \$11,327 General Fund to cover the cost of merchant exchange fees and courier fees.

IEC R1 Legal services and operating: The recommendation includes \$9,221 General Fund to allow the Independent Ethics Commission (IEC) to purchase a total of 1,800 hours of legal

services and to cover one-time costs associated with the replacement of recording equipment and the purchase of laptops and software for the five Commissioners.

Annualize prior year budget actions: The recommendation includes a decrease of \$3.3 million (including a decrease of \$2.4 million General Fund) and an increase of 1.3 FTE to reflect the FY 2015-16 impact of the following FY 2014-15 budget decisions:

- OSPD R1 Appellate Staffing
- JUD R1 Regional Technicians for IT Support
- JUD R3 Network Bandwidth
- JUD 4 Language Access
- JUD R6 Self-represented Litigant Coordinators
- JUD R8 IT Staff
- JUD R12 Probation Background Checks
- JUD R11 Restitution Enforcement
- JUD R14 Courthouse Capital and Infrastructure Maintenance

Annualize prior year legislation: The recommendation includes a decrease of \$1.0 million (including a decrease of \$3.3 million General Fund) to reflect the FY 2015-16 impact of legislation that was passed in previous legislative sessions, including the following acts:

- S.B. 14-190 Statewide Discovery Sharing System
- H.B. 13-1023 Social Workers for Juveniles
- H.B. 14-1032 Defense Counsel for Juvenile Offenders
- H.B. 14-1050 Add Two Judges
- H.B. 14-1096 Underfunded Courthouse Facilities Grants
- H.B. 14-1266 Penalties for Value-based Offenses
- S.B. 13-250 Drug Crime Sentencing
- H.B. 11-1300 Conservation Easements
- S.B. 08-054 Judicial performance evaluations

JUD R1 General Fund support of cash funds: The recommendation includes an increase of \$8.5 million General Fund and a decrease of \$9.4 million cash funds to maintain support for several programs that are affected by declining revenues in four cash funds.

Annualize prior year salary increases: The recommendation includes a reduction of \$77,312 General Fund to eliminate funding for non-base building salary increases that were awarded in FY 2014-15.

JUD R16 Fleet vehicles: The recommendation includes a net decrease of \$1,716 General Fund to reflect the anticipated savings in mileage expense reimbursements resulting from the addition of ten fleet vehicles for court and probation staff.

Other changes: The recommendation includes several relatively small changes totaling \$229,652.

INITIATIVES AFFECTING MULTIPLE DIVISIONS

➔ JUD R1 General Fund support of cash funds

- The Department requests a \$9.4 million reduction in several cash funds appropriations, offset by a \$9.4 million increase in General Fund appropriations.
- Staff recommends approving the requested changes to cash funds spending authority, but only approving \$8.5 million of the \$9.4 million General Fund requested.

Request: The Department requests adjustments to five line item appropriations to reduce cash funds appropriations from four different cash funds based on declining cash fund revenues. The Department requests offsetting increases in General Fund appropriations totaling \$9,400,000.

Recommendation: As detailed in the following table, staff recommends approving \$8.5 million of the \$9.4 million General Fund requested. Staff recommends approving the requested adjustments to cash fund spending authority.

Summary of Recommendation for JUD R1: General Fund Support of Judicial Cash Funds				
	General Fund	Cash Funds		Total
		Amount	Source	
<u>Courts Administration</u>				
<i>Centrally Administered Programs</i>				
Courthouse Security	\$500,000	(\$1,250,000)	Court Security Cash Fund	(\$750,000)
Family-friendly Court Program	0	(150,000)	Family-friendly Court Program Cash Fund	(150,000)
<i>Ralph L. Carr Colorado Judicial Center</i>				
Operating Expenses	1,146,362	(1,146,362)	Justice Center Cash Fund	0
Debt Service Payments	<u>3,853,638</u>	<u>(3,853,638)</u>	Justice Center Cash Fund	0
Subtotal	5,000,000	(5,000,000)		
<u>Trial Courts</u>				
Trial Court Programs	3,000,000	(3,000,000)	Judicial Stabilization Cash Fund	<u>0</u>
Total	\$8,500,000	(\$9,400,000)		(\$900,000)

Analysis:

A long-term trend of caseload growth in district and county courts reversed recently, and total trial court filings have declined by 126,000 (16.4 percent) in the last two fiscal years. This decline is primarily due to decreases in civil, misdemeanor, and traffic-related cases. This caseload decline began six years ago in county courts, with filings decreasing by 132,000 cases

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
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(23.5 percent) since FY 2007-08. About a year ago the Department realized that these caseload changes are having a significant impact on revenues to several judicial cash funds. Last year, the Department requested additional General Fund to mitigate revenue declines for two cash funds, and the General Assembly provided a total of \$7.0 million to maintain funding for trial court operations and programs as well as the judicial performance evaluation program. *[For more information regarding the decline in civil filings and traffic and traffic infraction filings, please see the November 18, 2014, document entitled "FY 2015-16 Staff Budget Briefing – Judicial Branch, beginning on page 18.]*

The Department's FY 2015-16 budget includes a request for another \$9.4 million General Fund to offset continued revenue declines affecting four cash funds that support the operations of the Ralph L. Carr Colorado Judicial Center and related debt service payments, trial court operations, and two court-related grant programs. The following table summarizes the request by line item and cash fund. A description of each cash fund and program follows.

Summary of Request for JUD R1: General Fund Support of Judicial Cash Funds				
	General Fund	Cash Funds		Total
		Amount	Source	
<u>Courts Administration</u>				
<i>Centrally Administered Programs</i>				
Courthouse Security	\$1,250,000	(\$1,250,000)	Court Security Cash Fund	\$0
Family-friendly Court Program	150,000	(150,000)	Family-friendly Court Program Cash Fund	0
<u>Ralph L. Carr Colorado Judicial Center</u>				
Operating Expenses	1,146,362	(1,146,362)	Justice Center Cash Fund	0
Debt Service Payments	3,853,638	(3,853,638)	Justice Center Cash Fund	0
Subtotal	5,000,000	(5,000,000)		
<u>Trial Courts</u>				
Trial Court Programs	3,000,000	(3,000,000)	Judicial Stabilization Cash Fund	<u>0</u>
Total	\$9,400,000	(\$9,400,000)		\$0

Justice Center Cash Fund¹

For FY 2015-16, the Department requests General Fund appropriations totaling **\$5,000,000** and an equal decrease in cash fund appropriations from the Justice Center Cash Fund (JCCF) for operations of the Ralph L. Carr Colorado Judicial Center and related debt service payments.

In 2008 (S.B. 08-206) the General Assembly authorized the State to enter into lease-purchase agreements for the development and construction of a new history museum (now known as "History Center Colorado") and a state justice center (now known as the "Ralph L. Carr Colorado Judicial Center"). The project addressed a lack of adequate space and the lack of

¹ See Section 13-32-101 (7) (a), C.R.S.

adequate safety and security measures in the previous buildings. The project also allowed the State to avoid addressing deferred maintenance needs for those buildings.

With respect to the Carr Center, the act created a new Justice Center Cash Fund (JCCF), consisting of revenues from various filing fees and any lease payments received from state agencies occupying the Carr Center (including parking fees paid by state employees and the public for use of the Carr Center parking garage). Moneys in the JCCF are subject to annual appropriation for expenses related to the design, construction, maintenance, and operation of the Carr Center. The act also required the Judicial Branch to transfer a total of \$25 million from the JCCF to the newly created State Museum Cash Fund to compensate the State Historical Society for the land on which the previous history museum resided.

***Staff Recommendation.* Staff recommends approving this portion of the request to maintain funding for the lease payments and operational expenses of the Carr Center.**

Judicial Stabilization Cash Fund²

For FY 2015-16, the Department requests a **\$3,000,000** General Fund appropriation and an equal decrease in cash fund appropriations from the Judicial Stabilization Cash Fund (JSCF) that support a portion of annual trial court personnel and operating expenses.

The JSCF was created through a JBC-sponsored bill during a recent economic downturn (S.B. 03-186). Moneys in the JSCF are subject to annual appropriation by the General Assembly "for the expenses of trial courts in the judicial department". Senate Bill 03-186:

- Increased several court fees to support the expenses of the state trial courts;
- Reduced General Fund support for the trial courts to help balance the state budget (by \$3.4 million in FY 2002-03 and \$9.3 million in FY 2003-04); and
- Substituted the new fee revenue in order to mitigate the impact on trial court operations.

In 2007 the General Assembly authorized 43 new judgeships (H.B. 07-1054). This act increased various court fees (which are also credited to the JSCF) to pay for the costs of the new judges, the associated staff and facility-related costs. This act also diverted various existing fees, fines, and penalties from the General Fund to the JSCF; this diversion was phased in over a period of time to correspond to the cost increases required to implement the bill.

Since its creation in 2003, the JSCF has been used to:

- (1) partially offset the impact of reductions in General Fund support for the trial courts during the last two economic downturns;
- (2) pay for the costs of new judgeships authorized by H.B. 07-1054 and H.B. 13-1035; and
- (3) pay for various trial court-related initiatives (*e.g.*, improving court oversight of protective proceeding cases).

Due primarily to the delayed implementation of H.B. 07-1054 and the elimination of funding for employee salary increases from FY 2008-09 through FY 2011-12, the JSCF balance increased to a level that significantly exceeded the statutory limitation on cash fund reserves. In response,

² See Section 13-32-101 (6), C.R.S.

former Chief Justice Bender issued a directive [C.J.D. 12-02] to temporarily reduce filing fees in certain civil actions in January 2012.³

It is staff's understanding that the original concept behind the JSCF was that many court filings are counter-cyclical. Specifically, as the economy declines, the number of foreclosures, collection cases, and related filings increase; as the economy improves, these filings decline. Thus, JSCF revenues were anticipated to be higher during economic downturns, and the JSCF could be used to support court operations when General Fund revenues are more limited.

Last January the Department submitted a budget amendment to address unanticipated and significant declines in JSCF revenues. The Department requested a total of \$5,750,000 General Fund for several line items, and an equal reduction in cash fund appropriations from the JSCF. The General Assembly provided a total of \$6,727,008 General Fund and approved an equal reduction in cash funds appropriations from the JSCF⁴. As a result, JSCF appropriations now total \$34,936,215 and are limited to supporting four line items:

- \$29,053,324 for Trial Court Programs (county and district court operations)
- \$3,133,985 for Problem-solving Courts
- \$1,448,906 for Judicial Education and Training
- \$1,300,000 for the Senior Judge Program

Based on information available last spring, it appeared that JSCF revenues would be sufficient to support ongoing appropriations of \$35 million while maintaining a reasonable fund reserve. However, the Department is now projecting revenues of \$32 million in FY 2014-15, and is thus requesting another \$3.0 million fund source adjustment in the appropriation for Trial Court Programs in FY 2015-16.

***Staff Recommendation.* Staff recommends approving this portion of the request to maintain operational funding for the trial courts.**

Court Security Cash Fund⁵

For FY 2015-16, the Department requests a **\$1,250,000** General Fund appropriation and an equal decrease in cash fund appropriations from the Court Security Cash Fund (CSCF) for the Courthouse Security Program. The Department indicates that this request includes:

- \$700,000 to meet the need for duress alarms and other safety equipment and to take advantage of improved technologies as they become available;
- \$500,000 to provide additional fund balance support due to the continuing declining revenues and the increasing costs of grant-funded salaries and benefits; and

³ Section 13-32-105.5, C.R.S., authorizes the Chief Justice of the Supreme Court to reduce the amount of one or more docket fees if necessary to comply with the 16.5 percent statutory limitation on uncommitted cash fund reserves. Subsequently, once the uncommitted reserves are sufficiently reduced, the Chief Justice is authorized to increase the docket fees to their statutorily authorized levels.

⁴ The Department also submitted a decision item for \$350,000 General Fund to offset cash fund revenue declines in the State Commission on Judicial Performance Cash Fund. The General Assembly appropriated \$290,000 General Fund to help support the costs of the Office of Judicial Performance Evaluation based on historic program expenditure levels.

⁵ See Section 13-1-204 (1) (a), C.R.S.

- \$50,000 for continuing education for court staff, county officials, and law enforcement.

Established in 2007 (S.B. 07-118), the Courthouse Security Grant Program provides grant funds to counties for use in improving courthouse security efforts. Such efforts include security staffing, security equipment, training, and court security emergency needs. Grants for personnel are limited to those counties with:

- population below the state median;
- per capita income below the state median;
- tax revenues below the state median; and/or
- total population living below the federal poverty level greater than the state median.

A court security specialist (1.0 FTE) administers the grant program, and the Court Security Cash Fund Commission evaluates grant applications and makes recommendations to the State Court Administrator concerning grant awards.⁶

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

From FY 2007-08 through FY 2013-14, this program has provided a total of \$19.0 million to counties, including:

- \$10.4 million (55.0 percent of the total) for security personnel;
- \$8.1 million (42.9 percent) for equipment; and
- \$0.4 million for training.

More than 70 percent of this total funding (\$13.7 million) has been allocated to the 38 counties identified as priority counties based on the statutory criteria; the remaining \$5.2 million has been allocated to non-priority counties – primarily for the purchase of security equipment. Of the funding that has been allocated to non-priority counties, \$3.4 million was allocated to the following front range counties: Arapahoe; Boulder; Broomfield; Denver; Douglas; El Paso; Jefferson; Larimer; and Weld.

Staff Recommendation. **Staff recommends partially approving the request for the Court Security Grant Program.** Specifically, staff recommends providing a General Fund appropriation of \$500,000 and reducing the cash funds appropriation by \$1,250,000 as requested. The recommendation is designed to ensure that the Department is able to:

- continue providing supplemental funding for ongoing security staffing in the counties with the most limited financial resources (an estimated \$2.0 million in FY 2015-16 based on personnel grant awards in 2014 to "priority 1" counties);

⁶ See Section 13-1-201, *et seq.*, C.R.S.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

- provide supplemental funding to counties for court security equipment (\$150,000 per year based on 2014 awards);
- provide continuing education for court staff, county officials, and law enforcement (\$50,000 per year as requested); and
- cover expenses associated with administering the program.

As indicated in the following table, staff's recommendation is anticipated to allow for program expenditures of approximately \$2.4 million in FY 2015-16, and allow for annual increases in personnel and other expenses (estimated at 4.0 percent per year).

Court Security Cash Fund: Revenue and Expenditure Trends								
Description	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17
	Actual	Actual	Actual	Actual	Actual	Proj.	Proj.	Proj.
Beginning Fund Balance	\$2,447,177	\$2,317,104	\$2,210,971	\$1,817,009	\$1,243,725	\$822,422	\$524,089	\$638,059
Revenue	3,284,138	3,054,014	2,855,006	2,596,415	2,370,744	2,164,688	2,175,512	2,186,389
Expenditures:								
Program Costs	2,778,305	2,966,235	3,016,168	2,949,569	2,606,890	2,300,000	2,392,000	2,487,680
Budget Balancing Reduction/ (Costs Covered by GF Appropriation) 1/	500,000	0	0	0	0	0	(500,000)	(500,000)
Indirect Cost Assessment	<u>135,906</u>	<u>193,912</u>	<u>232,800</u>	<u>220,130</u>	<u>185,157</u>	<u>163,021</u>	<u>169,542</u>	<u>176,324</u>
Total Expenditures	3,414,211	3,160,147	3,248,968	3,169,699	2,792,047	2,463,021	2,061,542	2,164,004
Ending Fund Balance	2,317,104	2,210,971	1,817,009	1,243,725	822,422	524,089	638,059	660,445
Annual Change in Fund Balance		(106,133)	(393,962)	(573,284)	(421,303)	(298,333)	113,970	22,385
<i>Fund Balance as % of Annual Expenditures</i>	<i>67.87%</i>	<i>69.96%</i>	<i>55.93%</i>	<i>39.24%</i>	<i>29.46%</i>	<i>21.28%</i>	<i>30.95%</i>	<i>30.52%</i>

1/ Pursuant to Section 13-1-204 (1) (c), C.R.S., a total of \$2.0 million was transferred from the Court Security Cash Fund to the General Fund in FY 2008-09 and FY 2009-10.

Staff notes that the Department would need to allocate available resources in a different manner than it has in recent years to ensure that resources are directed to those counties that are most in need of supplemental funding for security needs. To date this program has provided over \$8.1 million for courthouse security equipment needs. Of this amount, \$4.6 million has been awarded to priority 2 counties and \$3.5 million has been awarded to priority 1 counties. Staff's recommendation would likely limit equipment awards to priority 1 counties.

Family-friendly Court Program Cash Fund⁷

For FY 2015-16, the Department requests a **\$150,000** General Fund appropriation and an equal decrease in cash fund appropriations from the Family-friendly Court Program Cash Fund (the Fund) for the Family-friendly Court Program. The Department indicates that the requested funds would support ongoing and new court child care and supervised visitation/supervised exchange programs that protect and serve children.

Established in 2002 (H.B. 02-1101), the Family-friendly Court Program provides funding for courts to create facilities or services designed to meet the needs of families navigating the court system. The program is funded with a \$1.00 surcharge on traffic violations. The Judicial

⁷ See Section 13-3-113 (6) (a), C.R.S.

Department allocates money from the Fund to judicial districts that apply for funding for the creation, operation, and enhancement of family-friendly court facilities.

These programs primarily provide child care services for families attending court proceedings, either through on-site centers and waiting rooms located in courthouses or through vouchers for private child care services. Programs may also provide supervised parenting time and transfer of the physical custody of a child from one parent to another, as well as information and referral for relevant services (*e.g.*, youth mentoring, crime prevention, and dropout prevention; employment counseling and training; financial management; legal counseling; substance abuse programs; etc.).

Staff Recommendation. **Staff recommends denying General Fund request for the Family-friendly Court Program** for two primary reasons. First, it appears that available cash fund revenues will be sufficient for the next several years for the Department to increase grant awards by approximately \$50,000 compared to the last two fiscal years. As indicated in the following table, the Department had a beginning fund balance of \$222,138 at the beginning of FY 2014-15. The Department projects annual revenue declines of 13.6 percent from FY 2014-15 through FY 2016-17. If fund revenues stabilize after FY 2016-17, program expenditures of \$225,000 could be maintained for the next four fiscal years.

Family-friendly Court Program Cash Fund: Revenue and Expenditure Trends								
Description	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17
	Actual	Actual	Actual	Actual	Actual	Proj.	Proj.	Proj.
Beginning Fund Balance	\$92,340	\$60,049	\$73,950	\$74,039	\$123,875	\$222,138	\$296,816	\$260,230
Revenue	320,790	263,450	257,067	249,871	288,819	249,678	215,842	186,591
Expenditures:								
Program Costs	319,252	249,549	244,139	178,677	176,591	155,985	225,000	225,000
Indirect Cost Assessment	<u>33,829</u>	<u>0</u>	<u>12,839</u>	<u>21,358</u>	<u>13,965</u>	<u>19,015</u>	<u>27,428</u>	<u>27,428</u>
Total Expenditures	353,081	249,549	256,978	200,035	190,556	175,000	252,428	252,428
Ending Fund Balance	60,049	73,950	74,039	123,875	222,138	296,816	260,230	194,393
Annual Change in Fund Balance		13,901	89	49,836	98,263	74,678	(36,586)	(65,837)
<i>Fund Balance as % of Annual Expenditures</i>	<i>17.01%</i>	<i>29.63%</i>	<i>28.81%</i>	<i>61.93%</i>	<i>116.57%</i>	<i>169.61%</i>	<i>103.09%</i>	<i>77.01%</i>

Second, staff believes that the Department could allocate available resources in a different manner to ensure that resources are directed to those judicial districts that are most in need of state grants to meet the child care and visitation/exchange needs of families. The Department provided information in its hearing responses (see page 11) concerning recommended grant awards for FY 2014-15. The Department indicated that without adequate funding, "many rural jurisdictions will be unable to provide a safe drop off and pick up service to children in high conflict divorce situations." However, only 26 percent of the recommended awards are for rural jurisdictions. If the Department were to prioritize rural jurisdictions or other districts with unique financial challenges, it appears that it could cover the full amount requested from these districts with available revenues. Staff does recommend reducing the cash funds spending authority by \$150,000, as requested, to better reflect available revenues.



JUD R14 Office of the Respondent Parents' Counsel

- The Department's request includes a total of \$953,664 General Fund and 2.7 FTE for the Office of the Respondent Parents' Counsel (ORPC), assuming that the ORPC would be established January 1, 2016.
- Staff's recommendations reflect an overall increase of \$1,578,138 General Fund and 3.9 FTE for the ORPC, assuming that the ORPC would be established July 1, 2015 (under current law).

Request: The Department requests appropriations totaling \$953,664 General Fund and 2.7 FTE for the new ORPC.

Recommendation: Staff's recommendations for the Branch as a whole include a total of \$1,578,138 General Fund and 3.9 FTE to establish the ORPC based on current law.

Analysis:

Senate Bill S.B. 14-203 established the Office of Respondent Parents' Counsel (ORPC), a new independent agency within the Judicial Branch charged with ensuring the provision and availability of high-quality legal representation for respondent parents involved in dependency and neglect proceedings. The act required that all existing and new state paid RPC appointments be transferred from the State Court Administrator's Office (SCAO) to the ORPC by January 1, 2016. The act also directed the pre-existing Work Group to make recommendations concerning an operational structure for the new office.

The Committee has voted to sponsor legislation (H.B. 15-1149) to implement the recommendations of the Work Group, including the following:

- Establishing a nine-member governing commission to oversee the operations of the ORPC;
- Establishing minimum qualifications for the Director of the ORPC;
- Delaying by six months the transfer of all existing RPC appointments to the ORPC; and
- Allowing the ORPC up to two years to transfer the contracts and the bill payment system from the SCAO.

Based on current law (S.B. 14-203), staff recommends including funding in the FY 2015-16 Long Bill to establish the ORPC, including the following:

- preparing office space within the Ralph L. Carr Colorado Judicial Center;
- hiring a Director effective July 1, 2015;
- hiring the remaining 9.0 FTE effective October 1, 2015;
- creating a case management system; and
- transferring half of the funding for RPC appointments from the SCAO to the ORPC (for six of 12 months).

House Bill 15-1149 would reduce the funding required for FY 2015-16 because it delays the establishment of the ORPC by six months. While this bill will require some funding to support

the Respondent Parents' Counsel Governing Commission beginning July 1, 2015, such costs are offset by delays in hiring the Director (to January 1, 2016) and the remaining staff (to March 1, 2016). The following table details staff's recommendations for the FY 2015-16 Long Bill based on current law, as well as staff's recommendations for FY 2015-16 should H.B. 15-1149 pass. Finally, the table details projected funding requirements for FY 2016-17 should H.B. 15-1149 pass.

The assumptions that underlie staff's recommendations for the ORPC are consistent with the Department's budget request, with the following exceptions:

- Consistent with staff's recommendations for the Office of the Alternate Defense Counsel (OADC) and the Office of the Child's Representative (OCR), the salary for the ORPC Executive Director is aligned with the recommended salary for district court judges and the salary for the ORPC Deputy Director is aligned with the recommended salary for county court judges.
- Staff has applied Committee common policies related to supplemental PERA payment rates (AED and SAED), and Legislative Council Staff fiscal note standards for health, life, and dental benefits.
- Staff has included, as part of the recommended appropriations should H.B. 15-1149 pass, \$8,400 to reimburse expenses incurred by members of the ORPC governing commission.
- Staff added funding to cover expenses for staff travel and for dues, subscriptions, and memberships; the dollar amounts are based on costs incurred by the OCR and the OADC.

Please note that staff's recommendation reflects an appropriation of \$49,505 for the purchase of 500 hours of legal services. However, the actual dollar amount of the appropriation will be calculated after the Committee sets the common policy for the legal services rate.

Finally, please note that staff's recommendations for the FY 2015-16 Long Bill include the transfer of \$5.0 million from the Trial Courts section of the budget to the ORPC to pay for court-appointed respondent parents' counsel for six months of FY 2015-16. Staff's recommendations for the FY 2015-16 Long Bill also include reductions totaling \$173,769 General Fund and 3.0 FTE based on the Department's estimates of the workload impact of transferring oversight of RPC. Should H.B. 15-1149 pass, these adjustments will not occur until FY 2016-17.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Description	FY 2015-16						FY 2016-17	
	Current Law		Current Law + H.B. 15-1149		Fiscal Impact of H.B. 15-1149		Current Law + H.B. 15-1149	
	FTE	\$	FTE	\$	FTE	\$	FTE	\$
Office of the Respondent Parents' Counsel								
Personal Services								
Personal services	6.9	\$725,361	2.7	\$284,975	(4.3)	(\$440,386)	10.0	\$1,021,365
IT professional services contract		117,000		78,000		(39,000)		156,000
Total Personal Services		842,361		362,975		(479,386)		1,177,365
Employee Benefits								
Health, life, and dental		30,579		11,789		(18,790)		44,210
Short-term disability		1,430		562		(868)		2,013
AED		28,598		11,236		(17,362)		43,930
SAED		27,623		10,853		(16,770)		43,472
Total Employee Benefits		88,230		34,440		(53,790)		133,625
Operating								
Operating		6,571		2,533		(4,038)		9,500
Staff travel		18,000		6,900		(11,100)		26,000
Commissioner travel		0		8,400		8,400		8,400
Dues, subscriptions, and memberships		8,300		3,200		(5,100)		12,000
Copy/fax scanning machines		3,600		3,600		0		3,600
Software licenses		2,075		800		(1,275)		1,300
Total Operating		38,546		25,433		(13,113)		60,800
Legal services		49,505		49,505		0		19,010
Training - GF		22,500		7,500		(15,000)		30,000
Training - CF		22,500		7,500		(15,000)		30,000
Case management system (\$375,000)		253,125		37,500		(215,625)		337,500
Court-appointed counsel		4,986,663		0		(4,986,663)		9,973,326
Capital outlay and space build out		435,140		435,140		0		0
Total ORPC Costs	6.9	6,738,570	2.7	959,993	(4.3)	(5,778,577)	10.0	11,761,626
Impacts on the Judicial Department								
(2) Courts Administration								
(A) Administration and Technology	(0.8)	(\$64,211)	0.0	\$0	0.8	\$64,211	(1.0)	(\$85,614)
(3) Trial Courts								
Trial Court Programs	(2.3)	(109,558)	0.0	0	2.3	109,558	(3.0)	(146,077)
	(3.0)	(173,769)	0.0	0	3.0	173,769	(4.0)	(231,692)
Court-appointed Counsel		(4,986,663)		0		4,986,663		(9,973,326)
Total for Judicial Branch	3.9	\$1,578,138	2.7	\$959,993	(1.3)	(\$618,145)	6.0	\$1,556,608

(1) Supreme Court/ Court of Appeals

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The Supreme Court is the court of last resort, and its decisions are binding on the Court of Appeals and all county and district courts. Requests to review decisions of the Court of Appeals constitute the majority of the Supreme Court's filings. The Supreme Court also has direct appellate jurisdiction over cases in which a statute has been held to be unconstitutional, cases involving the Public Utilities Commission, *writs of habeas corpus*,⁸ cases involving adjudication of water rights, summary proceedings initiated under the Elections Code, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings. The Supreme Court also oversees the regulation of attorneys and the practice of law. The Supreme Court is composed of seven justices who serve renewable 10-year terms. The Chief Justice, selected by the justices of the Court, is the executive head of the Department.⁹

Created by statute, the Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Its determination of an appeal is final unless the Colorado Supreme Court agrees to review the matter. The Court of Appeals is currently composed of 22 judges who serve renewable 8-year terms¹⁰.

The following table summarizes the staff recommendations for the Appellate Courts. Overall, staff's recommendation is higher than the request for two reasons. First, staff recommends increasing informational line items related to attorney regulation by \$50,000 and 2.0 FTE to better reflect likely expenditures. Second, staff's recommendation includes a lower number of FTE in order to reflect the impact of the paydate shift on the staff added through JUD R7 (Appellate court FTE).

⁸ A *writ of habeas corpus* is a judicial mandate to a prison official ordering that an inmate be brought to the court so it can be determined whether or not that person is imprisoned lawfully and whether or not he or she should be released from custody.

⁹ See Article VI, Sections 2 through 8, Colorado Constitution; and Section 13-2-101 et seq., C.R.S.

¹⁰ See Section 13-4-101 et seq., C.R.S.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Supreme Court/Court of Appeals					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	FTE
FY 2014-15 Appropriation					
HB 14-1336 (Long Bill)	<u>\$23,871,408</u>	<u>\$12,459,286</u>	<u>\$11,349,001</u>	<u>\$63,121</u>	<u>211.5</u>
TOTAL	\$23,871,408	\$12,459,286	\$11,349,001	\$63,121	211.5
FY 2015-16 Recommended Appropriation					
FY 2014-15 Appropriation	\$23,871,408	\$12,459,286	\$11,349,001	\$63,121	211.5
Annualize prior year salary survey	579,261	579,261	0	0	0.0
JUD R7 Appellate court FTE	186,310	186,310	0	0	1.8
Annualize prior year merit pay	75,746	75,746	0	0	0.0
Informational funds adjustment	50,000	0	50,000	0	2.0
Indirect cost assessment	44,331	0	44,331	0	0.0
Annualize prior year budget actions (JUD R6 for FY 2014-15)	<u>4,792</u>	<u>4,792</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$24,811,848	\$13,305,395	\$11,443,332	\$63,121	215.3
Increase/(Decrease)	\$940,440	\$846,109	\$94,331	\$0	3.8
Percentage Change	3.9%	6.8%	0.8%	0.0%	1.8%
FY 2015-16 Executive Request:	\$24,761,848	\$13,305,395	\$11,393,332	\$63,121	213.5
Request Above/(Below) Recommendation	(\$50,000)	\$0	(\$50,000)	\$0	(1.8)

LINE ITEM DETAIL

Appellate Court Programs

This line item includes funding for both personal services and operating expenses. This line item also includes funding to purchase volumes of the *Colorado Reporter*, which is the official publication of opinions of the Colorado Supreme Court and Court of Appeals. In accordance with Section 13-2-125, C.R.S., the Department purchases 194 copies of each book as it is published and distributes copies to various state offices, including district and county judges' offices, county court law libraries, district attorneys' offices, and state libraries. Sources of cash funds include the Judicial Stabilization Cash Fund and various fees and cost recoveries.

The following table details the types of employees that are supported by this line item.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Staffing Summary Appellate Court Programs	FY 13-14 Actual	FY 14-15 Approp.	FY 15-16 Request	FY 15-16 Recommend.
<u>Supreme Court</u>				
Chief Justice and Supreme Court Justices	7.0	7.0	7.0	7.0
Counsel to the Chief Justice	1.0	1.0	1.0	1.0
Law Clerks	19.0	20.0	20.0	20.0
Staff Attorneys (JUD R7)	1.6	1.6	2.6	2.5
Other Support Staff	<u>6.0</u>	<u>5.0</u>	<u>5.0</u>	<u>5.0</u>
Subtotal	34.6	34.6	35.6	35.5
<u>Court of Appeals</u>				
Chief Judge and Court of Appeals Judges	22.0	22.0	22.0	22.0
Law Clerks	36.0	35.0	35.0	35.0
Reporter of Decisions and Assistant Reporter of Decisions (JUD R7)	1.0	1.0	2.0	1.9
Staff Attorneys	22.0	22.0	22.0	22.0
Other Support Staff	<u>20.0</u>	<u>21.0</u>	<u>21.0</u>	<u>21.0</u>
Subtotal	101.0	101.0	102.0	101.9
<u>Staff That Support Both Appellate Courts</u>				
Clerk of Court	1.0	1.0	1.0	1.0
Library Staff	3.4	3.4	3.4	3.4
Self-representated Litigant Coordinator	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
Subtotal	4.4	5.4	5.4	5.4
Total	140.0	141.0	143.0	142.8

Request: The Department requests \$13,377,395, including \$13,305,395 General Fund and \$72,000 cash funds from various fees and cost recoveries, and 143.0 FTE. The request is impacted by JUD R7 (Appellate court FTE).

Recommendation: Staff recommends appropriating \$13,377,395, including \$13,305,395 General Fund and \$72,000 cash funds, and 142.8 FTE as detailed in the following table. Staff's recommendation includes a lower number of FTE in order to reflect the impact of the paydate shift on the staff added through JUD R7 (Appellate court FTE).

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Supreme Court/Court of Appeals, Appellate Court Programs				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$12,531,286</u>	<u>\$12,459,286</u>	<u>\$72,000</u>	<u>141.0</u>
TOTAL	\$12,531,286	\$12,459,286	\$72,000	141.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$12,531,286	\$12,459,286	\$72,000	141.0
Annualize prior year salary survey	579,261	579,261	0	0.0
Annualize prior year merit pay	75,746	75,746	0	0.0
JUD R7 Appellate court FTE	186,310	186,310	0	1.8
Annualize prior year budget actions	<u>4,792</u>	<u>4,792</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$13,377,395	\$13,305,395	\$72,000	142.8
Increase/(Decrease)	\$846,109	\$846,109	\$0	1.8
Percentage Change	6.8%	6.8%	0.0%	1.3%
FY 2015-16 Executive Request:	\$13,377,395	\$13,305,395	\$72,000	143.0
Request Above/(Below)				
Recommendation	\$0	\$0	\$0	0.2

Annualize prior year budget actions: Staff's recommendation includes \$4,792 General Fund to provide a full 12 months of funding for *JUD R6 (Self-represented litigant coordinators)* from FY 2014-15.

➔ JUD R7 Appellate court FTE

- The Department requests a total of \$195,716, including \$193,256 General Fund and \$2,460 cash funds from the IT Cash Fund, to add 2.0 FTE for Colorado's appellate courts.
- Staff recommends approving the request.

Request: The Department requests a total of \$195,716, including \$193,256 General Fund and \$2,460 cash funds from the IT Cash Fund, to add 2.0 FTE for Colorado's appellate courts including:

- 1.0 FTE Staff Attorney to screen *certiorari*, *habeas corpus*, and original proceeding petitions for the Colorado Supreme Court; and
- 1.0 FTE Assistant Editor of Decisions to ensure accuracy and consistency in the written opinions issued by the Court of Appeals.

Recommendation: Staff recommends approving the request.

Analysis:

Supreme Court

The Supreme Court employs both short-term law clerks and long-term staff attorneys to help manage the Court's workload.

- Law clerks provide legal research and writing support for the individual justice to whom they are assigned. Generally law clerks work for one or two years to gain additional legal research and analytical skills before practicing law.
- Staff attorneys perform legal research and develop valuable expertise to assist the whole Court. Staff attorneys help screen Petitions for *Writ of Certiorari* and identify related issues earlier in the review process. This helps streamline both case briefing and oral argument scheduling.

The Chief Justice indicated to the Committee, during the Judicial Department budget hearing, that her goal is to decrease the amount of time required of justices to determine which cases should be heard, and increase the amount of time allowed for justices to hear and consider cases.

Staff Recommendation. Staff recommends approving this portion of the request to support the Chief Justice's efforts to improve the efficiency and effectiveness of the Supreme Court.

Court of Appeals

The General Assembly added the "Reporter of Decisions" position in 1970 when the Court of Appeals consisted of six judges. Since 1970, the number of filings in the Court of Appeals has increased from 616 in FY 1970-71 to 2,458 in FY 2013-14; the number of written opinions increased from 390 to 1,772 over the same time period. To address caseload and workload increases, the Court of Appeals has sought and received statutory authority to increase the number of appellate judges three times. Since July 2008 the Court of Appeals has been comprised of 22 judges.

The Reporter of Decisions edits all draft opinions prepared by Court of Appeals judges, law clerks, and staff attorneys and additionally reviews and provides direction on rules of syntax, grammar, punctuation, diction, rhetoric, semantics, style, legal content, and citation authority. An average of 480 pages of written opinions must be reviewed and edited each week. To prevent delays in the issuance of opinions, the Court of Appeals has diverted other staff attorney resources to assist the Reporter of Decisions, thereby reducing the number of recommended dispositions the staff attorneys can produce¹¹.

Staff Recommendation. Staff recommends approving this portion of the request to support the efforts of the Chief Judge of the Court of Appeals to increase the time that staff attorneys can devote to drafting opinions. The Court has indicated that it would expect approval of this request to increase the number of opinions by approximately 150 each year, including approximately 40

¹¹ The Chief Judge for the Court of Appeals assigns cases to staff attorneys. The Staff Attorney then reviews briefs and the record, conducts appropriate research, and prepares a recommended disposition for a judge to review.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

criminal case opinions. Approval of this request should complement recent budgetary initiatives to reduce the backlog of criminal appeals, and reduce delays in other case types as well.

Staff's overall recommendation is consistent with the request, except that staff's recommendation includes a lower number of FTE to reflect the impact of the paydate shift. The recommendation is detailed in the following table.

Staff Recommendation for R7 (Appellate Court FTE)					
		Assistant Editor of Opinions	Staff Attorney	FY 2015-16 Total	FY 2016-17 Total
PERSONAL SERVICES					
Number of PERSONS per class title		1.00	1.00	1.8	2.0
Monthly base salary	\$	6,726	8,296	15,022	
Number of months		11	11	11	12
Salary		\$73,986	\$91,256	\$165,242	\$180,264
PERA	10.15%	\$7,510	\$9,262	\$16,772	\$18,297
Medicare	1.45%	<u>\$1,073</u>	<u>\$1,323</u>	<u>\$2,396</u>	<u>\$2,614</u>
Subtotal		\$82,569	\$101,841	\$184,410	\$201,175
OPERATING					
Phone (staff)	\$ 450	\$450	\$450	\$ 900	\$900
Supplies (staff)	\$ 500	\$500	\$500	\$ 1,000	\$1,000
Subtotal		\$950	\$950	\$1,900	\$1,900
CAPITAL OUTLAY					
Office Furniture (staff)	\$ 3,473	\$3,473	\$3,473	\$6,946	\$0
Computer/Software (staff)	\$ 1,230	\$1,230	\$1,230	\$2,460	\$0
Subtotal		\$4,703	\$4,703	\$9,406	\$0
TOTAL				\$195,716	\$203,075

Attorney Regulation

Allegations of attorney misconduct are investigated by the Attorney Regulation Committee, the Attorney Regulation Counsel, the Presiding Disciplinary Judge, the Appellate Discipline Commission, the Advisory Committee, and/or the Colorado Supreme Court. A Client Protection Fund compensates persons who suffer certain monetary losses because of an attorney's dishonest conduct. This system emphasizes attorney education and rehabilitation, and resolution of problems for members of the public. These activities are supported by attorney registration fees established by the Colorado Supreme Court. Pursuant to Section 13-2-119, C.R.S., attorney registration fees are not required to be deposited with the State Treasurer. This line item is shown for informational purposes only, as these funds are continuously appropriated under the Judicial Branch's constitutional authority to regulate and control the practice of law [Section 1 of Article VI of the State Constitution].

Request: The Department requests a continuation level of funding (\$9,000,000 cash funds and 56.0 FTE).

Recommendation: As described below, staff recommends replacing this line item with a single, consolidated line item in the FY 2015-16 Long Bill.

Continuing Legal Education

The Board of Continuing Legal and Judicial Education administers mandatory continuing legal education for attorneys and judicial officers, including the certification of courses and educational conferences. The program is supported by annual attorney registration fees established by the Colorado Supreme Court. Pursuant to Section 13-2-119, C.R.S., attorney registration fees are not required to be deposited with the State Treasurer. This line item is shown for informational purposes only, as these funds are continuously appropriated under the Judicial Branch’s constitutional authority to regulate and control the practice of law [Section 1 of Article VI of the State Constitution].

Request: The Department requests a continuation level of funding (\$300,000 cash funds and 4.0 FTE).

Recommendation As described below, staff recommends replacing this line item with a single, consolidated line item in the FY 2015-16 Long Bill.

State Board of Law Examiners

The State Board of Law Examiners administers the Colorado bar exam. The program is supported by law examination application fees established by the Colorado Supreme Court. Pursuant to Section 13-2-119, C.R.S., fees for admission to the bar are not required to be deposited with the State Treasurer. This line item is shown for informational purposes only, as these funds are continuously appropriated under the Judicial Branch’s constitutional authority to regulate and control the practice of law [Section 1 of Article VI of the State Constitution].

Request: The Department requests a continuation level of funding (\$1,300,000 cash funds and 7.0 FTE).

Recommendation: As described below, staff recommends replacing this line item with a single, consolidated line item in the FY 2015-16 Long Bill.

Office of Attorney Regulation Counsel [NEW LINE ITEM]

Recommendation: Staff recommends adding a new line item in the FY 2015-16 Long Bill to replace the above three line items. This format reflects recent action by the Colorado Supreme Court to consolidate three funds into a single fund that covers the costs of all attorney regulation activities, including: admissions, registration, mandatory continuing legal and judicial education, attorney discipline, and inventory counsel functions. Staff recommends reflecting a total of \$10,650,000 cash funds and 69.0 FTE for FY 2015-16. The recommended dollar amount and FTE are intended to reflect likely expenditures and staffing levels, and are based on information provided by the Controller for the Office of Attorney Regulation Counsel. The recommendation reflects an increase of \$50,000 cash funds and 2.0 FTE.

Law Library

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

Request: The Department requests a continuation level of funding (\$563,121), including \$500,000 cash funds from the Supreme Court Library Fund and 2.5 FTE, and \$63,121 reappropriated funds transferred from the Department of Law and 1.0 FTE.

Recommendation: Staff recommends approving the request.

Indirect Cost Assessment

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

Request: The Department requests \$221,332 cash funds.

Recommendation: Staff recommends approving the request. The amounts recommended for this line item and the other two Indirect Cost Assessment line items in this department are calculated based on the indirect cost assessment methodology that is described in detail in Appendix B.

(2) Courts Administration

The justices of the Supreme Court appoint a State Court Administrator to oversee the daily administration of the Department and provide technical and administrative support to the courts and probation.¹² The Courts Administration section of the budget is comprised of four subsections:

- (A) “Administration and Technology” - funding and staff associated with central administration of the State’s Judicial system, including information technology systems
 - (B) “Central Appropriations” - funding related to employee benefits, leased space, and services purchased from other agencies
 - (C) “Centrally Administered Programs” - funding supporting specific functions, grant programs, and distributions that are administered by the Office of the State Court Administrator
 - (D) "Ralph L. Carr Colorado Judicial Center" - spending authority to support operations of the new Judicial Center
-

(A) ADMINISTRATION AND TECHNOLOGY

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

¹² See Article VI, Section 5 (3) of the Colorado Constitution; Section 13-3-101, C.R.S.

LINE ITEM DETAIL

General Courts Administration

This line item provides funding for personal services and operating expenses for the Office of the State Court Administrator's central administrative functions (*e.g.*, human resources, accounting and budget, courts and probation administration and technical assistance, etc.). This line item also supports staff that develop and maintain information technology systems used by court and probation staff in all 22 judicial districts, as well as systems used by other agencies and individuals to file information with the courts and access court information. These staff also provide training and technical assistance to system users. In addition, this line item provides funding for the costs of the Judicial Nominating Commission and the Jury Instruction Revision Committee, the printing of civil and criminal jury instructions, and the Branch's membership in the National Center for State Courts.

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

The following table details the types of employees that are supported by this line item.

Staffing Summary General Courts Administration	FY 13-14 Actual	FY 14-15 Approp.	FY 15-16 Request	FY 15-16 Recommend.
<u>General Courts Administration</u>				
Executive	11.4	12.0	12.0	12.0
Probation Services	22.4	22.0	22.0	22.0
Financial Services	24.6	25.0	25.0	25.0
Court Services (JUD R9, R15)	22.8	32.0	35.5	33.7
Human Resources (JUD R10)	<u>19.4</u>	<u>26.0</u>	<u>27.0</u>	<u>27.0</u>
Subtotal	100.6	117.0	121.5	119.7
<u>Information Technology Services</u>				
Administration/Management	7.3	15.0	15.0	15.0
Computer Technical Support	33.1	40.0	40.0	40.0
Support Center	7.9	9.0	9.0	9.0
Public Access/ Efile	17.0	17.0	17.0	17.0
Programming Services	<u>26.0</u>	<u>33.0</u>	<u>33.0</u>	<u>33.0</u>
Subtotal	91.3	114.0	114.0	114.0
Total	191.9	231.0	235.5	233.7

Request: The Department requests \$24,493,939, including \$16,603,971 General Fund, , and 235.5 FTE. The request is impacted by the following decision items:

- JUD R9 (Regional trainers);
- JUD R10 (Recruitment and retention); and
- JUD R15 (Restorative justice coordinator).

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Recommendation: Staff recommends appropriating \$24,355,479, including \$16,419,069 General Fund, and 233.7 FTE. Staff's recommendation differs from the request for the following reasons:

- Staff's recommendation includes an additional \$120,691 reappropriated funds to reflect the amount of indirect cost recoveries anticipated to be collected and available to offset General Fund expenses in this line item. Staff's General Fund recommendation is thus \$120,691 lower than the request.
- Staff has included a reduction of \$64,211 General Fund and 0.8 FTE to reflect the reduction in central administrative staff workload due to the transfer of oversight for respondent parent counsel appointments to the new Office of the Respondent Parents' Counsel (ORPC). Should H.B. 15-1149 pass, this reduction will not occur until FY 2016-17.
- Staff's recommendation reflects the transfer of \$74,249 cash funds and 1.0 FTE to the Centrally Appropriated Programs subsection as part of the recommendation for JUD R16 (Restorative justice coordinator)

Courts Administration, Administration and Technology, General Courts Administration					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	FTE
FY 2014-15 Appropriation					
HB 14-1336 (Long Bill)	<u>\$22,468,617</u>	<u>\$14,616,345</u>	<u>\$5,782,533</u>	<u>\$2,069,739</u>	<u>231.0</u>
TOTAL	\$22,468,617	\$14,616,345	\$5,782,533	\$2,069,739	231.0
FY 2015-16 Recommended Appropriation					
FY 2014-15 Appropriation	\$22,468,617	\$14,616,345	\$5,782,533	\$2,069,739	231.0
Annualize prior year salary survey	1,336,347	1,336,347	0	0	0.0
JUD R9 Regional trainers	265,478	265,478	0	0	3.0
Annualize prior year merit pay	165,812	165,812	0	0	0.0
Annualize prior year budget actions	131,462	131,462	0	0	0.0
JUD R10 Recruitment and retention	88,527	88,527	0	0	1.0
Indirect cost assessment	0	(120,691)	0	120,691	0.0
JUD R14 Establishment of the Office of the Respondent Parents Counsel	(64,211)	(64,211)	0	0	(0.8)
JUD R15 Restorative justice coordinator	<u>(36,553)</u>	<u>0</u>	<u>(36,553)</u>	<u>0</u>	<u>(0.5)</u>
TOTAL	\$24,355,479	\$16,419,069	\$5,745,980	\$2,190,430	233.7
Increase/(Decrease)	\$1,886,862	\$1,802,724	(\$36,553)	\$120,691	2.7
Percentage Change	8.4%	12.3%	(0.6%)	5.8%	1.2%
FY 2015-16 Executive Request:	\$24,493,939	\$16,603,971	\$5,820,229	\$2,069,739	235.5
Request Above/(Below) Recommendation	\$138,460	\$184,902	\$74,249	(\$120,691)	1.8

Annualize prior year budget actions: Staff's recommendation includes adjustments to reflect the out-year impact of five budget actions in FY 2014-15.

Indirect cost assessment: The amount of reappropriated funds recommended equals the sum of the three Indirect Cost Assessment line items in this packet, plus \$142,000 from indirect cost recoveries from federal grants. Staff's recommendation reflects an additional \$120,691 reappropriated funds to reflect the amount of indirect cost recoveries anticipated to be collected and available to offset General Fund expenses in this line item. [See Appendix B for a detailed description of the calculation of indirect cost assessments.]

➔ JUD R9 Regional trainers

- The Department requests a total of \$279,587, including \$275,897 General Fund and \$3,690 cash funds from the IT Cash Fund, to add 3.0 FTE Court Education Specialists.
- Staff recommends approving the request.

Request: The Department requests a total of \$279,587, including \$275,897 General Fund and \$3,690 cash funds from the IT Cash Fund, to add 3.0 FTE Court Education Specialists to improve the quality of training and increase the amount of instruction time for trial court staff. The current ratio of Court Education Specialists to trial court staff is approximately 1:230; this request would reduce the ratio to 1:150.

Recommendation: Staff recommends approving the request to improve trial court staff access to training opportunities. Staff's recommendation includes a lower number of FTE in order to reflect the impact of the paydate shift.

Analysis:

Trial court staff support the work of judges and play an important role in disseminating the courts' decisions to litigants and other stakeholders. Fundamental staff duties include entry of:

- protection orders;
- warrants;
- criminal sentences;
- child support and custody orders;
- orders dissolving marriages; and
- civil judgements.

The Department routinely shares data with law enforcement, child support enforcement, the Department of Human Services, and the Department of Corrections in real time. Statewide data sharing of important and sensitive data heightens the need for compliance with the Department's standards and data integrity.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

The Department currently employs 6.5 FTE Court Education Specialists to train approximately 1,500 trial court staff in 22 judicial districts, requiring regionally located Specialists travel over 30,000 highway miles each year. These Specialists support training in the areas of:

- best business practices and local policies and procedures;
- data integrity and coding;
- specialized software programs and how they relate to the business of the trial courts;
- jury management;
- financial matters and collections; and
- implementation of legislation.

The current staffing ratio frequently requires the Specialists to deliver education on four or five unique topics per week, and the workload prohibits the extent to which they can participate in professional development. Approval of this request would:

- allow Specialists more time to prepare materials and presentations;
- enable Specialists to attend training sessions for their own professional development and enhance their knowledge of learning styles and training skills;
- increase the Department's ability to respond to ad hoc requests for training new employees (rather than waiting for pre-scheduled courses);
- increase the general frequency of course offerings; and
- reduce the miles travelled by Specialists between training locations.

The following table details the recommendation.

Staff Recommendation for R9 (Regional Trainers)				
		Court Education Specialist	FY 2015-16 Total	FY 2016-17 Total
<i>PERSONAL SERVICES</i>				
Number of PERSONS per class title		3.00	2.80	3.00
Monthly base salary	\$	5,502		
Number of months charged in FY15-16		11	11	12
Salary		\$181,566	\$181,566	\$198,072
PERA	10.15%	\$18,429	\$18,429	\$20,104
Medicare	1.45%	<u>\$2,633</u>	<u>\$2,633</u>	<u>\$2,872</u>
<i>Subtotal</i>		\$202,628	\$202,628	\$221,049
<i>OPERATING</i>				
Phone (staff)	\$450	\$1,350	\$1,350	\$1,350
Supplies (staff)	\$500	\$1,500	\$1,500	\$1,500
Training		<u>\$60,000</u>	<u>\$60,000</u>	<u>\$2,850</u>
<i>Subtotal</i>		\$62,850	\$62,850	\$2,850
<i>CAPITAL OUTLAY</i>				
Office Furniture (staff)	\$3,473	\$10,419	\$10,419	\$0
Computer/Software (staff)	\$1,230	<u>\$3,690</u>	<u>\$3,690</u>	<u>\$0</u>
<i>Subtotal</i>		\$14,109	\$14,109	\$0
<i>TOTAL</i>		\$279,587	\$279,587	\$223,899



JUD R10 Recruitment and retention

- The Department requests a total of \$92,230, including \$92,000 General Fund and \$1,230 cash funds from the IT Cash Fund, to add 1.0 FTE Senior Recruitment Analyst to assist with employee recruitment functions.
- Staff recommends approving the request.

Request: The Department requests a total of \$92,230, including \$92,000 General Fund and \$1,230 cash funds from the IT Cash Fund, to add 1.0 FTE Senior Recruitment Analyst to assist with all of the strategic employee recruitment functions for the Department. Existing appropriations support 1.0 FTE Recruitment Analyst, but this position is more focused on the administrative process of posting jobs, etc., and is not able to focus on strategic matters such as sourcing candidates, building a candidate pipeline, researching proper posting sites for positions, and branding the Department. This request is intended to allow the Department to focus more intently on these strategic issues rather than simply being reactive and process-driven. The Department indicates that this focus should improve its ability to fill employee vacancies in a timely fashion, particularly in the IT area.

Recommendation: Staff recommends approving the request. Staff's recommendation includes a lower number of FTE in order to reflect the impact of the paydate shift. The Judicial Department is a large organization, comprised of nearly 3,500 employees including: 2,006 judicial officers and court staff, 1,242 probation staff, and 222 central administrative staff. These employees work in every county in the state. In the last three calendar years the Department's human resources staff posted an average of 235 positions per year (excluding courtesy positions posted for other judicial agencies) and received an average of 17,400 applications per year for those positions. Over the last three years it has taken an average of 40 days to fill these positions, compared to a national average of 25 days. The Department indicates that it finds information technology positions particularly difficult to fill; it currently has 26 open positions in IT alone. Approval of the request should allow the Department to develop a strategic approach to recruiting and retaining employees. The following table details the recommendation.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Staff Recommendation for R10 (Recruitment and Retention)				
		Human Resource Analyst III	FY 2015-16 Total	FY 2016-17 Total
PERSONAL SERVICES				
Number of PERSONS per class title		1.00	0.90	1.00
Monthly base salary		\$ 7,134		
Number of months charged in FY15-16		11	11	12
Salary		\$78,474	\$78,474	\$85,608
PERA 10.15%		\$7,965	\$7,965	\$8,689
Medicare 1.45%		<u>\$1,138</u>	<u>\$1,138</u>	<u>\$1,241</u>
Subtotal		\$87,577	\$87,577	\$95,539
OPERATING				
Phone (staff) \$ 450		\$ 450	\$ 450	\$450
Supplies (staff) \$ 500		<u>\$ 500</u>	<u>\$500</u>	<u>\$500</u>
Subtotal		\$950	\$950	\$950
CAPITAL OUTLAY				
Office Furniture (staff) \$ 3,473		\$3,473	\$3,473	\$0
Computer/Software (staff) \$ 1,230		<u>\$1,230</u>	<u>\$1,230</u>	<u>\$0</u>
Subtotal		\$4,703	\$4,703	\$0
TOTAL		\$93,230	\$93,230	\$96,489

➔ JUD R15 Restorative justice coordinator

- The Department requests \$40,048 cash funds from the Restorative Justice Cash Fund to increase the 0.5 FTE Restorative Justice Coordinator position that was added through H.B. 13-1254 (Restorative justice) to a full-time position.
- Staff recommends approving the request. In addition, staff recommends transferring the appropriation for the Coordinator to the "Restorative Justice Programs" line item in the Centrally Administered Programs subsection of this section.

Request: The Department requests \$40,048 cash funds from the Restorative Justice Cash Fund to increase the 0.5 FTE Restorative Justice Coordinator position that was added through H.B. 13-1254 (Restorative justice) to a full-time position. The Department indicates that the establishment of the new cash fund has increased the desire for expanding restorative justice opportunities statewide, with additional programs seeking support. The Department indicates that the requested increase would allow staff support beyond the initial pilot programs, to meet the charge of the Restorative Justice Coordinating Council, and address the increasing demand for support.

Recommendation: Staff recommends approving the request to allow the Department to address the increased demands for technical support from local jurisdictions. In addition, staff recommends consolidating funding for administration with support for the Restorative Justice

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Coordinating Council and local restorative justice pilot programs into a single line item. The following table details the recommendation.

Staff Recommendation for R15 (Restorative Justice Coordinator)				
		Court Programs Analyst II	FY 2015-16 Total	FY 2016-17 Total
PERSONAL SERVICES				
Number of PERSONS per class title		0.50	0.50	0.50
Monthly base salary	\$	6,064	6,064	
Number of months charged in FY15-16		11	11	12
Salary		\$33,352	\$33,352	\$36,384
PERA	10.15%	\$3,385	\$3,385	\$3,693
Medicare	1.45%	\$484	\$484	\$528
<i>Subtotal</i>		\$37,221	\$37,221	\$40,605
OPERATING				
Phone (staff)	\$ 450	\$225	\$ 225	\$225
Supplies (staff)	\$ 500	\$250	\$ 250	\$250
<i>Subtotal</i>		\$475	\$475	\$475
CAPITAL OUTLAY				
Office Furniture (staff)	\$ 3,473	\$1,737	\$1,737	\$0
Computer/Software (staff)	\$ 1,230	\$615	\$615	\$0
<i>Subtotal</i>		\$2,352	\$2,352	\$0
TOTAL		\$40,048	\$40,048	\$41,080

Background Information: House Bill 13-1254 made several changes concerning restorative justice programs, including:

- expanding the membership of the Restorative Justice Coordinating Council (Council) in the State Court Administrator's Office;
- requiring the Council to develop a uniform restorative justice satisfaction evaluation and to collect information regarding all existing restorative justice programs and practices, and report that data to the Judiciary Committees by January 31, 2014; and
- creating a pilot program in four judicial districts to facilitate and encourage diversion of juveniles from the juvenile justice system to restorative justice practices.

The act established \$10 surcharge on each person convicted of a crime and each juvenile adjudicated of a crime. The surcharge revenue (less five percent that is retained by the clerk of the court for administrative costs) is credited to a newly created Restorative Justice Surcharge Fund. Moneys in the Fund are subject to annual appropriation for distribution to judicial districts that offer restorative justice programs and for the Council's administrative expenses. The act included an appropriation of \$32,892 and 0.5 FTE to the Judicial Department for FY 2013-14.

Information Technology Infrastructure

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

- The majority of the Department's data line charges;
- Hardware replacement (personal computers, servers, routers, switches, etc.); and

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

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

Request: The Department requests \$8,631,321 (including \$403,094 General Fund and \$8,228,227 cash funds from the Judicial Department Information Technology Cash Fund). The request is impacted by JUD R3 (Network bandwidth and networking equipment).

Recommendation: Staff recommends approving the request. The calculation of the recommended amount is detailed in the following table.

Courts Administration, Administration and Technology, Information Technology Infrastructure				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$5,450,321</u>	<u>\$403,094</u>	<u>\$5,047,227</u>	<u>0.0</u>
TOTAL	\$5,450,321	\$403,094	\$5,047,227	0.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$5,450,321	\$403,094	\$5,047,227	0.0
JUD R3 Network bandwidth and networking equipment	3,913,000	0	3,913,000	0.0
Annualize prior year budget actions	<u>(732,000)</u>	<u>0</u>	<u>(732,000)</u>	<u>0.0</u>
TOTAL	\$8,631,321	\$403,094	\$8,228,227	0.0
Increase/(Decrease)	\$3,181,000	\$0	\$3,181,000	0.0
Percentage Change	58.4%	0.0%	63.0%	0.0%
FY 2015-16 Executive Request:	\$8,631,321	\$403,094	\$8,228,227	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	0.0

Annualize prior year budget actions: Staff's recommendation includes adjustments to eliminate one-time funding that was provided for FY 2014-15 for equipment and installation costs for JUD R3 (Network bandwidth).



JUD R3 Network bandwidth and networking equipment

- The request includes \$3,913,000 cash funds from the Judicial Department Information Technology Cash Fund, including \$2,413,000 to cover network equipment upgrades and increased network bandwidth costs for court and probation locations across the state and \$1,500,000 to assist with increasing hardware and software needs throughout the Department.
- Staff recommends approving the request.

Request: The request includes \$3,913,000 cash funds from the Judicial Department Information Technology Cash Fund, including \$2,413,000 to cover network equipment upgrades and increased network bandwidth costs for court and probation locations across the state and \$1,500,000 to assist with increasing hardware and software needs throughout the Department. The Department is proposing that this funding be continued annually in future fiscal years.

The demand for wireless access, video streaming, video conferencing, and high-speed case management application performance, including document storage and retrieval, continues to grow throughout the state. The Department received funding in FY 2014-15 to upgrade 32 network circuits in mostly rural areas, but a significant need remains in other parts of the state. The current bandwidth is not adequate to keep up with today's technological demands which require higher network speeds to handle increasing data, voice, wireless, and video network traffic. As part of the \$2,413,000 request for network bandwidth, the Department, also plans to upgrade over 300 outdated pieces of network equipment (routers, switches, wireless controllers, uninterruptable power supply units, and wireless access points) throughout the state to ensure all equipment is under ongoing maintenance and support recommended by the Department's vendor. At this time, approximately 90 percent of the Department's network equipment in court and probation locations has reached end-of-life support.

If the requested funding is approved, the Department will be able to:

- continue to expand wireless access coverage throughout all court and probation facilities, increasing access for attorneys, litigants, and court and probation staff;
- continue to expand videoconferencing services for hearings and meetings, increasing access to treatment services and reducing time and travel expenses;
- implement and receive proper consulting and guidance with respect to the Department's information security plan;
- partner with document management companies to migrate to a single enterprise document management system so that all court records can be accessed through one interface;
- ensure the highest degree of network uptime.

Recommendation: Staff recommends approving the request. In recent years the Department has regularly submitted decision items to spend cash fund revenues to maintain and improve its IT infrastructure. This request is designed to establish an ongoing level of spending authority that will allow the Department to maintain its IT infrastructure and continue to improve IT services for court and probation staff and other individuals who rely on or benefit from the Department's IT systems. The source of funding is fees paid by individuals who file court documents or access

court and probation information systems. The Department's projections indicate that this is a reliable and sustainable source of revenue to support this line item and the Department's IT staff.

Indirect Cost Assessment

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

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

Request: The Department requests \$682,402, including \$673,399 cash funds and \$9,003 reappropriated funds.

Recommendation: Staff recommends approving the request, which is consistent with Committee policy.

(B) CENTRAL APPROPRIATIONS

This Long Bill group includes various centrally appropriated line items. Unless otherwise noted, the sources of cash funds include: the Offender Services Fund, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Judicial Collection Enhancement Fund, the Correctional Treatment Cash Fund, the Alcohol and Drug Driving Safety Program Fund, and the State Commission on Judicial Performance Cash Fund.

LINE ITEM DETAIL

Health, Life and Dental

This is the first of six line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

Request: The Department requests \$29,128,048, including \$26,319,081 General Fund and \$2,808,967 cash funds. The request includes \$245,875 General Fund for JUD R5 (Probation supervisors and staff).

Recommendation: Staff recommends appropriating \$29,574,072, including \$26,723,070 General Fund and \$2,851,002 cash funds, consistent with Committee policy with respect to

employer contribution rates.¹³ The recommendation includes the requested \$245,875 General Fund for JUD R5 (Probation supervisors and staff). The following table summarizes all of staff's recommendations in this packet for Health, Life and Dental:

Summary of FY 2015-16 Recommendations for Health, Life, and Dental			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$26,723,070	\$2,851,002	\$29,574,072
Office of the State Public Defender	6,232,846	0	6,232,846
Office of the Alternate Defense Counsel	134,599	0	134,599
Office of the Child's Representative	222,248	0	222,248
Office of the Respondent Parents' Counsel	30,579	0	30,579
Independent Ethics Commission	<u>17,187</u>	<u>0</u>	<u>17,187</u>
Total	\$33,360,529	\$2,851,002	\$36,211,531

Short-term Disability

This is the first of six line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff. Please note that the Department does not provide short-term disability for justices and judges, so the premium calculation excludes base salaries for judges and justices. It is staff's understanding that this is due to the constitutional prohibition on decreasing compensation for a judge or justice during their term of office.¹⁴ If a judge or justice becomes disabled, he or she is either paid a full salary while on short-term leave or is paid under long-term disability provisions.

Request: The Department requests \$427,559, including \$390,218 General Fund and \$37,341 cash funds. This calculation is based on applying a rate of 0.22 percent to base salaries (excluding judicial officers), including the requested salary survey and merit pay increases. The request includes \$47,392 General Fund for JUD R5 (Probation supervisors and staff).

Recommendation: Staff recommends appropriating \$384,414, which is consistent with the Committee's common policy. The recommendation includes only \$4,247 General Fund for JUD R5 (Probation supervisors and staff); the recommendation is lower than the request due to staff's correction of a calculation error. The following table summarizes all of staff's recommendations in this packet for Short-term Disability:

¹³ Employer contribution rates approved by the Committee include the following: \$465.61 (employee), \$872.59 (employee + spouse), \$866.78 (employee + children), and \$1,230.06 (employee + family) for health benefits; \$28.32 (employee), \$46.39 (employee + spouse), \$53.92 (employee + children), and \$69.33 (employee + family) for dental benefits; and \$8.80 for life benefits.

¹⁴ See Section 18 of Article VI of the State Constitution.

Summary of FY 2015-16 Recommendations for Short-term Disability			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$347,073	\$37,341	\$384,414
Office of the State Public Defender	114,758	0	114,758
Office of the Alternate Defense Counsel	2,078	0	2,078
Office of the Child's Representative	5,224	0	5,224
Office of the Respondent Parents' Counsel	1,430	0	1,430
Independent Ethics Commission	<u>379</u>	<u>0</u>	<u>379</u>
Total	\$470,942	\$0	\$470,942

S.B. 04-257 Amortization Equalization Disbursement (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). One of six such line items, this one provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

Request: The Department requests \$8,928,410, including \$8,168,699 General Fund and \$759,711 cash funds. For non-judicial officer staff, this calculation is based on applying the relevant rates [4.2 percent of base salaries for CY 2015 and 4.6 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.4 percent) does not include an adjustment for the pay date shift. For judicial officers, this calculation is based on a rate of 2.2 percent, with no adjustment for the pay date shift. The request includes \$84,932 General Fund for JUD R5 (Probation supervisors and staff).

Recommendation: Staff recommends approving the request, which is consistent with the Committee's common policy. The recommendation includes the requested \$84,932 General Fund for JUD R5 (Probation supervisors and staff). The following table summarizes all of staff's recommendations in this packet for AED:

Summary of FY 2015-16 Recommendations for AED			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$8,168,699	\$759,711	\$8,928,410
Office of the State Public Defender	2,295,153	0	2,295,153
Office of the Alternate Defense Counsel	41,541	0	41,541
Office of the Child's Representative	104,479	0	104,479
Office of the Respondent Parents' Counsel	28,598	0	28,598
Independent Ethics Commission	<u>7,586</u>	<u>0</u>	<u>7,586</u>
Total	\$10,646,056	\$759,711	\$11,405,767

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. One of six such line items, this one provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

Request: The Department requests \$8,271,723, including \$7,542,763 General Fund and \$728,960 cash funds. For non-judicial officer staff, this calculation is based on applying the relevant rates [4.0 percent of base salaries for CY 2015 and 4.5 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.25 percent) does not include an adjustment for the pay date shift. For judicial officers, this calculation is based on a rate of 1.5 percent, with no adjustment for the pay date shift. The request includes \$82,037 General Fund for JUD R5 (Probation supervisors and staff).

Recommendation: Staff recommends approving the request, which is consistent with the Committee's common policy. The recommendation includes the requested \$82,037 General Fund for JUD R5 (Probation supervisors and staff). The following table summarizes all of staff's recommendations in this packet for SAED:

Summary of FY 2015-16 Recommendations for SAED			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$7,542,763	\$728,960	\$8,271,723
Office of the State Public Defender	2,216,909	0	2,216,909
Office of the Alternate Defense Counsel	40,126	0	40,126
Office of the Child's Representative	100,917	0	100,917
Office of the Respondent Parents' Counsel	27,623	0	27,623
Independent Ethics Commission	<u>7,327</u>	<u>0</u>	<u>7,327</u>
Total	\$9,935,665	\$728,960	\$10,664,625

Salary Survey

The Department uses this line item to pay for annual salary increases. One of six such line items, this one provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

Request: The Department requests \$8,823,344, including \$8,499,767 General Fund and \$323,577 cash funds. This request includes \$2,523,608 to increase all base salaries by 1.0 percent (with no adjustment for the payday shift), plus \$6,299,736 to implement salary range adjustments for selected job classifications. Of the total amount requested, \$5.1 million (58.3 percent) would increase salaries for judicial officers, and \$3.7 million (41.7 percent) would increase salaries for Department employees other than judicial officers. The request for this line item includes the associated PERA, Medicare.

Background Information – Judicial Personnel System. Judicial Department employees are not part of the State classified system. Pursuant to Section 13-3-105, C.R.S., the Supreme Court prescribes by rule a personnel classification plan for all courts that are funded by the State. This provision indicates that in order to treat all state employees in a similar manner, the Supreme

Court is to "take into consideration the compensation and classification plans, vacation and sick leave provisions, and other conditions of employment applicable to employees of the executive and legislative departments". The Judicial Department's personnel system excludes employees of the following agencies or offices:

- Agencies involved in the regulation of the practice of law, including Attorney Regulation and Judicial Discipline, Continuing Legal and Judicial Education, and the State Board of Law Examiners;
- The Office of Judicial Performance Evaluation;
- The Office of the State Public Defender;
- The Office of the Alternate Defense Counsel;
- The Office of the Child's Representative;
- The Office of the Respondent Parents' Counsel; and
- The Independent Ethics Commission.

Methodology. The Judicial Department methodology to calculate the overall request for the Salary Survey line item is based on the following:

- For judicial officers (including Supreme Court justices, Court of Appeals judges, district court judges, and county court judges), increase base salaries by the sum of the percent increase proposed as a result of the "systems study" (discussed in detail below), plus 2.0 percent. This across the board 2.0 increase is intended to mirror the Executive proposal of a 1.0 percent across the board and a 1.0 percent merit increase. Due to the unique nature of judicial officers and Colorado's judicial performance evaluation system and judicial retention elections, the merit increase is applied to all judicial officers uniformly.
- For those job classifications for which a systems study base salary increase is proposed (excluding judicial officers), increase base salaries by the sum of the percent increase proposed as a result of the systems study, plus 1.0 percent.
- For the remaining job classifications, increase base salaries by 1.0 percent.

Judicial Officer Salaries

The Department's FY 2015-16 budget request includes \$5.1 million to increase all judge and justice salaries by 9.71 percent, including: a 2.0 percent salary survey increase and a 7.71 percent systems study increase. The salary survey increase is intended to correspond to the Executive Branch requests for a 1.0 percent salary survey increase and a 1.0 percent merit pay increase. The proposed increase is part of a proposal to increase all judge and justice salaries by a total of 14.71 percent over the next two fiscal years (9.71 percent in FY 2015-16 and 5.0 percent in FY 2016-17).

The overall 14.71 percent increase is based on the current gap between the salary for District Court Judges and the *maximum* of the pay ranges for attorney classifications in two other state agencies: Deputy Attorney General at the Department of Law (DOL); and three attorney classifications at the Office of the State Public Defender (OSPD)¹⁵:

¹⁵ Please note that the Judicial Department's budget request includes a document titled, "2014 Annual Compensation Report", to provide information about the basis for its FY 2015-16 request for salary increases. This document indicates that the overall 14.71 percent increase for judges is based on the current gap between the salary for District Court Judges and the *maximum* of the pay ranges for Deputy Attorneys General at the Department of Law (DOL);

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

DOL - Deputy Attorney General (<i>range maximum</i>)	\$167,414
OSPD – Chief Deputy/ Chief Trial Deputy/ Legal Division Director (<i>range maximum</i>)	\$165,756
Target: Average of two <i>range maximum</i> salaries	\$166,585
District Court Judge (<i>actual</i> salary for all judges)	\$145,219
Dollar difference	\$21,366
Percent increase required to reach target	14.71%

The Department's stated goal is to set the salary of district court judges above the *maximum* salaries for the DOL and OSPD positions listed above, and above the *average* salary paid to district attorneys (\$147,653). The Department also provides comparable salary data for several other positions, summarized below:

- *Federal Judges:* The salaries for federal circuit court judges (\$211,200) and federal district court judges (\$199,100) exceed the salary for the Colorado Supreme Court Chief Justice.
- *Denver Hearings Officer:* The salary range maximum Denver hearing officers (\$183,475) exceeds the salary for all state court judges and justices, and the midpoint salary (\$149,074) exceeds the salary for district court judges.
- *Executive Branch Senior Executive Series (SES):* The salary range maximum is \$181,824, and 34 individuals have salaries that exceed that of the Chief Justice.
- *District Attorneys:* The statutory minimum salary for district attorneys (DAs) is \$130,000, but the average salary for incumbents (\$147,653) exceeds the salary for district court judges. The average salary for all DAs' who are paid above the statutory minimum (\$168,836) exceeds the salary for the Chief Justice.
- *Denver County Court Judge:* The Denver county court judge salary (\$165,720) exceeds the salaries for all state court judges and justices.
- *Denver/Aurora Administrative Law Judge (ALJ):* The salary range maximum for these local ALJs (\$167,000) exceeds the salary for all state court judges and justices, and the midpoint salary (\$147,762) exceeds the salary for district court judges.
- *Presiding Municipal Court Judges for Lakewood and Aurora:* Current municipal court judge salaries of \$138,216 (Lakewood) and \$137,441 (Aurora) exceed the salary for county court judges.

Finally, the Department also indicates that the district court judge salary represents the salary lid for all Judicial Department salaries. Thus, the proposed increase in the district court judge salary would help to address ongoing pay compression issues.

and "Office Heads" at the OSPD. However, the OSPD *range maximum* used in the calculation (above) does not correspond to the attorneys who manage the 22 OSPD regional offices. If the calculation had utilized the range maximum for this classification (\$159,912), the increase required to reach the target would have been \$18,444 (12.70 percent).

Salaries for Employees Other Than Judicial Officers

The Department's FY 2015-16 budget request includes \$3.7 million to implement salary range adjustments for non-judicial officer employees in 63 job classifications that are currently below market. The proposed system maintenance study adjustments are summarized below:

- Increase the salaries for the 22 classifications that are benchmarked to the district court judge salary by 9.71 percent. These positions include: magistrates, water referees, the State Court Administrator, the Clerk of the appellate courts, the appellate Reporter of Decisions, judicial legal counsel, judicial district administrators, Chief Probation Officers, and six management staff in the State Court Administrator's Office¹⁶.
- Increase the salaries for ten information technology-related positions by amounts ranging from 3.5 percent for a Customer Support Technician II to 14.0 percent for an Integrated Information Systems Coordinator. (these increases include the 1.0 percent across-the-board increase).
- Increase the salaries for twelve attorney positions by amounts ranging from 3.5 percent for most positions up to 9.0 percent for Law Clerks (these increases include the 1.0 percent across-the-board increase).
- Increase the salaries for 19 other court-related and administrative positions by amounts ranging from 2.0 percent for various court reporter positions up to 9.0 percent for an Auditor III (these increases include the 1.0 percent across-the-board increase).

Recommendation: Staff recommends appropriating \$8,711,251, including \$8,395,379 General Fund and \$315,872 cash funds. The recommendation is consistent with the proposed salary adjustments, but the recommended dollar amount is \$112,093 lower than the request because it corrects an error in the Department's calculations. Specifically, staff has applied the standard PERA rate of 10.15 percent for all non-judicial officer staff; the Department's request for this line item applied the judicial officer rate of 13.66 percent to all salary increases. The associated increases required for AED, SAED, and Short-term Disability are included in the recommendations for those respective line items.

The funding recommendations in this packet and the recommended revisions to the Long Bill footnote for FY 2015-16 are based on providing the requested 9.71 percent increase in judicial salaries. Staff believes the request related to judicial officer salaries for FY 2015-16 is reasonable for the following reasons:

- All state court judicial officer salaries currently fall below Denver county court judge salaries, with the gap ranging from 2.8 percent for the Chief Justice to 19.3 percent for county court judges in all counties other than Denver.
- All judicial officer salaries (including the Chief Justice) currently fall below the *average* actual salary paid by the University of Colorado-Boulder for full professors (\$176,199), with gaps ranging from 9.3 percent for the Chief Justice to 26.8 percent for county court judges.
- All judicial officer salaries currently fall below the salary range maximum for the Department of Law's Deputy Attorneys General. The proposed judicial officer salaries for FY 2015-16 would all exceed the salary range midpoint for Deputy Attorneys General that was recently approved by the Committee for FY 2015-16 (\$145,694), and the Chief Justice

¹⁶ These six management staff positions include: Chief of Staff, Chief Information Officer, Director of Court Services, Director of Financial Services, Director of Human Resources, and Director of Probation Services.

and Supreme Court justice salaries would all exceed the range maximum for Deputy Attorneys General (\$172,939).

With respect to non-judicial officer staff, the proposed salary range adjustments are based on the Department's comprehensive salary study of all 195 job classifications. Approval of the Department's request will allow it to adjust salary ranges for those classifications that are more than 3.0 percent out of alignment with the market. The following table summarizes all of staff's recommendations in this packet for Salary Survey:

Summary of FY 2015-16 Recommendations for Salary Survey			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$8,395,379	\$315,872	\$8,711,251
Office of the State Public Defender	583,552	0	583,552
Office of the Alternate Defense Counsel	61,947	0	61,947
Office of the Child's Representative	93,977	0	93,977
Office of the Respondent Parents' Counsel	0	0	0
Independent Ethics Commission	<u>1,946</u>	<u>0</u>	<u>1,946</u>
Total	\$9,136,801	\$315,872	\$9,452,673

Merit Pay

The Department uses this line item to pay for longevity or performance-related pay increases. One of six such line items, this one provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

Request: The Department requests \$2,616,751, including \$2,415,167 General Fund and \$201,584 cash funds, for merit increases averaging 1.0 percent for all non-judicial officer staff. This calculation was based on applying a 1.0 percent increase to the sum of non-judicial officer staff base salaries, including the recommended salary survey increases (with no adjustment for the payday shift). The request includes the associated PERA, Medicare, AED, and SAED payments. Please note that for purposes of calculating the dollar amount of its request, the Department assumes that every employee will receive a 1.0 percent merit pay increase. However, in practice, the Department may allocate the amount appropriated for merit pay differentially based on individual employee performance.

Recommendation: Staff recommends appropriating \$2,556,586, including \$2,360,879 General Fund and \$195,707 cash funds. The recommendation is consistent with the request, but the dollar amount is \$60,165 lower than the request because it corrects an error in the Department's calculations. Specifically, staff has applied the standard PERA rate of 10.15 percent for all non-judicial officer staff; the Department's request for this line item applied the judicial officer rate of 13.66 percent to all salary increases. The associated increases required for AED, SAED, and Short-term Disability are included in the recommendations for those respective line items. The following table summarizes all of staff's recommendations in this packet for Merit Pay:

Summary of FY 2015-16 Recommendations for Merit Pay			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$2,360,879	\$195,707	\$2,556,586
Office of the State Public Defender	576,242	0	576,242
Office of the Alternate Defense Counsel	6,761	0	6,761
Office of the Child's Representative	23,011	0	23,011
Office of the Respondent Parents' Counsel	0	0	0
Independent Ethics Commission	<u>1,969</u>	<u>0</u>	<u>1,969</u>
Total	\$2,968,862	\$195,707	\$3,164,569

Workers' Compensation

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

Request: The Department requests \$1,113,913 General Fund.

Recommendation: Staff recommends appropriating \$1,126,921 General Fund, the amount previously approved by the Committee when the common policy for Workers' Compensation was established.

Legal Services

This line item provides funding for the Department to purchase legal services from the Department of Law. The State Court Administrator's Office (SCAO) indicates that it primarily requires services from the Department of Law for litigation-related matters because SCAO attorneys cannot appear in front of judicial officers that they advise as clients. Some examples of the types of cases in which the Department of Law provides legal counsel are listed below:

- Representing the Judicial Department in procurement disputes;
- Represent the Judicial Department's interests as a creditor in bankruptcy matters;
- Performing contract review and other transactional matters for the Judicial Department (*e.g.*, the contracts for the Carr building);
- Obtaining temporary and permanent restraining orders for Judicial Department employees who are being harassed or threatened for performing their official duties;
- Representing the judicial employees when confidential records are subpoenaed;
- Representing judicial employees who are sued and injunctive relief is sought against them;
- Representing the Judicial Department in certain matters before the PERA board; and
- Representing judges who are subpoenaed into actions, by filing a motion to quash on their behalf.

Request: The Department requests \$218,218 General Fund to purchase 2,204 hours of legal services (a continuation level).

Recommendation: Staff recommends providing funding sufficient to purchase 2,000 hours of legal services (a reduction of 204 hours or 9.3 percent). This appropriation has been decreased

significantly in recent years, reducing the number of hours that can be purchased from 4,227 in FY 2007-08 to 2,204 in FY 2012-13. It appears that another reduction is warranted. In the last two fiscal years the Department has only purchased 1,473 and 1,474 hours of services, respectively. The Department is aware of and does not object to this recommendation. The associated appropriation will be calculated after the Committee sets the common policy for the legal services rate. The following table summarizes all of staff's recommendations in this packet for Legal Services:

Summary of FY 2015-16 Recommendations for Legal Services	
	Hours
Courts Administration (for courts and probation)	2,000.0
Office of the Respondent Parents' Counsel	500.0
Independent Ethics Commission	<u>1,800.0</u>
Total	4,300.0

Payment to Risk Management and Property Funds

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

Request: The Department requests \$542,217 General Fund.

Recommendation: Staff recommends appropriating \$729,019 General Fund, the amount previously approved by the Committee when the common policy for Risk Management and Property Funds was established.

Vehicle Lease Payments

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

Request: The Department requests \$92,481 General Fund, which represents an increase of \$1,683 relative to the FY 2014-15 appropriation. The request is impacted by JUD R16 (Fleet vehicles).

➔ JUD R16 Fleet vehicles

- The Department requests a reduction of \$1,716 General Fund based on the purchase of ten additional fleet vehicles for court and probation staff.
- Staff recommends approving the request.

Request: The request includes a net decrease of \$1,716 General Fund in the amount allocated for fleet vehicles and mileage expense reimbursements. Specifically, the Department requests an increase of \$9,464 General Fund for the Vehicle Lease Payments line item to add ten fleet vehicles for court and probation staff. This request is offset by reductions to the operating budget totaling \$11,180 based on the anticipated reduction in mileage reimbursements for employees who drive their own vehicles. Specifically, the request includes a reduction for the Trial Court Programs line item (\$1,116 General Fund) and the Probation Programs line item (\$10,064 General Fund).

Recommendation: Staff recommends approving the request.

Recommendation: Staff recommends appropriating \$93,207 General Fund. This amount includes the amount previously approved by the Committee when the common policy for vehicle lease payments was established (\$83,743), plus the \$9,464 requested through JUD R16. The following table summarizes all of staff's recommendations in this packet for Vehicle Lease Payments:

Summary of FY 2015-16 Recommendations for Vehicle Lease Payments			
	General Fund	Cash Funds	Total
Courts Administration (for courts and probation)	\$93,207	\$0	\$93,207
Office of the State Public Defender	<u>114,565</u>	<u>0</u>	<u>114,565</u>
Total	\$207,772	\$0	\$207,772

Ralph L. Carr Colorado Judicial Center Leased Space

This line item provides funding to cover the leased space expenses for the following Judicial Branch agencies that are located in the Carr Center:

- The Office of the State Court Administrator;
- The Office of the State Public Defender (central administrative and appellate offices only);
- The Office of the Alternate Defense Counsel;
- The Office of the Child's Representative (central administrative office only);
- The Office of the Respondent Parents' Counsel; and
- The Independent Ethics Commission.

Request: The Department requests \$2,427,803 General Fund.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Recommendation: Staff recommends appropriating \$2,491,754 General Fund to the Judicial Department and a total of \$3,034,238 to the Department of Law for Carr Center lease payments, as detailed in the following table.

Recommended Appropriations for Carr Center Leased Space					
	FY 2014-15		FY 2015-16	Annual Change	
	Appropriation	Lease Payments	Appropriation	\$	%
Department of Law a/	<u>\$2,981,368</u>	<u>\$2,981,368</u>	<u>\$3,034,238</u>	<u>\$52,870</u>	1.8%
General Fund	804,128	804,128	840,388	36,260	4.5%
Cash Funds	348,331	348,331	354,368	6,037	1.7%
Reappropriated Funds	1,743,005	1,743,005	1,755,344	12,339	0.7%
Federal Funds	85,904	85,904	84,138	(1,766)	-2.1%
Judicial Branch					
General Fund	\$2,384,393	\$2,448,344	\$2,491,754	\$43,410	1.8%
Grand Total	<u>\$5,365,761</u>	<u>\$5,429,712</u>	<u>\$5,525,992</u>	<u>\$96,280</u>	1.8%
General Fund	3,188,521	3,252,472	3,332,142	79,670	2.4%
Cash Funds	348,331	348,331	354,368	6,037	1.7%
Reappropriated Funds	1,743,005	1,743,005	1,755,344	12,339	0.7%
Federal Funds	85,904	85,904	84,138	(1,766)	-2.1%

a/ Fund splits for the Department of Law are estimated based on the Department's initial request, and will likely be adjusted to reflect all Committee actions.

The amounts are based on the actual leased space occupied by each agency and the applicable leased space rates for FY 2015-16. Please note that these rates include amounts paid to the Colorado State Patrol for security services. The requested increases are based on: (1) actual square footage calculations based on tenant leases; and (2) a 1.8 percent annual increase in lease payments as contemplated in the financing plan associated with S.B. 08-206. Specifically, this recommended appropriation for the above listed Judicial Branch agencies is based on the following:

- A total of 165,181 square feet of office space at a rate of \$14.93 per rentable square foot; and
- A total of 3,089 square feet of storage space at a rate of \$8.29 per square foot.

Staff's recommendation for the Judicial Department is higher than the request due to a technical error in the request which understates the Judicial Department's share of the lease payment.

The recommended appropriation to the Department of Law is based on the following:

- A total of 200,161 square feet of office space at a rate of \$14.93 per rentable square foot; and
- A total of 5,529 square feet of storage space at a rate of \$8.29 per square foot.

Please note that the fund splits reflected in the above table for the Department of Law are estimates, and the actual fund splits will be determined by the analyst for the Department of Law to properly implement all of the Committee's actions.

Payments to OIT

This new line item was first included in the FY 2014-15 Long Bill, consolidating funding that was previously included in four separate line items: Purchase of Services from Computer Center; Colorado State Network; Communication Services Payments; and Information Technology Security. This line item covers the Branch's share of funding for the various services provided by the Governor's Office of Information Technology.

Request: The Department requests \$3,107,174 General Fund.

Recommendation: Staff's recommendation for this line item is pending. Staff will ultimately reflect the amount approved by the Committee when the common policy for this project is established.

CORE Operations (previously titled COFRS Modernization)

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

Request: The Department requests \$1,067,197 General Fund.

Recommendation: Staff recommends appropriating \$1,619,424 General Fund, the amount previously approved by the Committee when the common policy for CORE operations was established.

Lease Purchase

The Judicial Department manages phone systems across the state in most of its 83 locations (in a few locations, the county owns and operates the system and the court and/or probation office pay a monthly usage charge). This line item provides funding for the lease purchase of its telephone systems.

Request: The Department requests a continuation level of funding (\$119,878 General Fund).

Recommendation: Staff recommends approving the request.

(C) CENTRALLY ADMINISTERED PROGRAMS

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

LINE ITEM DETAIL

Victim Assistance and Victim Compensation

These line items represent funds that are collected by the courts from offenders and then transferred to local governments for compensation and assistance of victims, in accordance with Articles 4.1 and 4.2 of Title 24, C.R.S. These amounts are included for informational purposes only, as they are continuously appropriated under the Judicial Branch's constitutional authority. The sources of cash funds are the Victims and Witnesses Assistance and Law Enforcement Funds (for Victim Assistance) and Crime Victim Compensation Funds (for Victim Compensation).

Request: The Department requests a continuation level of funding (\$16,375,000 cash funds for Victim Assistance and \$12,175,000 cash funds for Victim Compensation).

Recommendation: Staff recommends approving the request for Victim Assistance. For Victim Compensation, staff recommends appropriating \$13,400,000 to better reflect likely expenditures. In the last two fiscal years, actual expenditures for Victim Compensation totaled \$13,375,492 and \$13,315,657, respectively.

Collections Investigators

Collection investigators are located in each judicial district as required by Section 18-1.3-401 (1) (a) (III) (C), C.R.S. These investigators are responsible for maximizing the collection of court-imposed fines, fees, and restitution. Recoveries are credited to the General Fund, victim restitution, victims compensation and support programs, and various law enforcement, trial court, probation and other funds. Investigators are supported from cash funds (the Judicial Collection Enhancement Fund and the Fines Collection Cash Fund), as well as grants from local Victims and Witness Assistance Law Enforcement (VALE) Boards.

Request: The Department requests a total of \$6,670,821, including \$5,773,280 cash funds and \$897,541 reappropriated funds, and 104.2 FTE.

Recommendation: Staff recommends approving the request. The requested increase simply reflects the salary increases that were awarded in FY 2014-15.

Problem-solving Courts

This line item provides state funding for all adult drug treatment courts, mental health treatment courts, family dependency treatment courts, and veterans treatment courts that have been implemented by various judicial districts. This line item also provides funding for all DUI treatment courts except for the Denver County Sobriety Court. This line item appropriation is

intended to encourage districts to implement and operate problem-solving courts in a manner that has been proven effective in reducing the need for jail and prison beds, reducing crime rates, increasing treatment participation and effectiveness, and increasing employment among offenders.

Background Information. This line item was established in FY 2008-09. Historically, drug treatment courts and other types of "problem-solving courts" in Colorado were created at the local level with little coordination with other judicial districts regarding staffing models, funding models, treatment, case management and program review, and evaluation. In April 2008, the Joint Budget Committee submitted a request for information to the Chief Justice, requesting that the Department develop a general strategy and plan regarding the provision of drug courts statewide, including in rural areas. The Department submitted a report and plan in the Fall of 2008 as requested. Also, in an effort to streamline the drug treatment court movement in Colorado, Chief Justice Mullarkey established the Problem Solving Court Advisory Committee. This committee has worked to encourage districts to implement best practices and to develop a strategic plan that will lead to sustainable courts with adequate financial support.

Generally, problem-solving courts emphasize accountability and intensive monitoring. These courts provide an environment where the offender undergoes treatment and counseling, submits to frequent and random drug testing, makes regular appearances before the judge, and is monitored closely for program compliance. In addition, this court increases the probability of a defendant's success by providing ancillary services such as mental health treatment, trauma and family therapy, and job skills training. Generally, problem-solving courts target offenders who are in high need of treatment and are at high risk for recidivating or having other negative outcomes. The target population may exclude violent offenders, sex offenders, or other offenders who pose too large of risk to the community, as well as low risk/ low need individuals who are better served through standard probation services.

A problem-solving court coordinator serves as the "hub" of the program, allowing judges and probation officers to perform other duties. This person is responsible for day-to-day program operations, including: developing policies and procedures; coordinating training; collecting data for program evaluation; and collaborating with drug court team members, community stakeholders, and state agencies.

If implemented properly, adult drug treatment courts have proven effective in reducing the need for jail and prison beds, reducing crime rates, increasing treatment participation and effectiveness, and increasing employment among offenders. Since FY 2008-09, this line item has provided funding and staff to enhance and expand the number of adult drug treatment courts, to increase the number of high risk and high need offenders served, and to ensure that these courts are operating consistently and effectively in order to maximize the resulting cost savings. In subsequent years, the General Assembly also increased funding to support other types of problem-solving courts, including mental health treatment courts, family dependency treatment courts, and veterans treatment courts. There are currently a total of 79 problem-solving

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
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treatment courts in 20 of 22 judicial districts¹⁷, with another 10 courts in the planning process. Another 11 problem-solving courts are in the planning process.

Request: The Department requests a total of \$3,509,361, including \$375,376 General Fund and \$3,133,985 cash funds from the Judicial Stabilization Cash Fund, and 44.3 FTE. This line item is impacted by (JUD R12 Problem-solving courts FTE).

Recommendation: Staff recommends approving the request. The following table details the calculation of the recommendation.

Courts Administration, Centrally Administered Programs, Problem-solving Courts					
	Total Funds	General Fund	Cash Funds	Federal Funds	FTE
FY 2014-15 Appropriation					
HB 14-1336 (Long Bill)	<u>\$3,133,985</u>	<u>\$0</u>	<u>\$3,133,985</u>	<u>\$0</u>	<u>41.5</u>
TOTAL	\$3,133,985	\$0	\$3,133,985	\$0	41.5
FY 2015-16 Recommended Appropriation					
FY 2014-15 Appropriation	\$3,133,985	\$0	\$3,133,985	\$0	41.5
Annualize prior year salary survey	164,692	164,692	0	0	0.0
Annualize prior year merit pay	40,577	40,577	0	0	0.0
JUD R12 Problem-solving courts FTE	<u>170,107</u>	<u>170,107</u>	<u>0</u>	<u>0</u>	<u>2.8</u>
TOTAL	\$3,509,361	\$375,376	\$3,133,985	\$0	44.3
Increase/(Decrease)	\$375,376	\$375,376	\$0	\$0	2.8
Percentage Change	12.0%	0.0%	0.0%	0.0%	6.7%
FY 2015-16 Executive Request:	\$3,509,361	\$375,376	\$3,133,985	\$0	44.3
Request Above/(Below)					
Recommendation	\$0	\$0	\$0	\$0	0.0

➔ JUD R12 Problem-solving courts FTE

- The Department requests a total of \$183,039, including \$179,657 General Fund and \$3,382 cash funds from the IT Cash Fund, to add 2.8 FTE to permanently fund problem-solving court positions that were previously funded by a grant.
- Staff recommends approving the request.

¹⁷ All judicial districts except the 15th (Baca, Cheyenne, Kiowa, and Prowers) and the 21st (Mesa county) judicial districts operate or are planning to operate at least one problem-solving treatment court.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Request: The Department requests a total of \$183,039, including \$179,657 General Fund and \$3,382 cash funds from the IT Cash Fund, to add 2.8 FTE to permanently fund problem-solving court positions in seven judicial districts. Specifically, the Department received a federal Bureau of Justice drug court discretionary grant in 2012 to provide coordinator FTE in adult drug and DUI courts in seven jurisdiction supporting 18 different programs. The grant funding expires in October 2015.

Recommendation: Staff recommends approving the request to maintain appropriate and effective staffing levels for problem-solving courts. The problem-solving court coordinator serves as a vital member of the multidisciplinary team that responds to behaviors and treatment needs of program participants. The Department reports that based on Colorado court data, adult criminal problem-solving court programs operating with a coordinator see an almost 20 percent higher program graduation rate than those operating without a coordinator. Those programs operating closest to the goal ratio of one coordinator for every 50 participants see an additional five percent higher graduation rate than those operating at higher capacity ratios. The coordinator also plays a critical role in data collection efforts to improve individual program practices and determine program efficacy. The following table details the recommendation.

Staff Recommendation for R12 (Problem-solving courts FTE)				
		Problem Solving Court Coord. II	FY 2015-16 Total	FY 2016-17 Total
PERSONAL SERVICES				
Number of PERSONS per class title		2.8	2.8	2.8
Monthly base salary	\$	6,064	6,064	
Number of months charged in FY15-16		9	9	12
Salary		\$150,084	\$150,084	\$163,728
PERA	10.15%	\$15,234	\$15,234	\$16,619
Medicare	1.45%	<u>\$2,176</u>	<u>\$2,176</u>	<u>\$2,374</u>
<i>Subtotal</i>		\$167,494	\$167,494	\$182,721
OPERATING				
Phone (staff)	\$ 450	\$1,238	\$ 1,238	\$1,238
Supplies (staff)	\$ 500	\$1,375	\$ 1,375	\$1,375
<i>Subtotal</i>		\$2,613	\$2,613	\$2,613
CAPITAL OUTLAY				
Office Furniture (staff)	\$ 3,473	\$9,551	\$9,551	\$0
Computer/Software (staff)	\$ 1,230	\$3,382	\$3,382	\$0
<i>Subtotal</i>		\$12,933	\$12,933	\$0
TOTAL		\$183,039	\$183,039	\$185,333

Language Interpreters

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

This line item provides funding for foreign language interpreter services, which are critical for a judge to understand a party's response, to hear a victim's concerns, and to be assured that the parties understand the terms and conditions of their sentence. Sections 13-90-113 and 114, C.R.S., provide for the payment of language interpreters "when the judge of any court of record in this state has occasion to appoint an interpreter for his court." Title VI of the federal Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based upon national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP)¹⁸. Executive Order 13166 requires that all recipients of federal funding develop a plan for providing that access, and Colorado's plan for providing access to LEP persons is Chief Justice Directive 06-03.

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

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

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

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

This line item supports a total of 32.0 FTE, including: 1.0 FTE Court Programs Analyst that administers the program; 2.0 FTE Court Translators that provide direct translation of written text

¹⁸ Individuals who are LEP do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

(i.e., forms, instructional documentation, signage, and communications of the court) from Spanish to English and vice versa, and coordinate requests for translations in languages other than Spanish as needed; and the following 29.0 FTE in judicial districts who provide interpreter services:

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

In addition, the 20th judicial district houses the Center for Telephone Interpreting, which provides on-demand over-the-phone Spanish interpretation for in-court proceedings and customer service needs of the courts and probation offices statewide. Interpreting assistance is both scheduled in advance and provided when the need arises. The Center also coordinates interpretation for languages other than Spanish upon request.

Finally, this line item also supports payments to certified language interpreters who provide contract services. The Department contracts with independent certified Spanish interpreters as well as interpreters of other languages. Certified Spanish interpreters are paid \$35 per hour, plus compensation for travel time (at half the hourly rate) and mileage (\$0.51/mile). This rate was most recently increased from \$30 to \$35 in FY 2011-12. Certified interpreters working in languages other than Spanish are paid at \$45/hour.

Request: The Department requests \$4,137,999, including \$4,087,999 General Fund and \$50,000 cash funds, and 33.0 FTE. The source of requested cash funds is fees and cost recoveries. This line item is impacted by JUD R13 (Language access administration). The following table details the history of annual appropriations and expenditures for language interpreter services.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Recent History of Funding for Language Interpreter Services			
Fiscal Year	Appropriation (excluding employee benefits)	Expenditures (including employee benefits)	Annual % Change in Expenditures
1999-00	n/a	\$1,390,769	
2000-01	n/a	1,736,343	24.8%
2001-02	n/a	2,135,898	23.0%
2002-03	n/a	2,261,106	5.9%
2003-04	n/a	2,224,287	-1.6%
2004-05	n/a	2,545,831	14.5%
2005-06	n/a	2,879,595	13.1%
2006-07*	2,883,666	3,181,250	10.5%
2007-08	2,892,427	3,520,983	10.7%
2008-09	3,393,469	3,715,881	5.5%
2009-10	3,396,568	3,347,499	-9.9%
2010-11	3,428,312	3,456,745	3.3%
2011-12	3,633,821	3,924,198	13.5%
2012-13	3,622,739	4,112,277	4.8%
2013-14	3,622,739	4,340,228	5.5%
2014-15	3,913,738		
2015-16 Request	4,137,999		

* Prior to FY 2006-07, funding was included in "Mandated Costs" line item appropriation.

Recommendation: Staff recommends approving the request. However, staff's recommendation reflects a lower number of FTE to reflect the impact of the paydate shift on JUD R13 (Language access administration). The following table details the calculation of the recommendation.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Courts Administration, Centrally Administered Programs, Language Interpreters and Translators				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$3,913,738</u>	<u>\$3,863,738</u>	<u>\$50,000</u>	<u>32.0</u>
TOTAL	\$3,913,738	\$3,863,738	\$50,000	32.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$3,913,738	\$3,863,738	\$50,000	32.0
Annualize prior year salary survey	93,803	93,803	0	0.0
Annualize prior year merit pay	19,444	19,444	0	0.0
JUD R13 Language access administration	75,391	75,391	0	0.9
Annualize prior year budget actions	<u>35,623</u>	<u>35,623</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$4,137,999	\$4,087,999	\$50,000	32.9
Increase/(Decrease)	\$224,261	\$224,261	\$0	0.9
Percentage Change	5.7%	5.8%	0.0%	3.1%
FY 2015-16 Executive Request:	\$4,137,999	\$4,087,999	\$50,000	33.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	0.1

Annualize prior year budget actions: Staff's recommendation includes a \$35,623 General Fund to provide a full 12 months of funding for the 7.0 FTE added in FY 2014-15 (JUD R4 Language access).

➔ JUD R13 Language access administration

- The Department requests a total of \$80,094, including \$78,864 General Fund and \$1,230 cash funds from the IT Cash Fund, to add 1.0 FTE to meet current needs and improve the quality of direct services provided by Department employees and external agencies in matters of language access.
- Staff recommends approving the request.

Request: The Department requests a total of \$80,094, including \$78,864 General Fund and \$1,230 cash funds from the IT Cash Fund, to add 1.0 FTE Courts Program Analyst II to meet current needs and improve the quality of direct services provided by Department employees and external agencies in matters of language access.

Currently, district-level interpreter staff perform some administrative duties related to the provision of language interpreter services. The Department's request would add 1.0 FTE dedicated position to relieve districts of some of their administrative burdens in matters of

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

interpreter billing, statistical record-keeping and analysis, development and explanation of policies and best practices, and interpreter recruitment. The additional position would also support the program administrator by participating in Department committees, developing language access materials for district and Department use, maintaining and developing databases to standardize reporting mechanisms, and coordinating and administering written and oral interpreter examinations. This would allow the program administrator to meet the needs of judicial officers, court administration interpreters, and the public in matters of policy and planning.

Recommendation: Staff recommends approving the request. Staff's recommendation includes 0.9 FTE to reflect the impact of the paydate shift in FY 2015-16. The Department's proposal is a reasonable request to centralize program administrative tasks, thereby improving services for both judicial officers and those parties who require language interpreter services. The following table details the recommendation.

Staff Recommendation for R13 (Language Access Administration)				
		Court Programs Analyst II	FY 2015-16 Total	FY 2016-17 Total
<i>PERSONAL SERVICES</i>				
Number of PERSONS per class title		1.00	0.90	1.00
Monthly base salary	\$	6,064		
Number of months charged in FY15-16		11	11	12
Salary		\$66,704	\$66,704	\$72,768
PERA	10.15%	\$6,770	\$6,770	\$7,385
Medicare	1.45%	<u>\$967</u>	<u>\$967</u>	<u>\$1,055</u>
<i>Subtotal</i>		\$74,441	\$74,441	\$81,208
<i>OPERATING</i>				
Phone (staff)	\$450	\$450	\$450	\$450
Supplies (staff)	\$500	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<i>Subtotal</i>		\$950	\$950	\$950
<i>CAPITAL OUTLAY</i>				
Office Furniture (staff)	\$3,473	\$3,473	\$3,473	\$0
Computer/Software (staff)	\$1,230	\$1,230	\$1,230	\$0
<i>Subtotal</i>		\$4,703	\$4,703	\$0
<i>TOTAL</i>		\$80,094	\$80,094	\$82,158

Courthouse Security

Established in 2007 (S.B. 07-118), the Courthouse Security Grant Program provides grant funds to counties for use in improving courthouse security efforts. Such efforts include security staffing, security equipment, training, and court security emergency needs. Grants for personnel are limited to those counties with:

- population below the state median;
- per capital income below the state median;
- tax revenues below the state median; and/or
- total population living below the federal poverty level greater than the state median.

A court security specialist (1.0 FTE) administers the grant program, and the Court Security Cash Fund Commission evaluates grant applications and makes recommendations to the State Court Administrator concerning grant awards.¹⁹

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

Request: The Department requests a total of \$3,221,940, including \$1,250,000 General Fund and \$1,971,940 cash funds from the Court Security Cash Fund and 1.0 FTE. This line item is impacted by JUD R1 (General Fund support of cash funds). Staff's recommendation for this decision item appears at the beginning of this packet under "Initiatives Affecting Multiple Divisions".

Recommendation: Staff recommends appropriating a total of \$2,471,940 and 1.0 FTE, as detailed in the following table. Staff's recommendation is \$750,000 General Fund lower than the request due to staff's recommendation for JUD R1.

¹⁹ See Section 13-1-201, *et seq.*, C.R.S.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Courts Administration, Centrally Administered Programs, Courthouse Security				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$3,218,438</u>	<u>\$0</u>	<u>\$3,218,438</u>	<u>1.0</u>
TOTAL	\$3,218,438	\$0	\$3,218,438	1.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$3,218,438	\$0	\$3,218,438	1.0
Annualize prior year salary survey	2,484	0	2,484	0.0
Annualize prior year merit pay	1,018	0	1,018	0.0
JUD R1 General Fund support of cash funds	<u>(750,000)</u>	<u>500,000</u>	<u>(1,250,000)</u>	<u>0.0</u>
TOTAL	\$2,471,940	\$500,000	\$1,971,940	1.0
Increase/(Decrease)	(\$746,498)	\$500,000	(\$1,246,498)	0.0
Percentage Change	(23.2%)	0.0%	(38.7%)	0.0%
FY 2015-16 Executive Request:	\$3,221,940	\$1,250,000	\$1,971,940	1.0
Request Above/(Below) Recommendation	\$750,000	\$750,000	\$0	0.0

Appropriation to the Underfunded Courthouse Facility Cash Fund
Underfunded Courthouse Facilities Grant Program

Established in 2014 (H.B. 14-1096), this program provides supplemental funding for courthouse facility projects in certain counties. The Underfunded Courthouse Facility Cash Fund Commission evaluates grant applications and makes grant award recommendations to the State Court Administrator. Grant funds must be used for master planning services, matching funds, leveraging grant funding opportunities, or addressing emergency needs due to the imminent closure of a court facility. In order to be considered for a grant award, a county must meet specified financial and demographic factors. The act included an appropriation of \$700,000 General Fund to the newly created Underfunded Courthouse Facility Cash Fund, and also provided the authority for the Department to spend up to \$700,000 from the cash fund to administer the program and provide grant awards. The Legislative Council Staff fiscal note for the act anticipated annual appropriations of \$3.0 million General Fund to the cash fund to support the program.

Request: The Department requests a \$3,000,000 General Fund appropriation to the Underfunded Courthouse Facility Cash Fund, and an equal amount of spending authority out of the cash fund and 1.0 FTE.

Recommendation: Staff recommends approving the request, which is consistent with the fiscal note for the act.

Courthouse Capital/ Infrastructure Maintenance

Section 13-3-108, C.R.S. requires each county to provide and maintain adequate courtrooms and other court facilities. However, Section 13-3-104, C.R.S. requires that the State pay for the "operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts." Pursuant to the latter provision, the General Assembly annually appropriates funds for courthouse facilities, including the following types of expenditures:

- furnishings for new, expanded, and remodeled courthouse facilities (including probation facilities);
- costs associated with the temporary relocation of a court;
- shelving;
- phone and communication systems;
- audiovisual systems; and
- wireless access.

In addition, staff in the State Court Administrator's Office provide technical support and information for Judicial Department managers and county officials with regard to the planning, design, and construction of new or remodeled court and probation facilities. Staff is available to provide support throughout the design process including the selection of design professionals and contractors, space planning, conceptual design, schematic design, design development, and construction administration. Staff also offer technical assistance and consultation regarding courthouse security issues, courtroom technology, furnishings, fixtures, and associated equipment. The annual appropriation for courthouse capital/ infrastructure maintenance varies significantly depending on the number and size of county construction projects.

Request: The Department requests \$4,539,173, including \$2,485,309 General Fund and \$2,053,864 cash funds. The request includes \$4,307,550 for JUD R11 (Courthouse capital and infrastructure maintenance) which is discussed below, plus additional funding for the one-time capital outlay costs associated with several decision items.

Recommendation: Staff recommends appropriating a total of \$4,501,549, including \$2,457,525 General Fund, as detailed in the following table. Staff's recommendation is lower than the request due to the lower number of FTE recommended by staff for JUD R6 (Self-represented litigant coordinators and family court facilitators).

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Courts Administration, Centrally Administered Programs, Courthouse Capital/ Infrastructure Maintenance			
	Total Funds	General Fund	Cash Funds
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$2,742,646	\$2,643,883	\$98,763
Other legislation	150,718	150,718	0
SB 15-150 (Supplemental bill)	<u>(600,000)</u>	<u>(600,000)</u>	<u>0</u>
TOTAL	\$2,293,364	\$2,194,601	\$98,763
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$2,293,364	\$2,194,601	\$98,763
JUD R11/BA2 Courthouse capital and infrastructure maintenance	4,307,550	2,316,000	1,991,550
JUD R5 Probation supervisors and staff	117,575	86,825	30,750
JUD R6 Self-represented litigant coordinators and family court facilitators	28,218	20,838	7,380
JUD R9 Regional trainers	14,109	10,419	3,690
JUD R12 Problem-solving courts FTE	12,933	9,551	3,382
JUD R7 Appellate court FTE	9,406	6,946	2,460
JUD R10 Recruitment and retention	4,703	3,473	1,230
JUD R13 Language access administration	4,703	3,473	1,230
JUD R15 Restorative justice coordinator	2,352	0	2,352
Eliminate all one-time appropriations	<u>(2,293,364)</u>	<u>(2,194,601)</u>	<u>(98,763)</u>
TOTAL	\$4,501,549	\$2,457,525	\$2,044,024
Increase/(Decrease)	\$2,208,185	\$262,924	\$1,945,261
Percentage Change	96.3%	12.0%	1,969.6%
FY 2015-16 Executive Request:	\$4,539,173	\$2,485,309	\$2,053,864
Request Above/(Below) Recommendation	\$37,624	\$27,784	\$9,840

All of the decision items listed above, except JUD R11/BA2, are addressed in other sections of this packet.



JUD R11/BA2: Courthouse capital and infrastructure maintenance

- The Department requests a total of \$4,307,550, including \$2,316,000 General Fund and \$1,991,550 cash funds from the Judicial Department Information Technology Cash Fund, to fulfill the State's responsibility for court facilities.
- Staff recommends approving the request.

Request: The Department indicates that for FY 2015-16, it will require a total of \$4,307,550 for courthouse and probation facility furnishings and infrastructure in multiple judicial districts. The Department's request includes \$2,316,000 for furnishings; \$1,230,550 for information technology infrastructure and courtroom audiovisual and court docketing systems; and \$761,000 for phone systems. The request includes \$600,000 for three projects that were originally funded for FY 2014-15 but have been delayed.

The Department indicates that in addition to meeting its statutory responsibility to furnish court facilities, this request will prevent infrastructure system failure, improve employee efficiency, enhance customer service, and achieve long-term savings for the State.

Recommendation: Staff recommends approving the request.

Senior Judge Program

Pursuant to Section 24-51-1105, C.R.S., upon written agreement with the Chief Justice prior to retirement, a justice or judge may perform temporary judicial duties for between 60 and 90 days a year. These agreements may not exceed three years (most are currently one-year contracts), but a retiree may enter into subsequent agreements for a maximum of 12 years. These retired judges cover sitting judges in case of disqualifications, vacations, sick leave, over-scheduled dockets, judicial training and education, and conflicts of interest. Retired judges provide flexibility in coverage as they can fill a temporary need anywhere in the state. The State Court Administrator's Office or the Chief Justice may also call upon Senior Judges to perform special duties related to specific types of cases or needs, and the Court of Appeals may ask Senior Judges to handle overscheduled dockets, write opinions, and operate the court's pre-argument settlement program.

A retired judge receives reimbursement for travel expenses for out-of-town assignments, and is compensated by receiving a retirement benefit increase equal to 20 percent of the current monthly salary of individuals serving in the same position as that held by the retiree at the time of retirement. The Judicial Branch is required to reimburse the PERA Judicial Division Trust Fund for the payment of retired judges' additional benefits during the previous fiscal year (*i.e.*, costs incurred in FY 2013-14 will be reimbursed by the Branch in FY 2014-15). Travel expenditures are reimbursed in the fiscal year in which they are incurred.

Request: The Department requests a total of \$1,504,384, including \$204,384 General Fund and \$1,300,000 cash funds from the Judicial Stabilization Cash Fund). This line item is impacted by JUD R8 (Senior Judge Program maintenance).

Recommendation: Staff recommends approving the request. The following table details the calculation of the recommendation.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Courts Administration, Centrally Administered Programs, Senior Judge Program				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$1,300,000</u>	<u>\$0</u>	<u>\$1,300,000</u>	<u>0.0</u>
TOTAL	\$1,300,000	\$0	\$1,300,000	0.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$1,300,000	\$0	\$1,300,000	0.0
Adjustment based on FY 2014-15 judge salary increases	108,402	108,402	0	0.0
JUD R8 Senior Judge Program maintenance	<u>95,982</u>	<u>95,982</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$1,504,384	\$204,384	\$1,300,000	0.0
Increase/(Decrease)	\$204,384	\$204,384	\$0	0.0
Percentage Change	15.7%	0.0%	0.0%	0.0%
FY 2015-16 Executive Request:	\$1,504,384	\$204,384	\$1,300,000	0.0
Request Above/(Below)				
Recommendation	\$0	\$0	\$0	0.0

➔ JUD R8 Senior Judge Program maintenance

- The Department requests \$95,982 General Fund to add three retired judges to the Senior Judge Program.
- Staff recommends approving the request.

Request: The Department requests \$95,982 General Fund to increase the number of Senior Judges from 46 to 49. The existing Senior Judges provide a total of 2,820 days of judge coverage per year. The Department indicates that the current coverage is inadequate given the number of requests received from trial and appellate courts annually. As a result, the Department has had to deny some districts' requests for coverage. The three additional judges would be used to district court coverage.

The Department indicates that the need for Senior Judges has increased due to an increase in high profile and complex criminal cases, including several death penalty cases. For example, the 18th judicial district (Arapahoe, Douglas, Elbert, and Lincoln counties) alone needs 5.5 district court Senior Judges and 2.0 county court Senior Judges in 2015. Courts frequently call upon Senior Judges to cover ongoing dockets for judges assigned to these types of cases. Denial of these requests directly impacts the courts' abilities to provide timely resolution of cases by forcing cases to be rescheduled due to the unavailability of a judicial officer. Historically, the

program operated with more judges; for example, in 2007, 75 Senior Judges provided 4,500 days of coverage.

Recommendation: Staff recommends approving the request. This program is a cost-effective way of managing dockets and covering judges' leave time. Staff has recommended reducing this appropriation in recent years due to the addition of judges in several jurisdictions. The Department's request seems reasonable, and would essentially restore the appropriation to its FY 2013-14 level. The remainder of the requested increase for FY 2015-16 is necessary due to the salary increases that were approved for judges for FY 2014-15. The following table provides a history of expenditures for this program.

Recent History of Funding for the Senior Judge Program						
Fiscal Year	Appropriation	Actual Expenditures			Annual % Change	Appropriation - Expenditures
		PERA Payment	Travel/Other Expenses	Total		
2002-03	\$882,825	\$788,018	\$94,807	\$882,825		\$0
2003-04*	1,121,775	1,026,968	40,408	1,067,376	20.9%	54,399
2004-05	1,384,006	1,292,979	103,991	1,396,970	30.9%	(12,964)
2005-06	1,384,006	1,433,085	90,383	1,523,468	9.1%	(139,462)
2006-07*	1,523,468	1,432,441	97,940	1,530,381	0.5%	(6,913)
2007-08*	1,665,571	1,574,544	121,411	1,695,955	10.8%	(30,384)
2008-09*	1,894,006	1,775,613	141,873	1,917,486	13.1%	(23,480)
2009-10	1,894,006	1,838,902	104,298	1,943,200	1.3%	(49,194)
2010-11	1,635,326	1,485,564	107,309	1,592,873	-18.0%	42,453
2011-12	1,500,000	1,216,211	132,319	1,348,530	-15.3%	151,470
2012-13	1,500,000	1,137,703	117,514	1,255,217	-6.9%	244,783
2013-14	1,400,000	1,123,911	132,533	1,256,444	0.1%	143,556
2014-15 (Approp)	1,300,000					
2015-16 (Request)	1,504,384					

* Appropriation includes a mid-year increase.

Judicial Education and Training

This line item supports the provision education and training for judicial officers. New judges attend a five-day orientation training which addresses the transition from lawyer to judge, followed by a 2 ½-day advanced orientation session which addresses some specific case type issues and topics such as jury management, court security, evidentiary issues, findings and conclusions of law, etc. For all judges, the Department's overall goal was to provide timely and structured learning experiences, operational training, and developmental activities that support judicial officers' continuing educational and professional needs in leadership, case management, and legal matter subject expertise.

This line item also supports training and technical assistance on procedural fairness to judges, district administrators, chief probation officers, and senior staff in the Office of the State Court Administrator. The four basic expectations that encompass procedural fairness include:

- Voice – the ability to participate in the case by expressing one's viewpoint;
- Neutrality – consistently applied legal principles, unbiased decision makers, and a "transparency" about how decisions are made;
- Respectful treatment – individuals are treated with dignity and their rights are obviously protected; and
- Trustworthy authorities – authorities are benevolent, caring, and sincerely trying to help the litigants – this trust is garnered by listening to individuals and by explaining or justifying decisions that address the litigants' needs.

According to the Department, substantial research suggests that public perception of procedural fairness is associated with higher levels of compliance with court orders and lower levels of recidivism.

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

Request: The Department requests a total of \$1,453,718, including \$4,812 General Fund and \$1,448,906 cash funds, and 2.0 FTE. The requested increase simply reflects salary increases awarded in FY 2014-15.

Recommendation: Staff recommends approving the request.

Office of Judicial Performance Evaluation

In January 1967, Colorado's Constitution was amended to repeal a provision providing for the election of judges, and to add a provision enacting a system of judicial nominating commissions, Governor-appointed judges, and retention elections for justices and judges. This line item provides funding for the State Commission on Judicial Performance, which is responsible for developing and administering the judicial performance evaluation system²⁰. Specifically, this office is responsible for:

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

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

Request: The Department requests a total of \$784,084, including \$290,000 General Fund and \$494,084 cash funds, and 2.0 FTE. The request is essentially a continuation level of funding, including the amount appropriated in FY 2014-15, plus \$30,000 for a contract with a market research firm to conduct a bi-annual public awareness poll pursuant to S.B. 08-054, plus funding for salary increases awarded in FY 2014-15.

²⁰ See Section 13-5.5-101, *et seq.*, C.R.S.

Recommendation: Staff recommends approving the request. The calculation of the recommendation is detailed in the following table.

Courts Administration, Centrally Administered Programs, Office of Judicial Performance Evaluation				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$748,911</u>	<u>\$290,000</u>	<u>\$458,911</u>	<u>2.0</u>
TOTAL	\$748,911	\$290,000	\$458,911	2.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$748,911	\$290,000	\$458,911	2.0
Annualize prior year salary survey	3,669	0	3,669	0.0
Annualize prior year merit pay	1,504	0	1,504	0.0
Annualize prior year legislation	<u>30,000</u>	<u>0</u>	<u>30,000</u>	<u>0.0</u>
TOTAL	\$784,084	\$290,000	\$494,084	2.0
Increase/(Decrease)	\$35,173	\$0	\$35,173	0.0
Percentage Change	4.7%	0.0%	7.7%	0.0%
FY 2015-16 Executive Request:	\$784,084	\$290,000	\$494,084	2.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	0.0

Family Violence Justice Grants

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

In addition to General Fund appropriations for this grant program, the State Court Administrator is authorized to receive gifts, grants, and donations for this program; such funds are credited to the Family Violence Justice Fund.²¹ Further, S.B. 09-068 increased the fees for petitions and responses in divorce proceedings by \$10 each (from \$220 and \$106, respectively); half of the resulting revenue is credited to the Family Violence Justice Fund (providing an estimated \$155,033 in new fund revenues).²² The act directs the Judicial Department to use this fee revenue to award grants to qualifying organizations that provide services for or on behalf of indigent persons and their families who are married, separated, or divorced.

²¹ See Section 14-4-107, C.R.S.

²² The other half of fee revenue is credited to the Colorado Domestic Abuse Program Fund, administered by the Department of Human Services.

Request: The Department requests a continuation level of funding (\$2,170,000), including \$2,000,000 General Fund and \$170,000 cash funds from the Family Violence Justice Fund.

Recommendation: Staff recommends approving the request. Staff notes, however, that revenues to the Family Violence Justice Fund have not yet reached \$170,000. The Department manages this revenue shortfall by restricting the appropriation. The following table provides a recent history of appropriations for this program.

Recent History of State Appropriations for Family Violence Justice Grants			
Fiscal Year	General Fund	Cash Funds	Total
2002-03	\$500,000	\$0	\$500,000
2003-04	0	0	0
2004-05	0	0	0
2005-06	500,000	0	500,000
2006-07	500,000	0	500,000
2007-08	500,000	0	500,000
2008-09	750,000	0	750,000
2009-10	750,000	143,430	893,430
2010-11	750,000	143,430	893,430
2011-12	458,430	216,570	675,000
2012-13	458,430	170,000	628,439
2013-14	1,000,000	170,000	1,170,000
2014-15	2,000,000	170,000	2,170,000
2015-16 Request	2,000,000	170,000	2,170,000

Restorative Justice Programs

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

Request: The Department requests a continuation level of funding (\$798,000 cash funds).

Recommendation: Staff recommends approving the request for a continuation level of funding. In addition, consistent with staff's recommendation for JUD R15 (Restorative justice coordinator), staff recommends transferring \$74,249 cash funds and 1.0 FTE to this line item from the General Courts Administration line item. This consolidation will make it easier for the Coordinator and the Council to understand the total resources available for this program each year.

District Attorney Adult Pretrial Diversion Programs

This line item provides funding for district attorneys' adult pretrial diversion programs.

Background Information – H.B. 13-1156. House Bill 13-1156 repealed the adult deferred prosecution sentencing option and replaced it with an adult pretrial diversion program. The act required the State Court Administrator to create a five-member Diversion Funding Committee²³ to:

- develop funding guidelines and an application process for district attorneys to request state funds to support an adult pretrial diversion program;
- review funding requests; and
- allocate state funding for adult pretrial diversion programs that meet the established statutory guidelines.

The act requires the Judicial Department to execute the contract and allocate the funding requests approved by the Committee. The act requires a district attorney that receives funding pursuant to the act to collect data and provide a status report to the Judicial Department concerning its adult pretrial diversion program. The act requires the Judicial Department to provide an annual status report to the Joint Budget Committee beginning January 31, 2015. The act included an appropriation of \$425,000 General Fund and 0.5 FTE to the Judicial Department for FY 2013-14, including \$34,777 and 0.5 FTE for administrative expenses (ongoing administrative funding is in the "General Courts Administration" line item) and \$390,223 for allocation to district attorney adult pretrial diversion programs. For FY 2014-15 the latter appropriation was increased to \$400,000.

Request: The Department requests a continuation level of funding, consisting of \$400,000 General Fund and \$77,000 cash funds from the Correctional Treatment Cash Fund.

Recommendation: Staff recommends approving the request.

Family Friendly Court Program

The Family-friendly Court Program provides funding for courts to create facilities or services designed to meet the needs of families navigating the court system. The program is funded with a \$1.00 surcharge on traffic violations. Pursuant to Section 13-3-113, C.R.S., the Judicial Department allocates money from the Family-friendly Court Program Cash Fund to judicial districts that apply for funding for the creation, operation, and enhancement of family-friendly court facilities.

These programs primarily provide child care services for families attending court proceedings (either through on-site centers and waiting rooms located in courthouses or through vouchers for private child care services). Programs may also provide supervised parenting time and transfer

²³ The Diversion Funding Committee consists of: (a) the Attorney General or his or her designee; (b) the Executive Director of the statewide organization representing district attorneys or his or her designee; (c) the State Public Defender or his or her designee; (d) the Director of the Division of Criminal Justice in the Department of Public Safety; and (e) the State Court Administrator or his or her designee.

of the physical custody of a child from one parent to another, as well as information and referral for relevant services (e.g., youth mentoring, crime prevention, and dropout prevention; employment counseling and training; financial management; legal counseling; substance abuse programs; etc.).

Request: The Department requests a total of \$375,943, including \$150,000 General Fund and \$225,943 cash funds from the Family-friendly Court Program Cash Fund and 0.5 FTE. This line item is impacted by JUD R1 (General Fund support of cash funds). Staff's recommendation for this decision item appears at the beginning of this packet under "Initiatives Affecting Multiple Divisions".

Recommendation: Staff recommends appropriating \$225,943 and 0.5 FTE, as detailed in the following table. Staff's recommendation is \$150,000 General Fund lower than the request due to staff's recommendation for JUD R1.

Courts Administration, Centrally Administered Programs, Family-friendly Court Program				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$375,943</u>	<u>\$0</u>	<u>\$375,943</u>	<u>0.5</u>
TOTAL	\$375,943	\$0	\$375,943	0.5
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$375,943	\$0	\$375,943	0.5
JUD R1 General Fund support of cash funds	<u>(150,000)</u>	<u>0</u>	<u>(150,000)</u>	<u>0.0</u>
TOTAL	\$225,943	\$0	\$225,943	0.5
Increase/(Decrease)	(\$150,000)	\$0	(\$150,000)	0.0
Percentage Change	(39.9%)	0.0%	(39.9%)	0.0%
FY 2015-16 Executive Request:	\$375,943	\$150,000	\$225,943	0.5
Request Above/(Below) Recommendation	\$150,000	\$150,000	\$0	0.0

Compensation for Exonerated Persons

This line item provides funding to compensate persons who are found actually innocent of felony crimes after serving time in jail, prison, or juvenile placement²⁴.

Background Information – H.B. 13-1230. House Bill 13-1230 created a state compensation program for persons who are found actually innocent of felony crimes after serving time in jail, prison, or juvenile placement. If found actually innocent, the exonerated person is eligible to receive the following benefits:

²⁴ See Sections 13-3-114 and 13-65-101, *et seq.*, C.R.S.

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

The act requires the State Court Administrator to make an annual payment of \$100,000 to an exonerated person (this amount will be adjusted annually to account for inflation) until the total amount of compensation owed by the State is paid.

Request: The Department requests \$105,751 General Fund, which includes a 2.9 percent inflationary adjustment.

Recommendation: Staff recommends approving the request.

Child Support Enforcement

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

Request: The Department requests a continuation level of funding (\$90,900 and 1.0 FTE).

Recommendation: Staff recommends approving the request, which is consistent with the Committee's common policies.

(D) RALPH L. CARR COLORADO JUDICIAL CENTER

This Long Bill subsection includes appropriations related to the operations of the Ralph L. Carr Colorado Judicial Center. The source of funding is currently the Justice Center Cash Fund, which consists of docket fees, lease payments from Carr Center tenants, and parking fees paid by employees and members of the public who utilize the Carr Center parking garage. Reappropriated funds reflect transfers of appropriations to the Department of Law and to the State Court Administrator's Office for leased space in the Carr Center. The remainder of the moneys (*e.g.*, fee revenue that is used to pay for the Supreme Court and Court of Appeals areas of the Carr Center, leased space payments from continuously appropriated fund sources like Attorney Regulation, and parking fees paid by state employees of the public for use of the Carr Center parking garage) are reflected a cash funds.

LINE ITEM DETAIL

Personal Services

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

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

Request: The Department requests a total of \$1,460,479 and 2.0 FTE (including \$423,026 cash funds and \$1,037,453 reappropriated funds the Justice Center Cash Fund).

Recommendation: Staff recommends approving the total requested dollar amount and 2.0 FTE. The requested increase simply reflects the salary increases that were awarded in FY 2014-15.

Operating Expenses

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

- *Various Contract Services.* The Department contracts with Cushman Wakefield to act as the management company, providing contract engineering staff, first floor reception services in the office tower, and related administrative costs. The Department also contracts with Standard Parking to operate and maintain the parking garage, which is located between the ING building and the Colorado History Museum. Finally, the Department also contracts with a variety of other private vendors for various services, including custodial, maintenance contracts and supplies, grounds maintenance, and the copy center.
- *Utilities.* This line item covers electricity, gas, water, and sewer expenditures, which are monitored and managed by the Building Manager.
- *Operating Expenses for the 2.0 FTE Facility Staff.*

Request: The Department requests a continuation level of funding totaling \$4,026,234, including \$1,146,362 General Fund and \$2,879,872 reappropriated funds the Justice Center Cash Fund. The request is impacted by JUD R1 (General Fund support of cash funds).

Recommendation: Staff recommends approving the total requested dollar amount, and staff's recommendation includes the \$1,146,362 General Fund requested through JUD R1 (General Fund support of cash funds).

Debt Service Payments [NEW LINE ITEM]

This is a new line item proposed by the Department as described below. The request for this new line item is impacted by JUD R1 (General Fund support of cash funds) and JUD R17 (Ralph L. Carr Colorado Judicial Center debt service payments).



JUD R17 Ralph L. Carr Colorado Judicial Center debt service payments

- The Department's request reflects the transfer of a \$21.5 million cash fund appropriation for lease purchase payments related to the construction of the Carr Center from the capital construction section of the Long Bill to the operating section.
- Staff recommends approving the requested appropriation. Staff will include the line item in this section of the operating budget if the Committee ultimately approves this policy; if not, staff will continue to include it in the Capital Construction section of the budget.

Request: The Department requests an appropriation of \$21,543,903 cash funds from the Justice Center Cash Fund to make the necessary lease purchase payments related to the construction of the Carr Center. The Justice Center Cash Fund consists of civil filing fee revenue, lease payments received from agencies occupying the Carr Center, and interest and investment earnings. To date this appropriation has been reflected in the capital construction section of the Long Bill. The Department indicates that, "due to legislation passed last session, the Capital Development Committee has instructed departments to request spending authority for lease purchase payments in the department operating line items rather than in the capital construction budget".

Recommendation: Staff recommends approving the requested appropriation of \$21,543,903. Pursuant to Section 13-32-101 (7) (a), C.R.S., moneys in the Justice Center Cash Fund are subject to annual appropriation for expenses related to the maintenance and operation of the Carr Center, including payments on any lease-purchase agreements entered into pursuant to S.B. 08-206. The Department indicates that the two lease purchase payments that are due 9/15/15 and 3/15/16 total \$21,543,903.

Please note that pursuant to JUD R1 (General Fund support of cash funds), the Department has requested that \$3,853,638 of this appropriation come from the General Fund, and the remainder

from the Justice Center Cash Fund. Staff has recommended approving this request. Staff's recommendation for JUD R1 appears at the beginning of this packet under "Initiatives Affecting Multiple Divisions".

Staff will include this appropriation in this section of the operating budget if the Committee ultimately approves this policy; if not, staff will continue to include it in the Capital Construction section of the budget.

Controlled Maintenance

Senate Bill 08-206 envisioned that the ongoing maintenance costs for the Judicial Center would be covered by court fees, lease payments, and parking fees. This line item authorizes the Judicial Department to spend a portion of these revenues for controlled maintenance needs.

Request: The Department requests a continuation level of funding totaling \$2,025,000, including \$576,564 cash funds and \$1,448,436 reappropriated funds the Justice Center Cash Fund. The request is impacted by R17 (Ralph L. Carr Colorado Judicial Center debt service payments).

Recommendation: Staff recommends approving the total requested dollar amount.

Fund Splits. Staff recommends appropriating a total of \$5,000,000 General Fund (as requested through JUD R1), and \$5,525,992 from reappropriated funds, based on the recommended leased space appropriations for the Department of Law (\$3,034,238) and the State Court Administrator's Office (\$2,491,754). The remainder of the appropriations will be reflected as cash funds.

(3) Trial Courts

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

District courts preside over felony criminal matters, civil claims, juvenile matters, probate, mental health, and divorce proceedings. In addition, district courts handle appeals from municipal and county courts, and review decisions of administrative boards and agencies. The General Assembly establishes judicial districts and the number of judges for each district in statute; these judges serve renewable 6-year terms.²⁵

The General Assembly established seven *water divisions* in the State based on the drainage patterns of major rivers in Colorado. Each water division is staffed by a division engineer, a district court judge who is designated as the water judge by the Colorado Supreme Court, a water referee appointed by the water judge, and a water clerk assigned by the district court. Water judges have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water.²⁶

County courts have limited jurisdiction, handling civil actions involving no more than \$15,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints. County courts also issue search warrants and protection orders in cases involving domestic violence. In addition, county courts handle appeals from municipal courts. The General Assembly establishes the number of judges for each county in statute; these judges serve renewable 4-year terms.²⁷

The following table summarizes the staff recommendations for the Trial Courts. Overall, staff's recommendation is lower than the request for the following reasons.

- Staff's recommendation for JUD R6 (Self-represented litigant coordinators and family court facilitators) is \$442,837 General Fund and 8.5 FTE lower than the request.
- Staff has included a reduction of \$5,096,221 General Fund and 2.3 FTE to reflect the reduction in trial court staff workload due to the transfer of oversight for respondent parent counsel appointments to the new Office of the Respondent Parents' Counsel (ORPC). Should H.B. 15-1149 pass, this reduction will not occur until FY 2016-17.
- Staff's recommendation for District Attorney Mandated Costs is \$65,257 General Fund lower than the request.

²⁵ See Article VI, Sections 9 through 12 of the Colorado Constitution; and Section 13-5-101 et seq., C.R.S.

²⁶ See Sections 37-92-203 and 204, C.R.S.

²⁷ See Article VI, Sections 16 and 17 of the Colorado Constitution; Section 13-6-101 et seq., C.R.S.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Trial Courts						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2014-15 Appropriation						
HB 14-1336 (Long Bill)	\$155,788,307	\$119,404,983	\$33,358,324	\$1,400,000	\$1,625,000	1,853.7
Other legislation	5,732,867	5,786,217	(53,350)	0	0	7.3
SB 15-150 (Supplemental bill)	<u>634,305</u>	<u>744,305</u>	<u>(260,000)</u>	<u>150,000</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$162,155,479	\$125,935,505	\$33,044,974	\$1,550,000	\$1,625,000	1,861.0
FY 2015-16 Recommended Appropriation						
FY 2014-15 Appropriation	\$162,155,479	\$125,935,505	\$33,044,974	\$1,550,000	\$1,625,000	1,861.0
Annualize prior year salary survey	8,129,929	8,014,875	115,054	0	0	0.0
Annualize prior year merit pay	900,420	881,021	19,399	0	0	0.0
JUD R6 Self-represented litigant coordinators and family court facilitators	449,230	449,230	0	0	0	5.5
CDAC R1 District attorney mandated costs	100,000	100,000	0	0	0	0.0
Annualize prior year budget actions	25,636	25,636	0	0	0	0.0
JUD R2 Banking fees	11,327	11,327	0	0	0	0.0
JUD R1 General Fund support of cash funds	0	3,000,000	(3,000,000)	0	0	0.0
Annualize prior year legislation	(5,808,881)	(5,802,480)	(6,401)	0	0	(4.3)
JUD R14 Establishment of the Office of the Respondent Parents Counsel	(5,096,221)	(5,096,221)	0	0	0	(2.3)
JUD R16 Fleet vehicles	<u>(1,116)</u>	<u>(1,116)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$160,865,803	\$127,517,777	\$30,173,026	\$1,550,000	\$1,625,000	1,859.9
Increase/(Decrease)	(\$1,289,676)	\$1,582,272	(\$2,871,948)	\$0	\$0	(1.1)
Percentage Change	(0.8%)	1.3%	(8.7%)	0.0%	0.0%	(0.1%)
FY 2015-16 Executive Request:	\$166,470,118	\$133,122,092	\$30,173,026	\$1,550,000	\$1,625,000	1,870.7
Request Above/(Below) Recommendation	\$5,604,315	\$5,604,315	\$0	\$0	\$0	10.8

LINE ITEM DETAIL

Trial Court Programs

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

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Staffing Summary Trial Court Programs	FY 13-14 Actual	FY 14-15 Approp.	FY 15-16 Request	FY 15-16 Recommend.
District Court Judges (annualize H.B. 14-1050)	178.0	179.8	180.0	180.0
County Court Judges	90.9	90.4	90.4	90.4
Magistrates/ Water Referees (annualize H.B. 11-1300)	65.1	64.8	61.8	61.8
District Administrators	22.1	22.0	22.0	22.0
Clerks of Court	61.9	66.4	66.4	66.4
Law Clerks/ Legal Research Attorneys (annualize H.B. 14-1050)	85.3	178.1	178.3	178.3
Jury Commissioners	13.2	12.5	12.5	12.5
Court Reporters (annualize H.B. 14-1050)	86.5	180.6	180.8	180.8
Probate Examiners/ Protective Proceedings Monitor	17.2	19.0	19.0	19.0
Self-Represented Litigant Coordinators (JUD R6)	23.3	32.0	38.5	33.8
Family Court Facilitators (JUD R6)	25.3	31.0	38.5	34.7
Other Court and Administrative Staff (annualize H.B. 11-1300 and H.B. 14-1050)	<u>1,072.6</u>	<u>970.3</u>	<u>968.5</u>	<u>966.2</u>
Total	1,741.4	1,847.0	1,856.7	1,845.9

Request: The Department requests \$143,100,414, including \$112,987,637 General Fund, \$28,862,777 cash funds, and \$1,250,000 reappropriated funds, and 1,856.7 FTE. The request is impacted by the following decision items and budget amendments:

- JUD R1 General Fund support of cash funds
- JUD R2 Banking fees;
- JUD R6 Self-represented litigant coordinators and family court facilitators;
- JUD R14 Establishment of the Office of the Respondent Parents Counsel; and
- JUD BA3 Title IV-D child support enforcement funds.

Staff Recommendation: Staff recommends appropriating \$142,548,019, including \$112,435,242 General Fund, and 1,845.9 FTE as detailed in the following table. Staff's recommendation differs from the request for the following reasons:

- Staff's recommendation for JUD R6 (Self-represented litigant coordinators and family court facilitators) is \$442,837 General Fund and 8.5 FTE lower than the request.
- Staff has included a reduction of \$109,558 General Fund and 2.3 FTE to reflect the reduction in trial court staff workload due to the transfer of oversight for respondent parent counsel appointments to the new Office of the Respondent Parents' Counsel (ORPC). Should H.B. 15-1149 pass, this reduction will not occur until FY 2016-17.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Trial Courts, Trial Court Programs					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	FTE
FY 2014-15 Appropriation					
HB 14-1336 (Long Bill)	\$132,395,755	\$99,567,431	\$31,728,324	\$1,100,000	1,839.7
Other legislation	600,756	600,756	0	0	7.3
SB 15-150 (Supplemental bill)	<u>634,375</u>	<u>484,375</u>	<u>0</u>	<u>150,000</u>	<u>0.0</u>
TOTAL	\$133,630,886	\$100,652,562	\$31,728,324	\$1,250,000	1,847.0
FY 2015-16 Recommended Appropriation					
FY 2014-15 Appropriation	\$133,630,886	\$100,652,562	\$31,728,324	\$1,250,000	1,847.0
Annualize prior year salary survey	8,129,929	8,014,875	115,054	0	0.0
Annualize prior year merit pay	900,420	881,021	19,399	0	0.0
JUD R6 Self-represented litigant coordinators and family court facilitators	449,230	449,230	0	0	5.5
Annualize prior year budget actions	25,636	25,636	0	0	0.0
JUD R2 Banking fees	11,327	11,327	0	0	0.0
JUD R1 General Fund support of cash funds	0	3,000,000	(3,000,000)	0	0.0
Annualize prior year legislation	(488,735)	(488,735)	0	0	(4.3)
JUD R14 Establishment of the Office of the Respondent Parents Counsel	(109,558)	(109,558)	0	0	(2.3)
JUD R16 Fleet vehicles	<u>(1,116)</u>	<u>(1,116)</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$142,548,019	\$112,435,242	\$28,862,777	\$1,250,000	1,845.9
Increase/(Decrease)	\$8,917,133	\$11,782,680	(\$2,865,547)	\$0	(1.1)
Percentage Change	6.7%	11.7%	(9.0%)	0.0%	(0.1%)
FY 2015-16 Executive Request:	\$143,100,414	\$112,987,637	\$28,862,777	\$1,250,000	1,856.7
Request Above/(Below) Recommendation	\$552,395	\$552,395	\$0	\$0	10.8

JUD R6 (Self-represented litigant coordinators and family court facilitators): Staff's recommendation for this decision item is described below.

Annualize prior year budget actions: Staff's recommendation includes adjustments to provide a full 12 months of funding for staff added in FY 2014-15 for JUD R6 (Self-represented litigant coordinators) and JUD R7 (Family court facilitators) and to eliminate one-time funding for associated operational expenses.

JUD R2 (Banking fees): Staff's recommendation for this decision item is described below.

JUD R1 General Fund Support of Cash Funds: Staff's recommendation for this decision item appears at the beginning of this packet under "Initiatives Affecting Multiple Divisions".

Annualize prior year legislation: Staff's recommendation includes adjustments for the following acts: H.B. 14-1050 Add two judges (increase of \$53,057 General Fund and 0.7 FTE); and H.B. 11-1300 Conservation Easements (decrease of \$541,792 General Fund and 5.0 FTE).

JUD R14 (Office of the Respondent Parents' Counsel): Staff's recommendation for this decision item appears at the beginning of this packet under "Initiatives Affecting Multiple Divisions".

JUD R16 (Fleet vehicles): Staff's recommendation for this decision item appears in the Courts Administration, Central Appropriations subsection (see the Vehicle Lease Payments line item).

JUD R2 Banking fees

Request: The Department submitted a supplemental request for FY 2014-15 for \$484,375 General Fund to cover the cost of newly assessed banking fees. This amount includes \$454,828 for merchant exchange fees and \$29,547 for three months of courier fees related to armored transportation services to collect cash payments of court fines and fees from each court location.

For many years, the Colorado court system has accepted credit cards as a method for court users to pay court fines and fees. The use of credit cards is more convenient for court users and it increases the rate and volume of Department collections. Credit card companies charge a merchant exchange fee for accepting credit card payments. Since the Department began accepting credit card payments, Wells Fargo has covered all merchant exchange fees as well as courier fees for armored transportation services for cash receipts. Beginning January 1, 2014, Wells Fargo discontinued payment of merchant exchange fees, and it will discontinue paying courier fees on April 1, 2015.

The Department indicates that passing on these fees to court users could decrease overall court collections, so it requests state funds to cover the anticipated cost of paying these fees based on historical credit card collections. In the past 12 months, the Department has grossed \$48.2 million from credit card transactions related to fines and fees paid to the court by its clients.

Recommendation: As requested, staff's recommendation for FY 2015-16 a total of \$495,702 General Fund to cover the cost of newly assessed banking fees. This amount includes \$375,702 for merchant exchange fees and \$120,000 for courier fees. The incremental increase compared to FY 2014-15 is \$11,327 General Fund.



JUD R6 Self-represented litigant coordinators and family court facilitators

- The Department requests \$957,909 total funds to add 6.5 FTE Self-represented Litigant Coordinators and 7.5 FTE Family Court Facilitators.
- Staff recommends partially approving the request, appropriating \$477,448 to add 2.0 FTE Sherlocks and 4.0 FTE Family Court Facilitators.

Request: The Department requests \$957,909 total funds, including \$940,689 General Fund and \$17,220 cash funds from the Judicial Department Information Technology Fund, to add a total of 14.0 FTE including the following:

- \$390,552 to add 6.5 FTE Self-represented Litigant Coordinators (called "Sherlocks") to expand a statewide network of services to assist self-represented parties in court cases;
- \$558,358 to add 7.5 FTE Family Court Facilitators to assist with the processing of domestic relations and juvenile cases and to provide early, active, and ongoing case management of such cases; and
- \$9,000 to ensure that all Sherlocks and Family Court Facilitators can attend quarterly meetings and training outside the Denver metropolitan area and the statewide coordinator for Sherlocks can attend the national Equal Justice Conference.

Sherlocks and Family Court Facilitators foster equal access, eliminate barriers to the judicial system for litigants, and enhance the quality and timeliness of judicial decision-making through collaboration, communication, and coordination.

Recommendation: Staff recommends appropriating a total of \$477,448, including \$470,068 General Fund and \$7,380 cash funds, to add 2.0 FTE Sherlocks and 4.0 FTE Family Court Facilitators in those jurisdictions that are not currently over-staffed based on the existing workload model for trial court staff.

Analysis:

Self-represented Litigant Coordinators ("Sherlocks")

Over the last three years, the General Assembly has approved three requests for a total of \$2,150,074 to create a statewide network of services to assist self-represented (called "*pro se*") parties in court cases. This funding provided equipment and materials for 22 self-help centers, and provides ongoing funding to support the following staff:

- 31.0 FTE coordinate and provide services within judicial districts.
- 1.0 FTE provides direct assistance to self-represented parties, enhancing the assistance currently provided as time allows by court employees, library staff, and *pro bono* assistance organizations. This individual also serves as a resource to Sherlocks in each judicial district when questions arise about potential appeals.
- 1.0 FTE serves as the statewide coordinator of self-represented litigant services, and is responsible for: (a) conducting meetings and field visits to provide structured training to Sherlocks statewide; (b) fostering statewide information sharing; (c) promoting new approaches and best practices; and (d) improving and coordinating online tools and resources (including the self-help and forms section of the Judicial Branch website).

The numbers of *pro se* cases have increased significantly in four areas: domestic relations cases (child custody, child support, and divorce proceedings); general civil cases (mainly collections cases); probate cases; and domestic violence cases in which a victim needs assistance to file a protection order. *Pro se* parties can strain the court system by:

- increasing the amount of time necessary for clerks to handle day-to-day court business;
- often filing the wrong or incorrect documents, which may require the litigant to return to the clerk's office or to attend an additional court hearing;

- failing to properly notice another party or to prepare for a hearing or trial and bringing the necessary evidence or witnesses;
- not understanding why the clerk's office cannot provide free legal advice;
- lacking the computer skills to access requested information when given a website address;
- lacking access to a printer to secure documents necessary for their cases; and
- lacking access to statutes, and the court rules, policies, and procedures necessary to properly handle their cases.

The Sherlocks help in all areas where individual litigants have questions, including:

- clarifying procedural questions and forms;
- explaining courtroom scheduling, procedures, and policies;
- explaining how to use electronic resources to complete forms and obtain needed case information; and
- providing services on an appointment basis when appropriate.

Sherlocks also serve as an internal resource for judges and court administrators because they are in a unique position to evaluate the quality and efficiency of services for self-represented litigants. Sherlocks develop and maintain written materials for self-represented parties, including court forms and informational brochures for different case types and processes. Sherlocks are also expected to act as community liaisons to maximize resources available to *pro se* litigants (*e.g.*, working with local library staff to provide access to court forms and legal materials; working with volunteer organizations to provide litigants with access to free or low cost legal and mediator services, "ask-an-attorney" hotlines, and self-help legal clinics). Finally, Sherlocks develop resource manuals and reference guides for judicial employees and provide training for new judicial assistants.

The Department indicates that there has been an overwhelming public response to the provision of Sherlock services. Since January 2014, Sherlocks began collecting standardized data statewide, including the number of contacts broken down by case type to inform decision-making about training, resource development, effectiveness of communications, and rural/urban litigant needs. For the first seven months of 2014, 56,491 individuals accessed self-help centers. Of those contacts, 57 percent concerned domestic relations cases, 13 percent concerned county civil cases, eight percent concerned probate cases, and the remaining 22 percent concerned all other civil case types.

For FY 2015-16, the Department is requesting 6.5 FTE to add Sherlocks in 11 jurisdictions.

Recommendation: Staff recommends providing funding sufficient to add a total of 2.0 FTE Sherlocks in four jurisdictions. Over the last three fiscal years, staff has consistently recommended funding to add Sherlocks. Providing self-represented litigants with the information they need to proceed with their cases not only increases citizen access to justice, but also allows for more streamlined case processing and improves the quality of information provided to judges. The Colorado Code of Judicial Conduct [Colorado Rules of Civil Procedure, Appendix to Chapter 24, Rule 2.6] requires a judge to, "accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law". This

rule indicates that the right to be heard is "an essential component of a fair and impartial system of justice". Further, with respect to self-represented parties, the rule indicates the following:

"The steps that are permissible in ensuring a self-represented litigant's right to be heard according to law include but are not limited to liberally construing pleadings; providing brief information about the proceeding and evidentiary and foundational requirements; modifying the traditional order of taking evidence; attempting to make legal concepts understandable; explaining the basis for a ruling; and making referrals to any resources available to assist the litigant in preparation of the case. Self-represented litigants are still required to comply with the same substantive law and procedural requirements as represented litigants."

Coordinators help to ensure self-represented litigants' right to be heard by providing information about court procedures and forms, making legal reference materials accessible, and working with each local community to make resources available to assist these litigants in preparing their case. are helping the court system change business practices to serve the needs of a growing number of self-represented parties.

However, in most jurisdictions, the existing staffing levels exceed the full need as determined by the current workload model for trial court staff. Staff believes that it is reasonable to expect the court system to shift resources within these jurisdictions to meet the identified need for Sherlocks. Staff recommends only adding resources for four jurisdictions that are not currently over-staffed based on the workload model: Denver district court, Denver probate court, the 3rd judicial district (Las Animas and Huerfano counties), and the 16th judicial district (Otero, Crowley, and Bent counties). The tables at the end of this discussion detail staff's overall recommendations for this request.

Family Court Facilitators

The work of a Family Court Facilitator differs from a Sherlock because it involves case-based work, including:

- conducting and managing a high volume of initial and subsequent status conferences;
- assessing each case to identify litigant needs;
- identifying appropriate interventions for each case (*i.e.*, mediation, early neutral assessment, appointment of child and family investigator or parental responsibility evaluator) for consideration by parties and/or judicial officers;
- identifying disputed and undisputed issues;
- minimizing conflict and facilitating resolution of disputed parenting time, decision-making, child support, property, and maintenance issues;
- assisting with preparation of written settlement agreements;
- monitoring case progress, identifying sources of delay, and removing barriers to timely case resolution, including issuance of standard court orders (*e.g.*, mediation orders, delay prevention orders, etc.);
- monitoring compliance with court orders (*i.e.*, attendance of mediation, filing of documents, etc.);
- monitoring readiness for the scheduling of hearings; and

- maintaining and updating lists of potential court-appointed professional for domestic relations cases (e.g., local child and family investigator, *guardians ad litem* for adult litigants, decision-makers, parenting coordinators, mediators, supervised parenting time providers, and parenting class providers);

From 1997 to 2001, 22 Family Court Facilitator positions were allocated to judicial districts. These positions have been an integral resource in cases in every judicial district. Of the total allocated, 16.3 FTE are focused solely on domestic relations cases (some Facilitators also work on dependency and neglect cases). In May 2010, the Division of Planning and Analysis, in conjunction with the National Center for State Courts, conducted a workload study of Family Court Facilitators in order to create tools that would help quantify the number of Facilitators required statewide. This study found that an additional 42.0 FTE Facilitators are needed.

Last year, the Department indicated that 30.7 FTE Facilitators for domestic relations cases were needed, over and above the existing staff, based on FY 2012-13 court filings and the workload model. The Department indicated that it planned to request these additional FTE over multiple years. The General Assembly appropriated funding to:

- add 9.0 FTE for judicial districts with the greatest need;
- add 1.0 FTE to act as a statewide coordinator for family court facilitators (with responsibilities similar to those of the Sherlock coordinator related to training, information sharing, and promotion of best practices); and
- \$60,000 to annually fund a statewide multi-disciplinary team training key personnel such as: judicial officers, Family Court Facilitators, Self-represented Litigant Coordinators, and clerk's office staff. The training would focus on procedural fairness, communication, continuous quality improvement, and differentiated case management in domestic relations cases.

With fewer attorneys guiding parties in domestic relations cases through the court process, facilitating agreements, and explaining court procedures, access to and understanding of these proceedings for individuals has become daunting and stressful. For many families involved in a domestic relations case, the Family Court Facilitator is the only resource available to guide, manage, facilitate agreements, and prepare their case for the judge.

Recommendation: Staff recommends providing funding sufficient to add a total of 4.0 FTE Family Court Facilitators in four jurisdictions. Last year, staff recommended approving the request to add Family Court Facilitators, and staff recommended appropriating additional moneys that were not requested to add a statewide coordinator position. Family Court Facilitators reduce the court time required for domestic relations cases by facilitating agreements between parties, benefitting both the litigants and the courts.

However, as described above, the existing staffing levels exceed the full need as determined by the current workload model in most jurisdictions. Staff believes that it is reasonable to expect the court system to shift resources within these jurisdictions to meet the identified need for Family Court Facilitators. Staff recommends only adding resources for four jurisdictions that are not currently over-staffed based on the workload model: Denver district court, the 4th judicial

district (El Paso and Teller counties), the 8th judicial district (Larimer and Jackson counties), and the 11th judicial district (Fremont, Park, Chaffee, and Custer counties). The following table details the FTE that staff is recommending, by jurisdiction.

Comparison of Requested FTE and Existing Court Staffing Levels										
FY 2014-15 Trial Court Staffing Levels					Proposed FTE Allocations Per JUD R6			Staffing Variance Plus Proposed Allocation	Recommended FTE	
Judicial District	Total Staff Actual ¹	Total Need ²	Variance ³	Staffing Percentage ⁴	Sherlocks	Family Court Facilitators	Total		Sherlocks	Family Court Facilitators
1st	130.3	126.9	3.4	102.65%				3.4		
Denver District	114.1	120.4	(6.3)	94.75%	0.5	2.0	2.5	(3.8)	0.5	2.0
2nd Juvenile	21.7	19.2	2.5	112.93%	0.5		0.5	3.0		
2nd Probate	11.5	11.8	(0.3)	97.22%	0.5		0.5	0.2	0.5	
3rd	16.8	16.9	(0.1)	99.24%	0.5		0.5	0.4	0.5	
4th	186.2	186.8	(0.6)	99.65%	0.5	1.0	1.5	0.9		1.0
5th	42.0	38.0	4.0	110.54%	0.5		0.5	4.5		
6th	27.0	26.0	1.0	103.83%				1.0		
7th	44.3	36.6	7.6	120.75%	0.5		0.5	8.1		
8th	71.3	72.2	(1.0)	98.68%		0.5	0.5	(0.5)		0.5
9th	38.1	34.5	3.5	110.26%		0.5	0.5	4.0		
10th	54.3	56.7	(2.5)	95.60%				(2.5)		
11th	32.0	32.5	(0.5)	98.42%		0.5	0.5	(0.0)		0.5
12th	28.3	27.6	0.7	102.36%				0.7		
13th	32.8	31.5	1.3	104.04%	1.0		1.0	2.3		
14th	24.8	23.0	1.7	107.48%		0.5	0.5	2.2		
15th	14.5	14.0	0.5	103.83%	0.5		0.5	1.0		
16th	16.5	16.5	0.0	100.13%	0.5		0.5	0.5	0.5	
17th	139.0	133.5	5.5	104.15%		1.0	1.0	6.5		
18th	193.5	192.0	1.5	100.79%	1.0	0.5	1.5	3.0		
19th	74.5	72.0	2.5	103.44%		1.0	1.0	3.5		
20th	69.2	67.0	2.2	103.31%				2.2		
21st	47.0	48.4	(1.4)	97.05%				(1.4)		
22nd	15.0	14.3	0.7	104.77%				0.7		
	1,444.2	1,418.4	25.8	101.82%	6.5	7.5	14.0	39.8	2.0	4.0

¹Total Staff Number from FY 2014-15 Verified Staffing and includes all case processing staff, law clerks and court reporters, administration, and Family Court Facilitators.

²Need based upon actual filings from April 1, 2013-March 31, 2014

³Variance is equal to the need minus the actual

⁴Staffing percentage is equal to the actual divided by the need

The following table details the components of the request, which are included in the staff recommendations for the relevant line items throughout this packet.

Staff Recommendation for R6 (Self-represented Litigant Coordinators and Family Court Facilitators)					
		Self-Represented Litigant Coordinator	Family Court Facilitator	FY 2015-16 Total	FY 2016-17 Total
<i>PERSONAL SERVICES</i>					
Number of PERSONS per class title		2.00	4.00	5.50	5.50
Monthly base salary	\$	4,434	5,604		
Number of months charged in FY15-16		11	11	11	12
Salary		\$97,548	\$246,576	\$344,124	\$375,408
PERA	10.15%	\$32,179	\$46,926	\$79,105	\$86,296
Medicare	1.45%	<u>\$4,597</u>	<u>\$6,704</u>	<u>\$11,301</u>	<u>\$12,328</u>
	<i>Subtotal</i>	\$134,324	\$300,206	\$434,530	\$474,033
<i>TRIAL COURT OPERATING</i>					
Phone (staff)	\$ 450	\$900	\$1,800	\$ 2,700	\$2,700
Supplies (staff)	\$ 500	\$1,000	\$2,000	\$ 3,000	\$3,000
Software Licenses				\$ -	
Training				<u>\$9,000</u>	<u>\$9,000</u>
	<i>Subtotal</i>	\$1,900	\$3,800	\$ 14,700	\$14,700
<i>CAPITAL OUTLAY</i>					
Office Furniture (staff)	\$ 3,473	\$6,946	\$13,892	\$20,838	\$0
Computer/Software (staff)	\$ 1,230	<u>\$2,460</u>	<u>\$4,920</u>	<u>\$7,380</u>	<u>\$0</u>
	<i>Subtotal</i>	\$9,406	\$18,812	\$28,218	\$0
TOTAL		\$145,630	\$322,818	\$477,448	\$488,733

➔ JUD BA3 Title IV-D child support enforcement funds

The Department submitted a supplemental request for FY 2014-15 for a \$150,000 reappropriated funds increase to allow the Department to spend the full amount of federal funds available to support child support enforcement-related cases in several judicial districts. These federal Title IV-D funds are transferred from the Department of Human Services, so the spending authority is reflected as reappropriated funds. The Committee approved this request for FY 2014-15, and staff's recommendation for FY 2015-16 include continuation of that increase.

Court Costs, Jury Costs, and Court-appointed Counsel

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

Background Information – Mandated Costs Appropriations. Prior to January of 2000, funding for mandated costs was appropriated through a single line item to the Judicial Department. A judge presiding over a case had the responsibility to approve expenditures by the defense and the prosecution, and to give both sides a fair hearing. There was a concern that this created an

inherent conflict in which the judge, by his or her decision about expenditures, could compromise a case.

An ad hoc committee on mandated costs established by Chief Justice Vollack issued a report recommending that the responsibility for managing these costs of prosecution and defense be transferred to the entities responsible for incurring the costs. Thus, since FY 1999-00²⁸, the General Assembly has provided multiple appropriations for mandated costs. Currently, the Long Bill includes six appropriations for mandated costs, including three to the Judicial Department, and individual appropriations to the Office of the State Public Defender, the Office of the Alternate Defense Counsel, and the Office of the Child's Representative. The following table provides a summary of actual expenditures for all mandated costs, by line item.

Mandated Costs: Actual Expenditures for Judicial Branch						
	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Courts Administration, Centrally Administered Programs - Language Interpreters	\$3,715,881	\$3,347,499	\$3,456,745	\$3,924,198	\$4,112,276	\$4,457,715
Trial Courts - Court Costs, Jury Costs, and Court-appointed Counsel	15,331,794	15,841,967	15,472,347	15,181,494	15,521,672	15,814,487
Trial Courts - District Attorney Mandated Costs	2,127,119	2,068,755	2,026,627	2,050,295	2,181,277	1,948,098
Office of the State Public Defender	2,954,167	3,092,601	3,516,379	3,758,631	4,126,488	4,777,888
Office of the Alternate Defense Counsel	1,589,848	1,513,582	1,429,874	1,469,945	1,764,603	1,938,282
Office of the Child's Representative	34,437	39,717	29,290	40,405	43,607	54,486
Total	25,753,246	25,904,121	25,931,262	26,424,968	27,749,922	28,990,956
<i>Annual Percent Change</i>	8.2%	0.6%	0.1%	1.9%	5.0%	4.5%

This line item provides funding for three types of costs, described below.

Court Costs. Similar to mandated costs incurred by other agencies, this line item provides funding for transcripts, expert and other witness fees and expenses, interpreters, psychological evaluations, sheriffs' fees, subpoenas, and other costs mandated by statute. For the Judicial Department, these expenses are primarily related to expert witness/evaluation fees, and transcripts.

Jury Costs. This line item also covers fees and expenses for jurors. Pursuant to Sections 13-71-125 through 13-71-131, C.R.S., jurors must be compensated \$50 daily,²⁹ beginning on their fourth day of service. These provisions also allow self-employed jurors to be compensated for their lost wages and unemployed jurors to be reimbursed for their travel, child care, and other necessary out-of-pocket expenses for the first three days of service; such compensation is limited to \$50 per day. In addition, this line item provides funding for printing, preparing, and mailing summons.

Court-appointed Counsel. Three independent agencies within the Judicial Branch provide or pay for court-appointed counsel in certain circumstances:

²⁸ This budget format change was implemented through mid-year adjustments in H.B. 00-1403.

²⁹ This dollar amount has not changed since at least 1989.

(1) The Office of the State Public Defender (OSPD) provides legal representation for indigent defendants who are facing incarceration;

(2) The Office of the Alternate Defense Counsel (OADC) pays for private attorneys to provide legal representation for indigent defendants in criminal and juvenile delinquency cases in which the OSPD is precluded from doing so because of an ethical conflict of interest; and

(3) The Office of the Child's Representative (OCR) provides or pays for private attorneys to provide legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

The State Court Administrator's Office pays for court-appointed counsel in all other circumstances. This line item covers the costs of providing representation for indigent parties who:

- Are respondent parents in dependency and neglect actions (unless they are a child);
- Require mental health, probate, or truancy counsel;
- Are adults requiring a *guardian ad litem* in mental health, probate, or dependency and neglect actions; or
- Require contempt of court counsel.

This appropriation also supports the provision of counsel in juvenile delinquency matters when the party is not indigent, but a family member is a victim or the parents refuse to hire counsel (in the latter case, reimbursement to the State is ordered against the parents).

The table on the following page details recent actual expenditures for this line item.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Trial Courts - Court Costs, Jury Costs, and Court-appointed Counsel						
	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Court-appointed Counsel:						
Respondent Parent Counsel Attorney	\$8,579,436	\$8,588,777	\$8,344,476	\$8,374,063	\$8,410,578	\$8,630,020
Mental Health Attorney	1,014,617	1,175,473	1,377,864	1,593,328	1,600,474	1,761,992
Other Counsel/Investigators a/	1,911,452	2,024,857	2,053,164	1,291,976	1,177,495	1,142,786
Attorney Guardian Ad Litem	452,282	577,568	397,510	482,784	590,240	609,507
Parental Refusal (FMV) a/	0	0	0	402,033	338,341	363,158
Truancy Attorney a/	47,872	54,294	56,502	124,792	165,968	145,030
Non-Attorney Child and Family Investigator	89,316	79,161	71,725	64,012	72,737	113,101
Other Appointments b/	65,272	60,189	51,493	52,926	63,808	74,985
Court-appointed Counsel Programming					22,730	30,942
Attorney Fee Collection Costs	25,436	29,865	22,312	22,483	18,321	18,713
Other Counsel per S.B. 06-061	0	1,772	1,101	1,635	206	0
Interpreter	0	0	0	0	0	0
Subtotal: Court-appointed Counsel	12,185,683	12,591,956	12,376,147	12,410,032	12,460,898	12,890,236
<i>Annual Percent Change</i>	18.1%	3.3%	-1.7%	0.3%	0.4%	3.4%
Court Costs:						
Evaluations/Expert Witness Fees	987,813	1,023,207	935,168	830,071	1,017,257	919,049
Transcripts	190,662	178,817	180,452	137,760	150,970	180,803
Discovery & Process Fees	39,615	36,737	25,549	35,458	35,515	36,072
Forms	16,283	13,520	22,500	12,175	9,542	11,087
Advertising	9,870	8,666	7,189	9,084	8,115	7,109
Interpreters	4,073	195	335	1,933	2,928	56
Experts/Witness Travel	2,953	3,628	992	1,550	1,558	1,760
Postage (moved to TC Operating)	3,029	1,547	198	209	494	265
Investigators	10,531	1,000	2,488	0	4,796	3,469
Death Penalty Costs	808	96	795	0	7,196	2,454
Misc.	69,571	56,852	43,538	28,686	43,088	52,105
Subtotal: Court Costs	1,335,208	1,324,266	1,219,203	1,056,925	1,281,459	1,214,228
<i>Annual Percent Change</i>	3.7%	-0.8%	-7.9%	-13.3%	21.2%	-5.2%
Jury Costs	1,810,902	1,925,745	1,876,998	1,714,537	1,779,315	1,710,023
<i>Annual Percent Change</i>	-0.5%	6.3%	-2.5%	-8.7%	3.8%	-3.9%
Total	15,331,794	15,841,967	15,472,347	15,181,494	15,521,672	15,814,487

a/ Prior to FY 2011-12, expenditures for counsel in parent refusal and certain truancy cases were included in the "Other Counsel/ Investigators" category.

b/ "Other Appointments" includes: *Guardian ad litem*s for adults, court visitors, investigators, and associated mileage, copies, and postage.

Request: The Department requests a total of \$17,607,294, including \$17,442,045 General Fund and \$165,249 cash funds from various fees, cost recoveries, and grants. This line item is impacted by two decision items, which are described below: JUD BA1 (Mandated costs) and JUD R14 (Office of the Respondent Parents' Counsel).

Recommendation: Staff recommends appropriating a total of \$12,620,631, including \$12,455,382 General Fund and \$165,249 cash funds from cost recoveries, as detailed in the following table. The only difference between the recommendation and the request is the amount staff recommends transferring to the new Office of the Respondent Parents' Counsel (ORPC). Should H.B. 15-1149 pass, no transfers should occur from this line item to the ORPC until FY 2016-17.

Trial Courts, Court Costs, Jury Costs, and Court-appointed Counsel				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	\$17,795,399	\$17,310,399	\$485,000	0.0
Other legislation	(167,889)	(114,539)	(53,350)	0.0
SB 15-150 (Supplemental bill)	<u>(70)</u>	<u>259,930</u>	<u>(260,000)</u>	<u>0.0</u>
TOTAL	\$17,627,440	\$17,455,790	\$171,650	0.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$17,627,440	\$17,455,790	\$171,650	0.0
JUD R14 Establishment of the Office of the Respondent Parents Counsel	(4,986,663)	(4,986,663)	0	0.0
Annualize prior year legislation	<u>(20,146)</u>	<u>(13,745)</u>	<u>(6,401)</u>	<u>0.0</u>
TOTAL	\$12,620,631	\$12,455,382	\$165,249	0.0
Increase/(Decrease)	(\$5,006,809)	(\$5,000,408)	(\$6,401)	0.0
Percentage Change	(28.4%)	(28.6%)	(3.7%)	0.0%
FY 2015-16 Executive Request:	\$17,607,294	\$17,442,045	\$165,249	0.0
Request Above/(Below) Recommendation	\$4,986,663	\$4,986,663	\$0	0.0

Annualize prior year legislation: The recommendation includes a reduction of \$20,146, consistent with the Legislative Council Staff fiscal note for H.B. 14-1032 (Defense counsel for juvenile offenders).

➔ JUD BA1 Mandated costs

The Department submitted a supplemental request for FY 2014-15 that included two components: (1) an increase of \$259,930 General Fund for FY 2014-15 to cover court-appointed counsel expenses for individuals in mental health cases who are faced with losing certain

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freedoms and liberties; and (2) a decrease of \$260,000 cash funds to better reflect revenues from various fees and cost recoveries related to mandated costs. The Committee approved this request, and staff has continued to reflect these adjustments for FY 2015-16.

District Attorney Mandated Costs

This is one of six line item appropriations for "mandated costs". This line item provides state funding to reimburse Colorado's district attorneys' offices (DAs) for costs incurred for prosecution of state matters, as required by state statute. Section 16-18-101, C.R.S., states that, "The costs in criminal cases shall be paid by the state pursuant to section 13-3-104, C.R.S.,³⁰ when the defendant is acquitted or when the defendant is convicted and the court determines he is unable to pay them." Pursuant to Section 18-1.3-701 (2), C.R.S., when a person is convicted of an offense or a juvenile is adjudicated, the Court shall give judgment in favor of the State, the prosecuting attorney, or the law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution. Section 18-1.3-701 (2), C.R.S., specifies the types of expenditures that may be included under this provision.

Based on FY 2013-14 expenditure data recently provided by the Colorado District Attorneys' Council (CDAC),³¹ DAs' mandated costs consist of the following:

- Witness travel expenses (\$615,145 or 29.0 percent of reimbursed expenditures);
- Expert witness fees and travel expenses (\$520,896 or 24.5 percent);
- Mailing subpoenas³² (\$451,799 or 21.3 percent);
- Service of process³³ (\$345,072 or 16.3 percent); and
- Court reporter fees for transcripts (\$189,848 or 8.9 percent).³⁴

In addition to the above expenditures, the CDAC has indicated that DAs incurred approximately \$65,000 in FY 2013-14 for laboratory testing due to the closure of the Department of Public Health and Environment's toxicology lab. In June 2014 the CDAC authorized the DAs to claim reimbursement from the DA Mandated Costs appropriation.

The following table provides a history of appropriations and actual expenditures for this line item.

³⁰ This section states that the State "shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts".

³¹ The CDAC is a quasi-government agency, supported by assessments charged to each member's office (through an intergovernmental agreement).

³² A subpoena is a writ by a government agency, most often a court, which has authority to compel testimony by a witness or production of evidence under a penalty for failure.

³³ Service of process is the general term for the legal document (usually a summons) by which a lawsuit is started and the court asserts its jurisdiction over the parties and the controversy.

³⁴ Please note that the above data differs from that which was included in the "FY 2015-16 Staff Budget Briefing for the Judicial Branch", dated November 18, 2014 [see Appendix C-14]. Specifically, the above data reflects corrected expenditure data that was provided by the CDAC December 10, 2014.

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District Attorneys' Mandated Costs								
Fiscal Year	Appropriation			Actual Expenditures				Over/ (Under) Budget
	General Fund	Cash Funds	Total	General Fund	Cash Funds	Total	Annual % Change	
2000-01	\$1,938,724	\$0	\$1,938,724	\$1,889,687	\$0	\$1,889,687		(\$49,037)
2001-02	1,938,724	0	1,938,724	1,978,963	0	1,978,963	4.7%	40,239
2002-03	2,025,199	125,000	2,150,199	1,833,410	71,117	1,904,527	-3.8%	(245,672)
2003-04	2,025,199	125,000	2,150,199	1,847,369	59,334	1,906,703	0.1%	(243,496)
2004-05	1,911,899	0	1,911,899	1,911,970	0	1,911,970	0.3%	71
2005-06	1,911,899	0	1,911,899	1,772,849	106,325	1,879,174	-1.7%	(32,725)
2006-07	1,841,899	125,000	1,966,899	1,928,795	99,090	2,027,885	7.9%	60,986
2007-08	1,837,733	125,000	1,962,733	2,092,974	130,674	2,223,648	9.7%	260,915
2008-09	2,101,052	125,000	2,226,052	2,063,785	125,000	2,188,785	-1.6%	(37,267)
2009-10	2,101,052	125,000	2,226,052	2,101,050	125,000	2,226,050	1.7%	(2)
2010-11 a/	2,005,324	125,000	2,130,324	2,005,507	125,000	2,130,507	-4.3%	183
2011-12	2,073,494	125,000	2,198,494	2,061,883	125,000	2,186,883	2.6%	(11,611)
2012-13 b/	2,389,549	140,000	2,529,549	2,164,497	140,000	2,304,497	5.4%	(225,052)
2013-14 c/	2,491,916	160,000	2,651,916	2,152,067	160,000	2,312,067	0.3%	(339,849)
2014-15 d/	2,527,153	170,000	2,697,153					
2015-16 Request e/	2,692,410	170,000	2,862,410					
a/ Appropriation reflects reduction of \$17,300 pursuant to H.B. 10-1291.								
b/ The FY 2012-13 appropriation included \$265,100 to reimburse costs in the <i>Holmes</i> and <i>Sigg</i> cases; a total of \$111,993 was used to reimburse costs in these two cases and \$153,107 reverted to the General Fund.								
c/ The FY 2013-14 appropriation included \$353,500 specifically for the <i>Holmes</i> and <i>Sigg</i> cases; a total of \$146,660 was used to reimburse costs in these two cases and \$206,840 reverted to the General Fund.								
d/ The FY 2014-15 appropriation includes \$300,000 specifically for the <i>Holmes</i> case.								
e/ The FY 2015-16 request includes \$400,000 specifically for the <i>Holmes</i> case.								

Background Information CDAC's Role. Since FY 1999-00, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information (e.g., RFI #1 for FY 2014-15) indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

Two statutory provisions appear to provide statutory authority for CDAC to play this role. First, Section 20-1-110, C.R.S., authorizes DAs to participate in an intergovernmental cooperative relationship concerning criminal prosecution and to enter into contracts on behalf of his or her judicial district for cooperation with other DAs concerning such prosecution and prosecution-related services. Second, Section 20-1-111, C.R.S., authorizes DAs to cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting DAs, "including the sharing of costs and the administration and distribution of moneys received for mandated costs." This provision also authorizes DAs to "allocate up to five percent of the moneys received for mandated costs authorized by the general assembly for administrative expenses." Consistent with this provision, the CDAC annually receives 5.0 percent of the appropriation (\$132,596 in FY 2013-14) to cover the administrative costs associated with allocating and managing this appropriation.

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

Request: The CDAC requests \$2,862,410, including \$2,692,410 General Fund and \$170,000 cash funds. The requested increase of \$165,257 includes \$65,257 (2.7 percent) for all DAs' mandated costs, and an increase of \$100,000 in the funding that is available to reimburse mandated costs in the *The People of the State of Colorado v. James Holmes* (12CR1522) case.

Recommendation: Staff recommends appropriating \$2,797,153 (including \$2,627,153 General Fund and \$170,000 cash funds). The following table provides a comparison of the request and staff's recommendation.

District Attorneys' Mandated Costs Request and Recommendation									
Fiscal Year	Base Appropriation			Holmes Cases			Total Appropriation		
	General Fund	Cash Funds	Total	General Fund	Cash Funds	Total	General Fund	Cash Funds	Total
2014-15 Approp.	\$2,227,153	\$170,000	\$2,397,153	\$300,000	\$0	\$300,000	\$2,527,153	\$170,000	\$2,697,153
2015-16 Request	\$2,292,410	\$170,000	\$2,462,410	\$400,000	\$0	\$400,000	\$2,692,410	\$170,000	\$2,862,410
Annual \$ Change			\$65,257			\$100,000			\$165,257
Annual % Change			2.7%			33.3%			6.1%
2015-16 Recommendation	\$2,227,153	\$170,000	\$2,397,153	\$400,000	\$0	\$400,000	\$2,627,153	\$170,000	\$2,797,153
Annual \$ Change			\$0			\$100,000			\$100,000
Annual % Change			0.0%			33.3%			3.7%

While the CDAC's submittal indicates that it is requesting a 2.5 percent increase for this line item for FY 2015-16, the dollar amount requested actually represents a 2.7 percent increase in the base appropriation (excluding funding for the *Holmes* case), and a 6.1 percent overall increase. Staff's recommendation includes the \$400,000 requested for the *Holmes* case. [At the end of this packet staff has included a recommendation to continue the Long Bill footnote associated with this portion of the appropriation (with appropriate amendments).]

However, staff's recommendation includes only \$2,397,153 to reimburse all DAs' mandated costs – the same amount that is available for FY 2014-15. In each of the last three fiscal years, moneys have been reverted at the end of the fiscal year. Excluding moneys that were designated for specific cases, these reversions have grown from \$11,611 in FY 2011-12 to \$133,009 in FY 2013-14. The FY 2014-15 appropriation exceeds FY 2013-14 expenditures by \$231,746 (10.7 percent). The recommended appropriation should provide sufficient funding to cover DA mandated costs in FY 2015-16/

Finally, staff's recommendation continues to include \$170,000 from cost recoveries. If cost recoveries exceed the appropriation, the excess is credited to the General Fund.

Action and Statewide Discovery Sharing Systems

Senate Bill 14-190 (a JBC bill) requires the CDAC to develop and maintain a statewide discovery sharing system integrated with its ACTION case management system. This line item provides funding for the development, continuing enhancement, and maintenance of the new discovery system as well as the maintenance and continuing enhancement of the existing ACTION system. Fund sources include General Fund and cash fund revenues from a new criminal surcharge for persons who are represented by private counsel or appear without legal representation.

The act directs the CDAC, with the assistance of the Discovery Steering Committee³⁵, to select and enter into a contract with a vendor to develop and implement a statewide system by October 31, 2016. This system will enable the sharing and transfer of information between law enforcement agencies and district attorneys' offices in a format that will then allow the district attorneys to provide discoverable materials in an electronic format. Once the new system is fully implemented, district attorneys will no longer seek or receive reimbursement for the cost of duplicating discoverable materials, and the existing General Fund appropriations that are used for that purpose will be redirected to support the ongoing maintenance of the statewide discovery sharing system. The Steering Committee is required to develop benchmarks and contractual requirements for the discovery system, and is authorized to meet as necessary to provide practical and technical support for the maintenance and enhancement of the discovery system.

The act appropriated \$5.3 million General Fund to the Judicial Department for FY 2014-15, and allows any unspent funds to remain available for expenditure in FY 2015-16. This appropriation was based on the higher of two estimates that were included in the Task Force final report. The actual development and implementation costs will be determined through the request for proposal (RFP) and vendor selection process and the benchmarks and contractual requirements that are outlined in the act.

Request: The Department requests \$0 for FY 2015-16.

Recommendation: Staff recommends approving the request, which is consistent with S.B. 14-190. Staff anticipates that the Department will submit a budget request for FY 2015-16 that includes the funding necessary to support the ongoing operations of the new statewide discovery sharing system and the ACTION case management system. The requested funding should consist of General Fund and cash funds from the Discovery Sharing System Surcharge Fund. The General Fund required for this line item should be offset by the elimination of General Fund appropriations to various judicial agencies for the reimbursement of district attorneys for duplicating discoverable materials.

³⁵ Both the Discovery Task Force and the Steering Committee have been chaired by Matthew Durkin, Deputy Attorney General at the Department of Law; Jerry Marroney, State Court Administrator at the Judicial Department has served as Vice-Chair for both groups.

Federal Funds and Other Grants

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

Request: The Department requests a continuation level of spending authority (\$2,900,000 and 14.0 FTE), including \$975,000 cash funds, \$300,000 reappropriated funds, and \$1,625,000 federal funds. The source of reappropriated funds is federal funds transferred from the Departments of Human Services and Public Safety.

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

(4) Probation and Related Services

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

Persons convicted of certain offenses are eligible to apply to the court for probation. If the court determines that "the ends of justice and the best interests of the public, as well as the defendant, will be served thereby," the court may grant the defendant probation³⁶. The offender serves a sentence in the community under the supervision of a probation officer, subject to conditions imposed by the court. The length of probation is at the discretion of the court and it may exceed the maximum period of incarceration authorized for the offense of which the defendant is convicted, but it cannot exceed five years for any misdemeanor or petty offense. The conditions of probation should ensure that the defendant will lead a law-abiding life and assist the defendant in doing so. These conditions always include requirements that the defendant:

- will not commit another offense;
- will make full restitution;
- will comply with any court orders regarding substance abuse testing and treatment and/or the treatment of sex offenders; and
- will not harass, molest, intimidate, retaliate against, or tamper with the victim.

Managed by the Chief Probation Officer in each judicial district, 1,150 employees prepare assessments and provide pre-sentence investigation services to the courts, supervise offenders sentenced to community programs, and provide notification and support services to victims. The Chief Probation Officer is supervised by the Chief Judge in each district. Investigation and supervision services are provided based on priorities established by the Chief Justice and each offender's risk of re-offending. Adult and juvenile offenders are supervised in accordance with conditions imposed by the courts. A breach of any imposed condition may result in revocation or modification of probation, or incarceration of the offender.

The following table summarizes the staff recommendations for the Probation and Related Services. Overall, staff's recommendation includes a lower number of FTE in order to reflect the impact of the paydate shift on the staff added through JUD R5 (Probation supervisors and staff).

³⁶ See Section 18-1.3-202 (1), C.R.S.

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Probation and Related Services						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2014-15 Appropriation						
HB 14-1336 (Long Bill)	\$136,015,775	\$85,014,680	\$28,115,917	\$20,085,178	\$2,800,000	1,220.0
TOTAL	\$136,015,775	\$85,014,680	\$28,115,917	\$20,085,178	\$2,800,000	1,220.0
FY 2015-16 Recommended Appropriation						
FY 2014-15 Appropriation	\$136,015,775	\$85,014,680	\$28,115,917	\$20,085,178	\$2,800,000	1,220.0
JUD R5 Probation supervisors and staff	2,177,944	2,177,944	0	0	0	22.9
Annualize prior year salary survey	1,908,056	1,593,745	314,311	0	0	0.0
Annualize prior year merit pay	755,497	657,621	97,876	0	0	0.0
Indirect cost assessment	40,856	0	40,856	0	0	0.0
JUD R16 Fleet vehicles	(10,064)	(10,064)	0	0	0	0.0
TOTAL	\$140,888,064	\$89,433,926	\$28,568,960	\$20,085,178	\$2,800,000	1,242.9
Increase/(Decrease)	\$4,872,289	\$4,419,246	\$453,043	\$0	\$0	22.9
Percentage Change	3.6%	5.2%	1.6%	0.0%	0.0%	1.9%
FY 2015-16 Executive Request:	\$140,888,064	\$89,433,926	\$28,568,960	\$20,085,178	\$2,800,000	1,245.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	2.1

➔ Correctional Treatment Cash Fund allocation

Request: The Department does not request any changes in appropriations related to the Correctional Treatment Cash Fund (CTCF). Specifically, the Department requests a \$15,200,000 General Fund appropriation to the CTCF, and a total of \$20,242,133 in spending authority from the CTCF to allow the Department to use these moneys to provide treatment services to offenders on probation, and to transfer a portion of the moneys to other state agencies for the provision of services to offenders in other settings.

Recommendation: First, staff recommends approving the request for a \$15,200,000 General Fund appropriation to the CTCF, consistent with the minimum statutory requirement.

Second, as detailed in the following table, staff recommends appropriations from the CFCF totaling \$20,242,133 to provide the continuation level of spending authority recommended by the Correctional Treatment Board, and to cover the estimated salary and benefits for state employees that are currently supported by the CTCF. Staff recommends a small adjustment within the appropriations to the Judicial Department to reflect the increased indirect cost assessment on the CTCF. **Staff requests permission to make adjustments between line items within the Judicial Department and the Department of Public Safety as necessary to cover the full cost of state employees that are currently supported by the CTCF.**

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Third, consistent with the following table, staff recommends appropriating the following amounts (from reappropriated funds transferred from the Judicial Department's Offender Treatment and Services line item appropriation) to allow other state agencies to receive and spend moneys transferred from this line item, consistent with the Correctional Treatment Board's recommendations:

- DOC: \$3,457,227
- DHS: \$5,071,156
- Public Safety: \$5,301,766

Appropriations from the Correctional Treatment Cash Fund						
Department/ Line Item	FY 2014-15			FY 2015-16 Recommendation		
	CTCF	RF (Transfer from Judicial)	Total	CTCF	RF (Transfer from Judicial)	Total
JUDICIAL:						
<u>Courts Administration</u>						
<i>Administration and Technology</i>						
General Courts Administration	\$94,323	\$0	\$94,323	\$94,323	\$0	\$94,323
Indirect Cost Assessment	218,748	0	218,748	224,109	0	224,109
<i>Central Appropriations</i>						
Various line items	26,494	0	26,494	26,494	0	26,494
<i>Centrally Administered Programs</i>						
District Attorney Adult Pretrial Diversion Programs	77,000	0	77,000	77,000	0	77,000
<i>Probation and Related Services</i>						
Offender Treatment and Services	<u>5,995,419</u>	<u>0</u>	<u>5,995,419</u>	<u>5,990,058</u>	<u>0</u>	<u>5,990,058</u>
Subtotal: Judicial	\$6,411,984	\$0	\$6,411,984	\$6,411,984	\$0	\$6,411,984
<i>Annual \$ Change</i>						\$0
<i>Annual % Change</i>						0.0%
CORRECTIONS:						
<u>Inmate Programs</u>						
<i>Drug and Alcohol Treatment Subprogram</i>						
Services for Substance Abuse and Co-occurring Disorders	0	995,127	995,127	0	995,127	995,127
Contract Services	0	350,000	350,000	0	350,000	350,000
<u>Community Services</u>						
<i>Parole Subprogram</i>						
Contract Services	<u>0</u>	<u>2,112,100</u>	<u>2,112,100</u>	<u>0</u>	<u>2,112,100</u>	<u>2,112,100</u>
Subtotal: Corrections	\$0	\$3,457,227	\$3,457,227	\$0	\$3,457,227	\$3,457,227
<i>Annual \$ Change</i>						\$0
<i>Annual % Change</i>						0.0%

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Appropriations from the Correctional Treatment Cash Fund						
Department/ Line Item	FY 2014-15			FY 2015-16 Recommendation		
	CTCF	RF (Transfer from Judicial)	Total	CTCF	RF (Transfer from Judicial)	Total
HUMAN SERVICES:						
Behavioral Health Services						
<i>Substance Use Treatment and Prevention</i>						
Treatment and Detoxification Contracts	0	1,064,688	1,064,688	0	1,064,688	1,064,688
Strategies for Self-improvement and Change (SSC)						
SSC Training						
The Haven						
Short-term Intensive Residential Remediation and Treatment (STIRRT)	0	427,946	427,946	0	427,946	427,946
<i>Integrated Behavioral Health Services</i>						
Jail-based Behavioral Health Services	0	3,578,522	3,578,522	0	3,578,522	3,578,522
Subtotal: Human Services	\$0	\$5,071,156	\$5,071,156	\$0	\$5,071,156	\$5,071,156
<i>Annual \$ Change</i>						\$0
<i>Annual % Change</i>						0.0%
PUBLIC SAFETY:						
Executive Director's Office						
<i>Administration</i>						
Various line items	0	19,194	19,194	0	19,194	19,194
<i>Division of Criminal Justice</i>						
<i>Administration</i>						
DCJ Administrative Services	0	84,803	84,803	0	84,803	84,803
<i>Community Corrections</i>						
Community Corrections Placements	0	2,643,869	2,643,869	0	2,643,869	2,643,869
Services for Substance Abuse and Co-occurring Disorders	0	2,553,900	2,553,900	0	2,553,900	2,553,900
Subtotal: Public Safety	\$0	\$5,301,766	\$5,301,766	\$0	\$5,301,766	\$5,301,766
<i>Annual \$ Change</i>						\$0
<i>Annual % Change</i>						0.0%
GRAND TOTAL	\$6,411,984	\$13,830,149	\$20,242,133	\$6,411,984	\$13,830,149	\$20,242,133
<i>Annual \$ Change</i>						\$0
<i>Annual % Change</i>						0.0%

Background Information - State Funding for Substance Abuse Treatment for Offenders

Over the past decade, the General Assembly has made changes to offenses related to the use and possession of controlled substances. To the extent that these changes reduce the number of offenders who are incarcerated, or the length of time that offenders are incarcerated, these statutory changes have reduced state expenditures. The General Assembly has reinvested the estimated General Fund savings to increase the availability of substance abuse treatment for offenders.

Through H.B. 12-1310, the General Assembly consolidated the major sources of state funding for offender substance abuse treatment, and consolidated the associated oversight boards into a single Correctional Treatment Board. Specifically, H.B. 12-1310 continued to require the General Assembly to annually appropriate a minimum amount of General Fund related to the estimated savings that resulted from the enactment of S.B. 03-318 (\$2.2 million) and H.B. 10-1352 (\$9.5 million). These amounts are to be credited to the newly created Correctional Treatment Cash Fund (CTCF). For FY 2013-14, the General Assembly was required to appropriate at least \$11.7 million General Fund to the CTCF. Pursuant to S.B. 13-250, the

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General Assembly is required to appropriate an additional \$3.5 million General Fund related to the estimated savings from S.B. 13-250. Thus, the General Assembly is required to appropriate at least \$15.2 million General Fund annually to the CTCF, beginning in FY 2014-15³⁷.

The Judicial Branch budget thus includes a General Fund appropriation to the CTCF, along with a corresponding amount of spending authority from the CTCF to allow the Department to use these moneys to provide treatment services to offenders on probation, and to transfer a portion of the moneys to other state agencies for the provision of services to offenders in other settings. Moneys transferred to other state agencies are reflected a third time in the other three agencies' budgets (as reappropriated funds). While this structure is transparent and allows one to easily identify the total amount of funding devoted to offender substance abuse treatment, it does tend to overstate annual funding increases within the Judicial Branch and the state as a whole if one does not exclude reappropriated amounts.

The CTCF consists of annual General Fund appropriations to the CTCF, drug offender surcharge revenues, and interest income. Moneys from the CTCF may be used for the following purposes:

- Alcohol and drug screening, assessment, and evaluation;
- Alcohol and drug testing;
- Substance abuse education and training;
- An annual statewide conference regarding substance abuse treatment;
- Treatment for assessed substance abuse and co-occurring disorders;
- Recovery support services; and
- Administrative support to the Correctional Treatment Board.

Moneys from the CTCF may be used to serve adults and juveniles who are:

- serving a diversion sentence;
- serving a probation sentence (including Denver county);
- on parole;
- sentenced or transitioned to a community corrections program; or
- serving a sentence in a county jail, on a work-release program supervised by the county jail, or receiving after-care treatment following release from jail if the offender participated in a jail treatment program.

The Correctional Treatment Board is charged with assessing the availability and effectiveness of adult and juvenile offender substance abuse services statewide. The Board is required to prepare an annual treatment funding plan that the Judicial Department will include in its annual presentation to the Joint Budget Committee.

³⁷ See Sections 19-19-103 (3.5) (b) and (c) and (4) (a), C.R.S.

Correctional Treatment Board

The Correctional Treatment Board consists of the seven members representing: the Department of Corrections, the Division of Probation and the Office of the State Public Defender within the Judicial Branch, the Department of Public Safety, the Department of Human Services, district attorneys, and county sheriffs³⁸. The Board's responsibilities include:

- Working with local drug treatment boards to identify judicial district-specific treatment and programmatic needs;
- Reviewing existing treatment services and their effectiveness;
- Identifying funding and programmatic barriers to effective treatment; and
- Developing a comprehensive annual funding plan that meets the identified statewide needs and effectively treats substance abuse offenders in Colorado.

Allocations from the Correctional Treatment Cash Fund

Currently, CTCF moneys are allocated among four state agencies.

- The *Judicial Branch* uses funds to provide substance use testing, and mental health and substance use treatment for offenders on probation and those participating in problem-solving courts. In addition, funding is used to support adult pre-trial diversion programs administered by district attorneys' offices.
 - The *Department of Public Safety (DPS)* allocates funds to local community corrections boards for intensive residential treatment (IRT), therapeutic community programs, and outpatient treatment vouchers. The DPS also uses funds to support 1.0 FTE in the Division of Criminal Justice responsible for research and training related to substance abuse and risk/need assessments.
 - The *Department of Human Services* uses these funds for three purposes. First, the Department allocates funds to county sheriffs for the jail-based behavioral health services (JBBS) program. These programs screen for and provide care for adult inmates with a substance use disorder – both while in jail and following the inmate's release from jail. Second, funds are allocated to managed service organizations (MSOs) so support community-based outpatient substance abuse treatment services. Third, funds are used to support the Short-term Intensive Residential Remediation Treatment (STIRRT) program, which serves adult offenders who have been unsuccessful in community treatment for drug and alcohol abuse and continue to commit offenses.
 - The *Department of Corrections* uses funds to support case management, substance use testing, and outpatient treatment for parole clients.
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³⁸ See Section 18-19-103 (5) (b), C.R.S.

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LINE ITEM DETAIL

Probation Programs

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

Staffing Summary Probation Programs	FY 13-14 Actual	FY 14-15 Approp.	FY 15-16 Request	FY 15-16 Recommend.
Chief Probation Officers/ Deputy Chief Probation Officers	27.6	28.0	28.0	28.0
Probation Supervisors (JUD R5)	115.5	115.6	135.6	133.9
Probation Officers	820.4	848.2	848.2	848.2
Administrative/ Support Staff (JUD R5)	<u>166.3</u>	<u>164.2</u>	<u>169.2</u>	<u>168.8</u>
Total	1,129.8	1,156.0	1,181.0	1,178.9

Request: The Department requests \$84,220,961, including \$73,309,049 General Fund and \$10,911,912 cash funds, and 1,181.0 FTE. The request is impacted by JUD R5 (Probation supervisors and staff) and JUD R16 (Fleet vehicles).

Recommendation: Staff recommends approving the request. However, staff's recommendation for JUD R5 (Probation supervisors and staff) reflects a slightly lower number of FY (22.9 rather than 25.0) to reflect the impact of the paydate shift in FY 2015-16. The calculation of the recommendation is detailed in the following table.

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Probation and Related Services, Probation Programs				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	<u>\$79,389,528</u>	<u>\$68,889,803</u>	<u>\$10,499,725</u>	<u>1,156.0</u>
TOTAL	\$79,389,528	\$68,889,803	\$10,499,725	1,156.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$79,389,528	\$68,889,803	\$10,499,725	1,156.0
Annualize prior year salary survey	1,908,056	1,593,745	314,311	0.0
Annualize prior year merit pay	755,497	657,621	97,876	0.0
JUD R5 Probation supervisors and staff	2,177,944	2,177,944	0	22.9
R16 (Fleet vehicles)	<u>(10,064)</u>	<u>(10,064)</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$84,220,961	\$73,309,049	\$10,911,912	1,178.9
Increase/(Decrease)	\$4,831,433	\$4,419,246	\$412,187	22.9
Percentage Change	6.1%	6.4%	3.9%	2.0%
FY 2015-16 Executive Request:	\$84,220,961	\$73,309,049	\$10,911,912	1,181.0
Request Above/(Below)				
Recommendation	\$0	\$0	\$0	2.1

➔ JUD R5 Probation supervisors and staff

- The Department requests a total of \$2,755,755, including \$2,725,005 General Fund and \$30,750 cash funds from the Judicial Department Information Technology Cash Fund, to add 25.0 FTE to align the ratio of probation officers to supervisors and support staff.
- Staff recommends approving the request (with some minor calculation modifications).

Request: The Department requests a total of \$2,755,755, including \$2,725,005 General Fund and \$30,750 cash funds from the Judicial Department Information Technology Cash Fund, to add 20.0 FTE probation supervisors and 5.0 FTE probation support staff. Staffing efforts over the last several years have focused on increasing the number of probation officers to lower caseloads and enhance the ability to implement seven new evidence-based programs and practices. As a result, the staffing level of probation officers (94 percent) now exceeds that of supervisors (69 percent) and support staff (73 percent). The request is intended to incrementally balance these staffing levels and ensure the quality and sustainability of the evidence-based initiatives already underway.

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The Department conducts a workload value study every five years to ensure that changes in practices are reflected in the calculation of probation staff need. The most recent study, conducted in 2013 by the National Center for State Courts, indicated a shift in workload values for probation officers, a higher ratio of officers to clerical support (from 4:1 to 5:1), and a lower span of control for supervisors (a decrease from 8:1 to 6:1). The request is based on these new staffing ratios. The Department requests a total of 25.0 FTE, including:

- 20.0 FTE supervisors to ensure that they have sufficient time to perform normal supervision activities and to coach officers and ensure fidelity with evidence-based practices and quality of services; and
- 5.0 support staff to provide coverage in rural probation office locations to ensure that officers are not required to take time away from supervising offenders to perform activities such as scheduling intakes and other appointments, providing initial reporting instructions, providing and retrieving paperwork, creating court documents, and providing customer service to the general public.

The Department indicates that the funding requested will ensure proper implementation, training, fidelity, and quality assurance of the ongoing implementation of evidence-based practices, and result in incremental positive effects on outcomes (*e.g.*, increased success rates, decreased technical violation rates, fewer placements in the Department of Corrections or the Department of Human Services' Division of Youth Corrections, and local jails), and increased cost savings. The Department provided data indicating that when probation officers are not properly trained to adhere to the evidence-based risk, need, and responsivity principles, the offenders' risk of recidivism can actually *increase* during the period of supervision.

Recommendation: Staff recommends approving the request. The number of adult offenders who are supervised by state staff has increased steadily since 2005. Overall, the number of juvenile and adult offenders who are supervised by state staff increased from 41,228 in June 2005 to 56,221 in June 2014 (36.4 percent). While staffing levels have increased over this period, the focus has been on reducing caseloads for Probation Officers. The Department indicates that its ultimate goal is to achieve staffing levels of 100 percent in all job classifications. To achieve this goal in FY 2015-16 would require 66.0 FTE Supervisors, 59.0 FTE Support Staff, and 64.0 FTE Probation Officers. The Department's FY 2015-16 request prioritizes supervisory staff to ensure that ongoing efforts to implement evidence-based practices are effective. The request also includes a relatively small number of support staff for rural locations.

Staff's recommendation is detailed in the following table. Staff's recommendation is consistent with the request, with two exceptions: (1) the recommended FTE level reflects the impact of the paydate shift in the first year; and (2) staff's calculation for short-term disability applies the appropriate rate (.0022) to annual base salaries.

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Staff Recommendation for R5 (Probation Supervisors and Staff)					
		Probation Supervisor	Support Services	FY 2015-16 Total	FY 2016-17 Total
PERSONAL SERVICES					
Number of PERSONS per class title		20.00	5.00	22.9	25.0
Monthly base salary		8,050	2,896		
Number of months charged in FY15-16		11	11	11	12
Salary		\$1,771,000	\$159,280	\$1,930,280	\$2,105,760
PERA	10.15%	\$179,757	\$16,167	\$195,924	\$213,735
Medicare	1.45%	\$25,680	\$2,310	\$27,990	\$30,534
	Subtotal	\$1,976,437	\$177,757	\$2,154,194	\$2,350,029
OPERATING					
Supplies	\$ 500	\$10,000	\$2,500	\$12,500	\$12,500
Telephone Base	\$ 450	\$9,000	\$2,250	\$11,250	\$11,250
	Subtotal	\$19,000	\$4,750	\$23,750	\$23,750
CAPITAL OUTLAY					
Computer/Software	\$ 1,230	\$24,600	\$6,150	\$30,750	\$0
Office Furniture	\$ 3,473	\$69,460	\$17,365	\$86,825	\$0
	Subtotal	\$94,060	\$23,515	\$117,575	\$0
Central Appropriations					
HLD	\$820/mo.	\$196,700	\$49,175	\$245,875	\$245,875
STD	0.22%	\$3,896	\$350	\$4,247	\$4,247
AED	4.40%	\$77,924	\$7,008	\$84,932	\$92,653
SAED	4.25%	\$75,268	\$6,769	\$82,037	\$89,495
	Subtotal	\$153,192	\$13,777	\$417,091	\$432,270
TOTAL				\$2,712,610	\$2,806,049

Offender Treatment and Services

This line item provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance abuse and co-occurring disorders for adult and juvenile offenders who are: on diversion; on parole; sentenced or transitioned to a community corrections program; or serving a sentence in a county jail.

The portion of funding that is spent by the Judicial Department for offenders on probation is generally allocated among judicial districts based on each district's relative share of FTE and probationers under supervision. Each probation department then develops a local budget to provide treatment and services, including the following:

- Substance abuse treatment and testing;
- Sex offender assessment, treatment, and polygraphs;
- Domestic violence treatment;
- Mental health services;
- Electronic home monitoring;
- Emergency housing;
- Transportation assistance;

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- Day reporting³⁹;
- Educational/vocational assistance;
- Global positioning satellite (GPS) tracking;
- Incentives;
- General medical assistance;
- Restorative justice; and
- Interpreter services.

The local allocation of funds depends on the availability of treatment and services and the particular needs of the local offender population. The Department annually reports on allocations and expenditures, by treatment and type of services [see Appendix C-24 in the FY 2015-16 JBC Staff Budget Briefing for the Judicial Branch, dated November 18, 2014]. The Department is also using some existing funding for state-level initiatives, including researching evidence-based practices and building capacity in rural/under-served parts of the state.

The General Assembly has also included appropriations for two specific purposes. First, the appropriation includes \$624,877 General Fund for the purpose of providing treatment and services for offenders participating in veterans trauma courts (and this intent was expressed through Long Bill footnote #51). Second, the appropriation includes \$300,000 General Fund for day reporting services; however, if these funds are not required for day reporting services they may be used for other types of offender treatment and services.

Cash fund sources that support this line item include the following:

- Offender Services Fund (\$9,097,255);
- Correctional Treatment Cash Fund (\$4,625,568 from drug offender surcharge fee revenues),
- Sex Offender Surcharge Fund (\$302,029); and
- various fees and cost recoveries (\$350,000).

Reappropriated funds include General Fund moneys that are appropriated to the Correctional Treatment Cash Fund (\$15,200,000), and moneys transferred from the Department of Human Services out of the Persistent Drunk Driver Cash Fund to pay a portion of the costs for intervention and treatment services for persistent drunk drivers who are unable to pay (\$888,341).

Request: The Department requests an appropriation of \$31,388,070, including \$924,877 General Fund, \$14,374,852 cash funds, and \$16,088,341 reappropriated funds. The request does not reflect any adjustments to the FY 2014-15 appropriation.

Recommendation: Staff recommends approving the request. The following table details the components of this appropriation.

³⁹ Day reporting centers provide intensive, individualized support and treatment services (e.g., employment assistance, substance abuse monitoring, and substance abuse treatment) for offenders who are at risk of violating terms of community placement.

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Calculation of Offender Treatment and Services Appropriation				
Description	GF	CF	RF	Total
Appropriation from General Fund credited to the Correctional Treatment Cash Fund (CTCF)			\$15,200,000	\$15,200,000
Appropriation from the Offender Services Fund		9,097,255		9,097,255
Appropriation from drug offender surcharge revenues credited to the Correctional Treatment Cash Fund (CTCF)		4,625,568		4,625,568
Appropriation from moneys transferred from the Department of Human Services' Persistent Drunk Driver Programs line item			888,341	888,341
Funding for treatment and services for offenders participating in veterans trauma courts	624,877			624,877
Appropriation from the Sex Offender Surcharge Fund		302,029		302,029
Funding for day reporting services	300,000			300,000
Appropriation from various fees and cost recoveries		350,000		350,000
Total	924,877	14,374,852	16,088,341	31,388,070

Staff also recommends continuing to appropriate \$25,000 reappropriated funds to the DOC to allow it to receive and spend \$25,000 from the Judicial Department's Offender Treatment and Services line item for the provision of day reporting services to parolees.

Finally, at the end of this packet, staff has recommended continuation of the Long Bill footnote that expresses the General Assembly's intent that \$624,877 of the appropriation be used to provide treatment and services for offenders in veterans treatment courts.

Appropriation to the Correctional Treatment Cash Fund

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

Request: The Department requests a continuation level of funding (\$15,200,000 General Fund).

Recommendation: Staff recommends approving the request, which is consistent with current law. Specifically, pursuant to Section 18-19-103 (3.5) (b) and (c) and (4), C.R.S., the General Assembly is required to appropriate at least \$15,200,000 General Fund annually to the CTCF.

S.B. 91-094 Juvenile Services

Pursuant to Section 19-2-310, C.R.S., the General Assembly annually appropriates General Fund moneys to the Department of Human Services' Division of Youth Corrections (DYC) for the provision of service alternatives to placing juveniles in the physical custody of the DYC. Generally, the types of services provided include individual and family therapy, substance abuse treatment, mental health treatment, education, vocational and life skills training, mentoring,

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electronic monitoring, community service programs, gang intervention, mediation services, and anger management classes.

The NYC annually contracts with the Judicial Department to provide some of these services, and this line item authorizes the Judicial Department to receive and spend these moneys. For example, for FY 2014-15, this line item authorizes the Department to receive and spend up to \$2,496,837 (17.1 percent) of the \$14,578,962 that was appropriated to NYC. The total amount of S.B. 91-094 funding that the Judicial Department receives depends on a number of factors including: the number of available treatment providers, the structural organization of the districts' programs, and the level and types of treatment services required per district each year. When the amount of funding need is determined, each district submits its request directly to DHS. Once all district requests have been received, the Judicial Department and NYC execute the annual contract.

Request: The Department requests a continuation level of funding (\$2,496,837 reappropriated funds and 25.0 FTE).

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

Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer

This line item, which was added in FY 2012-13 through H.B. 12-1310, provides funding for the Judicial Department to reimburse law enforcement agencies for the costs of returning a probationer to Colorado. The source of funding is the Interstate Compact Probation Transfer Cash Fund, a new fund that consists of revenue from a new \$100 filing fee paid by an estimated 2,500 offenders who apply for out-of-state probation supervision (it is assumed that approximately 25 percent of these offenders will be indigent and have their fee waived).

Request: The Department requests a continuation level of funding (\$187,500 cash funds).

Recommendation: Staff recommends approving the request.

Victims Grants

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

Request: The Department requests a continuation level of spending authority (\$650,000 reappropriated funds and 6.0 FTE).

Recommendation: Staff recommends approving the request.

Federal Funds and Other Grants

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

Request: The Department requests a continuation level of spending authority (\$5,600,000 and 33.0 FTE), including \$1,950,000 cash funds, \$850,000 reappropriated funds (funds transferred from other state agencies), and \$2,800,000 federal funds.

Recommendation: Staff recommends approving the request.

Indirect Cost Assessment

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

Request: The Department requests \$1,144,696 cash funds.

Recommendation: Staff recommends approving the request, which is consistent with Committee policy.

(5) Office of the State Public Defender

The federal⁴⁰ and state⁴¹ constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions. This constitutional right has been interpreted to mean that counsel will be provided at state expense for indigent persons in all cases in which actual incarceration is a likely penalty. The Office of the State Public Defender (OSPD) is established by Section 21-1-101, *et seq.*, C.R.S., as an independent agency within the Judicial Branch for the purpose of providing legal representation for indigent defendants who are facing incarceration. This provision requires the OSPD to provide legal representation to indigent defendants "commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function." The OSPD provides representation through employees located around the state.

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

With the exception of a small amount of cash funds from training registration fees and grants, the OSPD is supported by General Fund appropriations.

The following table summarizes the staff recommendations for the OSPD. Overall, staff's recommendation is \$21,592 General Fund higher than the request due to the application of Committee common policies for employee salaries and benefits.

⁴⁰ See Amendment VI of the U.S. Constitution (Rights of accused).

⁴¹ See Article II, Section 16 of the Colorado Constitution (Criminal prosecutions - rights of defendant).

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Office of the State Public Defender				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	\$82,604,070	\$82,454,070	\$150,000	759.7
Other legislation	1,210,800	1,210,800	0	19.4
SB 15-150 (Supplemental bill)	<u>(559,046)</u>	<u>(559,046)</u>	<u>0</u>	<u>(6.0)</u>
TOTAL	\$83,255,824	\$83,105,824	\$150,000	773.1
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$83,255,824	\$83,105,824	\$150,000	773.1
Employee benefits/ common changes	2,758,715	2,758,715	0	0.0
Annualize prior year legislation	312,113	312,113	0	7.8
Reverse supplemental	122,399	122,399	0	0.0
Annualize prior year budget actions	2,994	2,994	0	1.3
Annualize prior year salary survey	(44,905)	(44,905)	0	0.0
Annualize prior year merit pay	<u>(32,407)</u>	<u>(32,407)</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$86,374,733	\$86,224,733	\$150,000	782.2
Increase/(Decrease)	\$3,118,909	\$3,118,909	\$0	9.1
Percentage Change	3.9%	3.8%	0.0%	1.2%
FY 2015-16 Executive Request:	\$86,353,141	\$86,203,141	\$150,000	782.2
Request Above/(Below)				
Recommendation	(\$21,592)	(\$21,592)	\$0	0.0

INITIATIVES AFFECTING MULTIPLE LINE ITEMS IN THIS DIVISION

➔ OSPD BA1 H.B. 13-1210 Appropriation adjustment

- The Office of the State Public Defender (OSPD) requests a decrease of \$452,782 General Fund and 6.0 FTE to more accurately reflect the actual workload impact of H.B. 13-1210.
- Staff recommends approving reductions totaling \$436,647 General Fund and 6.0 FTE.

Request: The OSPD submitted a supplemental request to reduce FY 2014-15 appropriations by a total of \$559,046 General Fund and 6.0 FTE. This request was accompanied by a budget amendment reducing the FY 2015-16 request by \$452,782 General Fund and 6.0 FTE.

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Analysis: House Bill 13-1210 repealed a statute that required an indigent person charged with a misdemeanor, petty offense, or motor vehicle or traffic offense to meet with the prosecuting attorney for plea negotiations before legal counsel is appointed. The Legislative Council Staff fiscal note for H.B. 13-1210 anticipated that the act would result in workload increases for the OSPD, driving a need for \$7,603,315 General Fund and 89.1 FTE in FY 2014-15.

The OSPD has been closely monitoring the actual caseload impact of H.B. 13-1210. Based on caseload data to date, the OSPD estimates that the act will increase the OSPD workload by 17,600 cases, rather than 20,000 as estimated in the fiscal note. The OSPD thus requested reductions to its FY 2014-15 appropriations to better reflect the actual impact of H.B. 13-1210. The Committee approved reductions for FY 2014-15 totaling \$559,046 General Fund and 6.0 FTE. For FY 2015-16, the OSPD is requesting the continuation of \$452,782 of the General Fund reductions and 6.0 FTE. This amount includes \$16,135 for three employee benefit line items. [For more information see the January 13, 2015, staff write-up titled, "Supplemental Requests for FY 2014-15 – Judicial Branch", beginning on page 12.]

Recommendation: Staff's recommendation excludes the reductions for employee benefits because the requests for those line items already exclude benefits for the 6.0 FTE. Staff's recommendations thus reflect the continuation of the FY 2014-15 reductions to the following line items:

- Personal Services (\$372,351 and 6.0 FTE)
- Operating Expenses (\$10,702)
- Leased Space/Utilities (\$52,454)
- Attorney Registration (\$1,140)

Staff's recommendations for all centrally appropriated employee benefits line items also exclude funding for the 6.0 FTE, based on the methodology used to calculate these amounts for filled positions.

LINE ITEM DETAIL

Personal Services

This line item provides funding to support staff in the central administrative and appellate offices in Denver, as well as the 21 regional trial offices. The following table details the staffing composition of these offices.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Staffing Summary Office of the State Public Defender	FY 13-14 Actual	FY 14-15 Approp.	FY 15-16 Request	FY 15-16 Recommend.
State Public Defender, Chief Deputies, and Chief Administrative Officer	2.4	2.4	2.4	2.4
Statewide Complex Case Management	9.0	10.0	10.0	10.0
Finance/ Operations	5.6	7.0	7.0	7.0
Human Resources	2.0	3.0	3.0	3.0
Information Technology	8.0	9.0	9.0	9.0
Training	2.0	3.0	3.0	3.0
Administrative and Executive Assistants	<u>3.0</u>	<u>4.6</u>	<u>4.6</u>	<u>4.6</u>
Total - Central Office	32.0	39.0	39.0	39.0
Appellate Attorneys (annualize FY15 OSPD R1)	34.8	44.9	45.8	45.8
Office Head	1.0	1.0	1.0	1.0
Investigators/ Legal Assistants (annualize FY15 OSPD R1)	4.0	6.3	6.5	6.5
Administrative Support Staff (annualize FY15 OSPD R1)	5.0	7.3	7.5	7.5
Office Manager	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
Subtotal - Support Staff	10.0	14.6	15.0	15.0
<i>Ratio of Support Staff to Appellate Attorneys</i>	27.9%	31.8%	32.1%	32.1%
Total - Appellate Office	45.8	60.5	61.8	61.8
Trial Attorneys (annualize H.B. 14-1032; H.B. 13-1210 adjustment))	367.2	416.5	415.4	415.4
Office Heads	21.0	21.0	21.0	21.0
Investigators/ Legal Assistants (annualize H.B. 14-1032)	115.6	129.7	131.3	131.3
Social Workers	0.0	8.0	8.0	8.0
Administrative Support Staff (annualize H.B. 14-1032)	68.2	81.5	82.7	82.7
Office Managers	<u>21.0</u>	<u>21.0</u>	<u>21.0</u>	<u>21.0</u>
Subtotal - Support Staff	204.8	240.1	243.0	243.0
<i>Ratio of Support Staff to Trial Attorneys</i>	52.8%	54.9%	55.7%	55.7%
Total - Regional Trial Offices	593.0	677.6	679.4	679.4
Total	670.8	777.1	780.2	780.2

Request: The OSPD requests \$59,840,235 General Fund and 780.2 FTE. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment).

Recommendation: Staff recommends appropriating \$59,762,923 General Fund and 780.2 FTE, as detailed in the following table. Staff's recommendation is \$77,312 lower than the request

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

because staff has excluded \$77,312 in salary survey and merit pay increases that were awarded in FY 2014-15 that are not base-building.

Office of the State Public Defender, Personal Services			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$56,837,922	\$56,837,922	757.7
Other legislation	1,032,565	1,032,565	19.4
SB 15-150 (Supplemental bill)	<u>(372,351)</u>	<u>(372,351)</u>	<u>(6.0)</u>
TOTAL	\$57,498,136	\$57,498,136	771.1
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$57,498,136	\$57,498,136	771.1
Annualize prior year salary survey	1,258,201	1,258,201	0.0
Annualize prior year merit pay	495,793	495,793	0.0
Annualize prior year budget actions (OSPD R1 for FY 2014-15)	78,242	78,242	1.3
Annualize prior year legislation (H.B. 14-1032, H.B. 14-1050, H.B. 14-1266)	<u>432,551</u>	<u>432,551</u>	<u>7.8</u>
TOTAL	\$59,762,923	\$59,762,923	780.2
Increase/(Decrease)	\$2,342,099	\$2,342,099	9.1
Percentage Change	4.1%	4.1%	1.2%
FY 2015-16 Executive Request:	\$59,840,235	\$59,840,235	780.2
Request Above/(Below) Recommendation	\$77,312	\$77,312	0.0

Health, Life, and Dental

This is the second of five line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. This line item provides funds for OSPD staff.

Request: The OSPD requests \$6,207,643 General Fund.

Recommendation: Staff recommends an appropriation of \$6,232,846 General Fund, consistent with Committee policy with respect to employer contribution rates⁴².

⁴² Please note that staff has included funding for employee benefits for 43 positions that were authorized by H.B. 14-1023, H.B. 14-1032, and OSPD R1 for FY 2014-15. These positions were not filled at the time position-by-position detail was collected for purposes of calculating employee benefits. The cost of providing health, life, and dental insurance benefits for positions that were filled when the position-by-position detail was collected (an average of \$684 per month) is used to estimate the cost of providing benefits to these new employees.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Short-term Disability

This is the second of five line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. This line item provides funds for OSPD staff.

Request: The OSPD requests \$111,308 General Fund. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment).

Recommendation: Staff recommends an appropriation of \$114,758 General Fund, consistent with the Committee's common policy. This calculation is based on applying a rate of 0.22 percent to base salaries, including the recommended salary survey and merit pay increases.

S.B. 04-257 Amortization Equalization Disbursement (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). The second of five such line items, this one provides funds for OSPD staff.

Request: The OSPD requests \$2,272,255 General Fund. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment). The OSPD calculation applied a blended rate that does reflect the paydate shift.

Recommendation: Staff recommends an appropriation of \$2,295,153 General Fund, consistent with Committee's common policy. This calculation is based on applying the relevant rates [4.2 percent of base salaries for CY 2015 and 4.6 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.4 percent) does not include an adjustment for the pay date shift.

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. The second of five such line items, this one provides funds for OSPD staff.

Request: The OSPD requests \$2,189,132 General Fund. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment). The OSPD calculation applied a blended rate that does reflect the payday shift.

Recommendation: Staff recommends an appropriation of \$2,216,909 General Fund, consistent with Committee's common policy. This calculation is based on applying the relevant rates [4.0 percent of base salaries for CY 2015 and 4.5 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.25 percent) does not include an adjustment for the pay date shift.

Salary Survey

The OSPD uses this line item to pay for annual salary increases, similar to "salary survey" increases in the Executive Branch. The second of five such line items, this one provides funds for OSPD staff.

***JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision***

Request: The OSPD requests \$570,536 General Fund for salary increases of 1.0 percent for all staff, including attorneys. Please note that this is lower than the 3.3 percent increase requested by the Department of Law for attorneys. This calculation was based on applying a 1.0 percent increase to base salaries (with no adjustment for the paydate shift).

Recommendation: Staff recommends an appropriation of \$583,552 General Fund, which is consistent with Committee policy. This calculation is based on applying a 1.0 percent increase to base salaries, plus the associated PERA and Medicare contributions (with no adjustment for the paydate shift). The recommendation includes an additional \$13,016 to align the State Public Defender's salary with the recommended salary for an associate judge of the court of appeals (consistent with Long Bill footnote #49).

Merit Pay

The OSPD uses this line item to pay for longevity or performance-related pay increases. The second of five such line items, this one provides funds for OSPD staff.

Request: The OSPD requests a total of \$570,536 General Fund for merit pay increases of 1.0 percent. This calculation was based on applying a 1.0 percent increase to base salaries (with no adjustment for the paydate shift).

Recommendation: Staff recommends an appropriation of \$576,242 General Fund pursuant to Committee policy. This calculation is based on applying a 1.0 percent increase to the sum of base salaries plus Salary Survey adjustments, plus the associated PERA and Medicare contributions (with no adjustment for the paydate shift). The recommendation is higher than the request because the OSPD's calculation excluded the Salary Survey adjustments.

Vehicle Lease Payments

This line item provides funding for annual payments to the Department of Personnel and Administration for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles [see Section 24-30-1117, C.R.S.]. The current appropriation covers costs associated with a total of 26 vehicles; the OSPD reimburses employees for mileage when using their own vehicles to conduct official business. These vehicles are used: by regional office staff for daily business (*e.g.*, driving to a courthouse, visiting clients in jail, interviewing witnesses, etc.); by an investigator who does not have a physical office and whose responsibilities require him to drive statewide throughout the year; and by staff in the central administrative office for statewide support functions (*e.g.*, information technology, audit, facility review, inventory).

Request: The OSPD requests a total of \$113,711 General Fund, which represents an increase of \$956 relative to the FY 2014-15 appropriation.

Recommendation: Staff recommends appropriating \$114,565 General Fund, the amount previously approved by the Committee when the common policy for vehicle lease payments was established.

Capital Outlay

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

Request: The OSPD requests \$0 General Fund.

Recommendation: Staff recommends approving the request.

Operating Expenses

This line item provides funding for basic office operational expenses, including:

- Travel and motor pool expenses;
- Equipment lifecycle replacement, rental, and maintenance;
- Office and printing supplies, postage, cleaning supplies, and other general operating expenses;
- Telephone; and
- Employee training expenses.

Request: The OSPD requests a total of \$1,741,697, including \$1,711,697 General Fund and \$30,000 cash funds from training fees. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment).

Recommendation: Staff recommends approving the request. The following table details the calculation of the recommended amount.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Office of the State Public Defender, Operating Expenses				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	\$1,697,072	\$1,667,072	\$30,000	0.0
Other legislation	39,281	39,281	0	0.0
SB 15-150 (Supplemental bill)	<u>(10,702)</u>	<u>(10,702)</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$1,725,651	\$1,695,651	\$30,000	0.0
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$1,725,651	\$1,695,651	\$30,000	0.0
Annualize prior year legislation (H.B. 14-1023, H.B. 14-1032, H.B. 14-1050, and H.B. 14-1266)	<u>16,046</u>	<u>16,046</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$1,741,697	\$1,711,697	\$30,000	0.0
Increase/(Decrease)	\$16,046	\$16,046	\$0	0.0
Percentage Change	0.9%	0.9%	0.0%	0.0%
FY 2015-16 Executive Request:	\$1,741,697	\$1,711,697	\$30,000	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	0.0

Leased Space/ Utilities

This line item currently funds a full 12 months of lease payments for leased space in 22 locations statewide. The OSPD moved its central administrative and appellate offices from 1290 Broadway to the Ralph L. Carr Colorado Judicial Center in March 2013. This line item covers all OSPD leases except those associated with the Carr Center.

Typically, the OSPD negotiates leases for ten years. The OSPD estimates future space needs for each office. For offices that are anticipated to grow, the intent is generally to fill the space in approximately seven years, and then expand into common spaces in the final three years of the lease agreement. The OSPD utilizes the State's lease consultant (a vendor selected by the Department of Personnel and Administration) to conduct market surveys and analysis concerning available space and to negotiate lease contracts.

Request: The OSPD requests \$6,456,972 General Fund. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment).

Recommendation: Staff recommends approving the request, which provides for a continuation level of funding.

Automation Plan

This line item funds the maintenance and lifecycle replacement of the following types of equipment for all 23 OSPD offices:

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
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- 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.); and
- Presentation, analysis, and recording equipment (cameras, projectors, digital voice recorders, etc.).

In addition, this line item funds technology-related supplies and contractual expenses for online legal research resources.

Request: The OSPD requests a continuation level of funding (\$1,416,920 General Fund).

Recommendation: Staff recommends approving the request.

Attorney Registration

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

Request: The OSPD requests \$140,085 General Fund. The request is impacted by OSPD BA1 (H.B. 13-1210 Appropriation adjustment).

Recommendation: Staff recommends approving the request, which provides sufficient funding to pay the attorney registration fee for all attorney staff that would be funded by staff's recommendation for the Personal Services line item.

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.

Request: The OSPD requests a continuation level of funding (\$49,395 General Fund).

Recommendation: Staff recommends approving the request.

Mandated Costs

This is one of six line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OSPD, these costs primarily include reimbursing district attorney offices for duplicating discoverable materials and obtaining transcripts. The OSPD also incurs costs for expert witnesses, interpreter services (for activities outside the courtroom), and travel (both for witnesses and for public defender staff to conduct out-of-state investigations). The following table provides a history of OSPD mandated cost expenditures since FY 2006-07.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

OSPD Mandated Costs								
Description	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Transcripts	\$1,054,167	\$1,186,376	\$1,238,740	\$1,267,820	\$1,343,846	\$1,408,864	\$1,320,864	\$1,416,697
Discovery	761,495	886,112	969,306	1,125,966	1,514,957	1,623,452	1,751,829	1,932,652
Experts	569,094	817,186	504,530	516,403	474,661	485,145	785,941	1,054,820
Travel	75,818	150,005	109,567	58,254	74,700	65,471	119,749	214,709
Interpreters	71,545	85,301	109,563	106,661	93,239	117,828	126,459	128,349
Misc.	9,499	18,279	22,461	17,497	14,976	57,871	21,646	30,660
Total	2,541,618	3,143,259	2,954,167	3,092,601	3,516,379	3,758,631	4,126,488	4,777,888
<i>Annual % change</i>		23.7%	-6.0%	4.7%	13.7%	27.2%	33.4%	35.9%
Active cases	112,339	114,103	117,472	120,816	122,949	120,498	125,606	142,907
Average cost per case	\$23	\$28	\$25	\$26	\$29	\$31	\$33	\$33
<i>Annual % change</i>		21.8%	-8.7%	1.8%	11.7%	24.0%	28.3%	16.9%

As detailed in the above table, OSPD mandated costs have increased by more than \$2.2 million (88.0 percent) over the last seven years. A portion of this increase is due to caseload growth; the number of active cases increased by 27.2 percent over the same time period. The average cost per active case has increased from \$23 to \$33 (47.8 percent). This increase is primarily driven by a doubling in the average cost per case of discovery (from \$7 to \$14).

Request: The OSPD requests a continuation level of funding (\$4,552,716 General Fund).

Recommendation: Staff recommends approving the request.

Grants

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

Request: The OSPD's request for a continuation level of funding (\$120,000 cash funds and 2.0 FTE).

Recommendation: Staff recommends approving the request to allow the OSPD to continue to receive and spend grants made available from local organizations and problem-solving courts.

(6) Office of the Alternate Defense Counsel

The Office of the Alternate Defense Counsel (OADC) provides legal representation for indigent defendants in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) is precluded from doing so because of an ethical conflict of interest⁴³. Common types of conflicts include cases in which the OSPD represents co-defendants or represents both a witness and a defendant in the same case. Section 21-2-103, C.R.S., specifically states that case overload, lack of resources, and other similar circumstances shall not constitute a conflict of interest.

The OADC provides legal representation by contracting with licensed attorneys and investigators. Such contracts must provide for reasonable compensation (based on either a fixed fee or hourly rates) and reimbursement for expenses necessarily incurred (*e.g.*, expert witnesses, investigators, legal assistants, and interpreters). The OADC is to establish a list of qualified attorneys for use by the court in making appointments in conflict cases⁴⁴.

The OADC is governed by the nine-member Alternate Defense Counsel Commission, whose members are appointed by the Supreme Court. Commission members serve on a voluntary basis and receive no compensation for their time. The Commission appoints an individual to serve as the Alternate Defense Counsel, who manages the Office. The compensation for this individual is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment. The Alternate Defense Counsel employs and fixes the compensation for any employees necessary to carry out his or her duties, which include: selecting and assigning attorneys, executing contracts, examining attorney case assignments to evaluate nature of conflict of interest, reviewing attorney invoices for appropriateness, and approving payments.

With the exception of a small amount of cash funds from training registration fees and DVD sales, the OADC is supported by General Fund appropriations.

The following table summarizes the staff recommendations for the OADC. Overall, staff's recommendation is \$10,341 General Fund lower than the request primarily due to a lower recommendation for OADC R1 (Staff support).

⁴³ See Section 21-2-101 *et seq.*, C.R.S.

⁴⁴ Please note that the court also has judicial discretion to appoint a private attorney who is not on the approved OADC list. However, the OADC is not required to pay for such representation.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Office of the Alternate Defense Counsel				
	Total Funds	General Fund	Cash Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	\$29,645,966	\$29,605,966	\$40,000	8.5
Other legislation	<u>75,116</u>	<u>75,116</u>	<u>0</u>	<u>0.6</u>
TOTAL	\$29,721,082	\$29,681,082	\$40,000	9.1
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$29,721,082	\$29,681,082	\$40,000	9.1
OADC R1 Staff support	115,461	115,461	0	1.4
Employee benefits/ common changes	111,127	111,127	0	0.0
Annualize prior year legislation (H.B. 14-1032)	<u>41,079</u>	<u>41,079</u>	<u>0</u>	<u>0.4</u>
TOTAL	\$29,988,749	\$29,948,749	\$40,000	10.9
Increase/(Decrease)	\$267,667	\$267,667	\$0	1.8
Percentage Change	0.9%	0.9%	0.0%	19.8%
FY 2015-16 Executive Request:	\$29,999,090	\$29,959,090	\$40,000	11.0
Request Above/(Below) Recommendation	\$10,341	\$10,341	\$0	0.1

LINE ITEM DETAIL

Personal Services

This line item provides funding to support a central administrative office in Denver. The following table details the types of employees that are supported by this line item.

Staffing Summary	FY 13-14 Actual	FY 14-15 Approp.	FY 15-16 Request	FY 15-16 Recommend.
Office of the Alternate Defense Counsel				
Alternate Defense Counsel (Director of Office)	1.0	1.0	1.0	1.0
Deputy Director	1.0	1.0	1.0	1.0
Attorney Oversight/ Training	1.0	1.0	1.0	1.0
Legal Resource and Technology Coordinator	0.9	1.0	1.0	1.0
Juvenile Law Coordinator	0.0	0.6	1.0	1.0
Budget Manager/ Controller/ Accountant (OADC R1)	1.0	1.0	2.0	1.9
Appellate Post-conviction Coordinator	1.0	1.0	1.0	1.0
Billing/ Administrative Support (OADC R1)	<u>2.5</u>	<u>2.5</u>	<u>3.0</u>	<u>3.0</u>
Total	8.4	9.1	11.0	10.9

Request: The OADC requests \$1,122,470 General Fund and 11.0 FTE. The request is impacted by OADC R1 (Staff support).

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Recommendation: Staff recommends appropriating \$1,093,458 General Fund and 10.9 FTE, as detailed in the following table.

Office of the Alternate Defense Counsel, Personal Services			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$839,579	\$839,579	8.5
Other legislation	<u>65,548</u>	<u>65,548</u>	<u>0.6</u>
TOTAL	\$905,127	\$905,127	9.1
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$905,127	\$905,127	9.1
Annualize prior year salary survey	28,709	28,709	0.0
Annualize prior year merit pay	8,389	8,389	0.0
OADC R1 Staff support	107,536	107,536	1.4
Annualize prior year legislation (H.B. 14-1032)	<u>43,697</u>	<u>43,697</u>	<u>0.4</u>
TOTAL	\$1,093,458	\$1,093,458	10.9
Increase/(Decrease)	\$188,331	\$188,331	1.8
Percentage Change	20.8%	20.8%	19.8%
FY 2015-16 Executive Request:	\$1,122,470	\$1,122,470	11.0
Request Above/(Below) Recommendation	\$29,012	\$29,012	0.1

Staff's recommendation is consistent with Committee policy. Staff's recommendation is lower than the request primarily due to the recommendation on OADC R1, discussed below.

➔ OADC R1 Staff support

- The OADC requests \$169,325 General Fund and 1.5 FTE for the OADC to insure compliance with CORE and the SMART Act, and to rectify the staffing deficiencies that have resulted from the agency's growth and these two state mandates.
- Staff recommends approving the request, but only appropriating \$115,461 General Fund and reflecting 1.4 FTE for FY 2015-16.

Request: The OADC requests funding to add 1.0 FTE Accountant I and 0.5 FTE Administrative Assistant to address workload increases. The OADC describes four reasons for this request:

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

- The OADC indicates that since 1997 its staff that handle internal operations has increased from 4.0 FTE (a Director, Deputy Director, Budget Analyst, and Staff Assistant) to 4.5 FTE (with the addition of 0.5 Staff Assistant). However, from FY 1997-98 to FY 2013-14, the number of OADC cases has grown from 7,072 to 15,085, and the number of annual payments has grown from 9,357 to 52,900. The remaining OADC staff focus on efficiency and quality of contract service providers.
- The OADC stores billing data and contractor/vendor data on two databases that are not connected. As a result, a significant amount of staff time is required to enter data and cross reference information.
- The replacement of the Colorado Financial Reporting System (COFRS) with the new CORE system has increased the OADC's administrative workload. Specifically, the OADC indicates that the time required to enter manual payments, W9, budget documents, and vendor maintenance has doubled, if not tripled. The OADC notes that, "unlike larger agencies with separate Human Resources, Budget, Information Technology, and Accounting departments, OADC currently has one person to fill most of the requirements of those departments".
- The requirements of the SMART Act, including a performance plan, a performance management system, a performance report, an annual report, and required presentations to committees of reference have increased OADC's administrative workload.

The 1.0 FTE Accountant I would take on some of the duties currently handled by the Controller/Budget Manager, including multiple approvals, discovery payments, system reporting, expense reports, budget to actual, and cross-training for other administrative positions. The funding for 0.5 FTE Administrative Assistant would allow the OADC to have a full-time receptionist, register visitors with building security, assist with program positions, serve as secretary to the OADC Commission, and provide backup for the Vendor and Contractor Billing and Management Systems. The request also includes \$40,000 to allow the OADC to contract with an outside vendor to create a universal database that would integrate billing and contractor/vendor data, similar to the one used by the Office of the Child's Representative.

Staff Recommendation

Staff recommends approving the request to allow the OADC to adequately address increased workload that is largely driven by increases in the number of court appointments. However, staff recommends only appropriating \$115,461 General Fund for FY 2015-16 as detailed in the following table:

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Summary of Recommendation for OADC R1: Staff Support		
	FY 2015-16	FY 2016-17
Personal Services (salaries for 1.0 Accountant I at \$3,318/mo. and 0.5 FTE Administrative Assistant III at \$1,842/mo. for 11 months + PERA + Medicare)	\$67,536 (1.4 FTE)	\$71,667 (1.5 FTE)
Personal Services - Contractual services for Access database	<u>40,000</u>	<u>0</u>
Subtotal	107,536	71,667
Operating Expenses (per FTE costs of \$450 for telephone and \$500 for supplies for 1.5 FTE)	1,425	1,425
Capital Outlay (per FTE costs of \$3,473 for cubicle/workstation and \$1,230 for computer and software for 1.0 FTE)	4,703	0
Central Appropriations		
Health, Life, and Dental	0	4,421
Short-term Disability	45	136
AED	891	2,972
SAED	<u>861</u>	<u>2,941</u>
Subtotal	1,797	10,470
Total	\$115,461	\$83,562

Staff's recommendation:

- Utilizes the entry level salary for an Accountant I for FY 2014-15 (a monthly salary of \$3,318 compared to the proposed \$4,633), and provides funding for only 11 months in FY 2015-16 due to the paydate shift;
- Utilizes the projected monthly salary for the existing 0.5 FTE Administrative position (\$3,683 per month for a full-time position compared to the proposed \$4,751) and provides a full 12 months of funding for FY 2015-16 based on the assumption that the OADC will increase the existing half-time administrative position to a full-time position;
- Includes short-term disability and supplemental PERA payments associated with the 0.5 FTE;
- Excludes funding for health, life, and dental insurance benefits for the new Accountant position consistent with Committee policy, and excludes funding for such benefits for the 0.5 FTE because these benefits are already funded for the existing 0.5 FTE position; and
- Excludes capital outlay funding for the 0.5 FTE.

Health, Life, and Dental

This is the third of six line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. This line item provides funds for OADC staff.

Request: The OADC requests \$125,071 General Fund. The request is impacted by OADC R1 (Staff support).

Recommendation: Staff recommends appropriating \$134,599 General Fund, consistent with Committee policy with respect to employer contribution rates.

Short-term Disability

This is the third of six line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. This line item provides funds for OADC staff.

Request: The OADC requests \$1,873 General Fund. The request is impacted by OADC R1 (Staff support).

Recommendation: Staff recommends an appropriation of \$2,078 General Fund, consistent with the Committee's common policy. This calculation is based on applying a rate of 0.22 percent to base salaries, including the recommended salary survey and merit pay increases. This amount includes \$45 for OADC R1.

S.B. 04-257 Amortization Equalization Disbursement (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). The third of six such line items, this one provides funds for OADC staff.

Request: The OADC requests \$37,182 General Fund. The request is impacted by OADC R1 (Staff support).

Recommendation: Staff recommends an appropriation of \$41,541 General Fund, consistent with Committee's common policy. This calculation is based on applying the relevant rates [4.2 percent of base salaries for CY 2015 and 4.6 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.4 percent) does not include an adjustment for the pay date shift. This amount includes \$891 for OADC R1.

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. The third of six such line items, this one provides funds for OADC staff.

Request: The OADC requests \$35,834 General Fund. The request is impacted by OADC R1 (Staff support).

***JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision***

Recommendation: Staff recommends an appropriation of \$40,126 General Fund, consistent with Committee's common policy. This calculation is based on applying the relevant rates [4.0 percent of base salaries for CY 2015 and 4.5 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.25 percent) does not include an adjustment for the pay date shift. This amount includes \$861 for OADC R1.

Salary Survey

The OADC uses this line item to pay for annual salary increases. The third of six such line items, this one provides funds for OADC staff.

Request: The OADC requests \$54,693 General Fund. The request includes funding to increase base salaries for most positions by 1.0 percent, and to implement salary range adjustments for the following selected job classifications:

- Maintain the alignment of the Executive Director's salary with that of a district court judge, consistent with Long Bill footnote 49 (using the salary proposed by the Judicial Department for district court judges);
- Maintain alignment of the salary for the Deputy Director with that of a county court judge; and
- Align the salaries for the OADC Controller/Budget Manager, Office Manager, and Billing Administrator with that of other similar positions within the Branch.

Consistent with JBC policy, the request does not include any adjustment for the paydate shift.

Recommendation: Staff recommends an appropriation of \$61,947 General Fund. The recommendation includes funding for the requested base salary adjustments, a 1.0 percent increase to all other base salaries, plus the associated PERA and Medicare contributions (with no adjustment for the paydate shift). The proposed salary range adjustments are reasonable and should ensure that the OADC's salary ranges remain aligned with comparable positions within other judicial and executive agencies. The associated increases required for AED, SAED, and Short-term Disability are included in the recommendations for those respective line items.

Merit Pay

The OADC uses this line item to pay for longevity or performance-related pay increases. The third of six such line items, this one provides funds for OADC staff.

Request: The OADC requests a total of \$7,723 General Fund for merit pay increases averaging 1.0 percent.

Recommendation: Staff recommends an appropriation of \$6,761 General Fund pursuant to Committee policy. This calculation is based on applying a 1.0 percent increase to the sum of base salaries plus Salary Survey adjustments, plus the associated PERA and Medicare contributions (with no adjustment for the paydate shift).

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Operating Expenses

This line item provides funding for the operating expenses and information technology asset maintenance for the OADC, and for reimbursement of actual and necessary expenses incurred by Alternate Defense Counsel Commission members.

Request: The OADC requests \$79,862 General Fund. The request is impacted by OADC R1 (Staff support).

Recommendation: Staff recommends appropriating \$75,405 General Fund, as detailed in the following table.

Office of the Alternate Defense Counsel, Operating Expenses			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$67,030	\$67,030	0.0
Other legislation	<u>4,865</u>	<u>4,865</u>	<u>0.0</u>
TOTAL	\$71,895	\$71,895	0.0
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$71,895	\$71,895	0.0
Annualize prior year legislation (H.B. 14-1032)	2,085	2,085	0.0
OADC R1 Staff support	<u>1,425</u>	<u>1,425</u>	<u>0.0</u>
TOTAL	\$75,405	\$75,405	0.0
Increase/(Decrease)	\$3,510	\$3,510	0.0
Percentage Change	4.9%	4.9%	0.0%
FY 2015-16 Executive Request:	\$79,862	\$79,862	0.0
Request Above/(Below) Recommendation	\$4,457	\$4,457	0.0

Capital Outlay

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

Request: The OADC requests \$6,251 General Fund. The request is impacted by OADC R1 (Staff support).

Recommendation: Staff recommends appropriating \$4,703 General Fund, consistent with staff's recommendation for R1.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Training and Conferences

This line item is used to provide training opportunities for contract lawyers, investigators, and legal assistants. Training sessions are also open to attorneys from the Office of the Public Defender, as well as the private bar. The OADC conducts live training sessions, which are recorded and made available statewide via webcast and DVD reproductions for those who are unable to attend in person.

Request: The OADC requests a total of \$60,000, including \$20,000 General Fund and \$40,000 cash funds. The source of cash funds is registration fees and DVD sales.

Recommendation: Staff recommends approving the request to allow the OADC to meet the training needs for contractors.

Conflict of Interest Contracts

This line item provides funding for contract attorneys and investigators who are appointed to represent indigent defendants. Payments cover hourly rates and any associated PERA contributions for PERA retirees, as well as reimbursement for costs such as mileage, copying, postage, and travel expenses.

Request: The OADC requests \$26,615,760 General Fund, a continuation level of funding. The following two tables provide: (a) a recent history of the number of cases handled by OADC contract attorneys, by case type, along with estimates for FY 2014-15; and (b) a recent history of annual expenditures along with estimates for FY 2014-15.

OADC: Conflict of Interest Contracts: Caseload (Annual number of cases paid)								
Case Type	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15 (projection)
Trial Case Types:								
<i>Felony:</i>								
Felony 1 - Death Penalty	4	4	4	3	2	2	3	2
Felony 1 - Other	150	145	145	126	111	104	123	118
Felony 2 and 3	2,642	2,532	2,604	2,409	2,323	2,533	2,731	2,671
Felony 4, 5, and 6	<u>4,372</u>	<u>4,028</u>	<u>3,894</u>	<u>3,754</u>	<u>4,064</u>	<u>4,512</u>	<u>4,870</u>	<u>4,718</u>
Subtotal: Felony	7,168	6,709	6,647	6,292	6,500	7,151	7,727	7,509
<i>annual percent change</i>	-12.2%	-6.4%	-0.9%	-5.3%	3.3%	10.0%	8.1%	5.0%
Juvenile	1,528	1,803	1,808	1,542	1,496	1,235	1,437	1,507
Misdemeanor/ DUI/ Traffic	1,257	1,654	1,884	1,934	2,406	2,512	3,053	2,708
Other	2	2	2	1	1	0	0	0
Subtotal: Trial Cases	9,955	10,168	10,341	9,769	10,403	10,898	12,217	11,724
<i>annual percent change</i>	-10.0%	2.1%	1.7%	-5.5%	6.5%	4.8%	12.1%	-4.0%
Appeals	708	765	725	717	691	697	762	708
Post-Conviction	523	492	489	429	471	461	558	460
Special Proceedings/ Other	896	1,049	1,040	963	1,020	1,234	1,548	1,587
Total Cases	12,082	12,474	12,595	11,878	12,585	13,290	15,085	14,479
<i>annual percent change</i>	-7.7%	3.2%	1.0%	-5.7%	6.0%	5.6%	13.5%	-4.0%

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

OADC: Conflict of Interest Contracts: Expenditures								
Description	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15 (projection)
Total Cases Paid	12,082	12,474	12,595	11,878	12,585	13,290	15,085	14,479
<i>annual percent change</i>	-7.7%	3.2%	1.0%	-5.7%	6.0%	5.6%	13.5%	-4.0%
Average Cost/Case*	\$1,484	\$1,659	\$1,648	\$1,527	\$1,571	\$1,496	\$1,528	\$1,838
<i>annual percent change</i>	19.9%	11.8%	-0.6%	-7.4%	2.9%	-4.8%	2.2%	20.3%
Total	\$17,925,541	\$20,692,161	\$20,760,634	\$18,132,047	\$19,767,979	\$19,882,661	\$23,055,774	\$26,615,760
<i>annual percent change</i>	10.6%	15.4%	0.3%	-12.7%	9.0%	0.6%	16.0%	15.4%

* Please note that the average costs per case in FY 2007-08, FY 2008-09, and FY 2014-15 reflect approved increases in hourly rates.

Recommendation: Staff recommends approving the request, which assumes that total expenditures will remain flat through FY 2015-16.

Mandated Costs

This is one of six line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OADC, these costs primarily include the following:

- expert witnesses (\$757,738 or 39.1 percent of mandated costs in FY 2013-14)
- reimbursement of district attorney offices for discovery costs/ electronic replication grand jury proceedings (\$729,605 or 37.6 percent);
- transcripts (\$343,090 or 17.7 percent);
- expert witness travel reimbursement (\$68,969 or 3.6 percent);
- interpreters - out of court (\$25,886 or 1.3 percent);and
- PERA contributions for contractors with PERA benefits (\$12,994 or 0.7 percent).

Request: The OADC requests \$1,852,371 General Fund, a continuation level of funding.

Recommendation: Staff recommends approving the request. The following table provides a recent history of mandated costs in comparison to the number of cases paid, along with estimates for FY 2014-15.

OADC Mandated Costs						
Description	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15
Discovery	\$635,061	\$599,872	\$626,180	\$648,392	\$729,605	\$728,631
Experts	415,134	443,237	476,272	691,889	757,738	594,158
Transcripts	377,435	307,472	290,268	305,227	343,090	427,500
Travel	28,488	39,618	37,927	67,216	68,969	47,691
Interpreters	42,219	24,842	29,364	21,058	25,886	34,466
Misc.	15,245	14,833	9,934	30,820	12,994	19,925
Total	1,513,582	1,429,874	1,469,945	1,764,602	1,938,282	1,852,371
<i>annual percent change</i>	-4.8%	-5.5%	2.8%	20.0%	9.8%	-4.4%

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Leased Space

This line item previously funded lease payments for 1,993 square feet at 1580 Logan Street in Denver. When the OADC relocated in the Ralph L. Carr Colorado Judicial Center, the funding in this line item was transferred to the Courts Administration section of the Long Bill to consolidate all Judicial Branch appropriations for leased space at the Carr Center.

(7) Office of the Child's Representative

Pursuant to Section 13-91-104, C.R.S., the Office of the Child's Representative (OCR) is responsible for "ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings in Colorado". The OCR's responsibility to enhance the legal representation of children includes:

- enhancing the provision of services by attorneys who are appointed by the court to act in the best interests of the child involved in certain proceedings (known as *guardians ad-litem* or GALs);
- enhancing the provision of services by attorneys⁴⁵ appointed to serve as a *child's legal representative child* or as a *child and family investigator* in matters involving parental responsibility when the parties are found to be indigent; and
- enhancing the *court-appointed special advocate* (CASA) program in Colorado.

The OCR provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters⁴⁶. The OCR was established as an agency of the Judicial Department by the General Assembly, effective July 1, 2000. Previously, these services were provided by the Judicial Department and supported by appropriations for trial courts and mandated costs.

In most judicial districts, OCR provides legal representation through contract attorneys. The OCR is required to maintain and provide to the courts, on an ongoing basis, a list of qualified attorneys to whom appointments may be given. In the 4th Judicial District (El Paso county only), the OCR employs attorneys and other staff to provide services through a centralized office rather than through contracted services. This office was established in response to S.B. 99-215, which directed the Judicial Department to pilot alternative methods of providing GAL services.

In addition, since January 2011 the OCR has contracted with three multi-disciplinary law offices in Denver and Arapahoe counties. These offices were awarded contracts following a request for proposal process. Two of these offices provide GAL services in new dependency and neglect (D&N) cases in all three divisions of Denver's Juvenile Court, and the remaining office provides GAL services in new D&N cases and juvenile delinquency cases in Arapahoe County. The OCR keeps a limited number of independent contractors in Denver and Arapahoe counties (as they do

⁴⁵ If the court appoints a *mental health professional* (rather than an attorney) to be a child and family investigator, and the clients are indigent, the State Court Administrator's Office compensates the investigator for their services.

⁴⁶ Pursuant to Section 19-1-111, C.R.S., the court is required to appoint a GAL for a child in all dependency and neglect cases (including a child who is a victim of abuse or neglect, or who is affected by an adoption proceeding or paternity action), and the court may appoint a GAL for a child involved in: (a) a delinquency proceeding (if no parent appears at hearings, the court finds a conflict of interest exists between the child and the parent, or the court finds it in the best interests of the child); and (b) truancy proceedings. The court may appoint a GAL for a minor involved in certain probate or trust matters, mental health proceedings, or an involuntary commitment due to alcohol or drug abuse, or for a pregnant minor who elects not to allow parental notification concerning an abortion (see Chief Justice Directive 04-06). Finally, the court may appoint an attorney to serve as a child's legal representative or a child and family investigator in a parental responsibility case [Section 14-10-116 (1), C.R.S.].

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

in El Paso) to handle any conflict cases and cases as necessary when the primary attorneys reach their caseload maximums.

The OCR is governed by the Child's Representative Board, which is comprised of nine members appointed by the Colorado Supreme Court. Board members serve on a voluntary basis and receive no compensation for their time. The Board appoints the OCR Director, provides fiscal oversight, participates in funding decisions related to the provision of OCR services, and assists with OCR training for GALs and court-appointed special advocates (CASAs). The Board currently meets every other month. The Director's compensation is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment. The OCR is supported entirely by General Fund appropriations.

The following table summarizes the staff recommendations for the OCR. Overall, staff's recommendation is \$743 General Fund higher than the request due to the application of Committee common policies for employee salaries and benefits.

Office of the Child's Representative				
	Total Funds	General Fund	Reappropriated Funds	FTE
FY 2014-15 Appropriation				
HB 14-1336 (Long Bill)	\$22,981,514	\$22,981,514	\$0	27.4
SB 15-150 (Supplemental bill)	<u>1,508,778</u>	<u>1,508,778</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$24,490,292	\$24,490,292	\$0	27.4
FY 2015-16 Recommended Appropriation				
FY 2014-15 Appropriation	\$24,490,292	\$24,490,292	\$0	27.4
OCR R2 FTE increase	38,928	38,928	0	1.5
OCR R3 Mandated costs	17,200	17,200	0	0.0
Employee benefits/ common changes	129,374	129,374	0	0.0
Title IV-E training grant	9,390	0	9,390	0.0
Leased space	<u>1,519</u>	<u>1,519</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$24,686,703	\$24,677,313	\$9,390	28.9
Increase/(Decrease)	\$196,411	\$187,021	\$9,390	1.5
Percentage Change	0.8%	0.8%	0.0%	5.5%
FY 2015-16 Executive Request:	\$24,685,960	\$24,676,570	\$9,390	28.9
Request Above/(Below) Recommendation	(\$743)	(\$743)	\$0	0.0

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

LINE ITEM DETAIL

Personal Services

This line item provides funding to support a central administrative office in Denver, as well as the El Paso county office. The following table details the types of employees that are supported by this line item.

Staffing Summary	FY 13-14	FY 14-15	FY 15-16	FY 15-16
Office of the Child's Representative	Actual	Approp.	Request	Recommend.
Executive Director	1.0	1.0	1.0	1.0
Deputy Director	0.8	0.8	0.8	0.8
Staff Attorneys	1.6	1.6	1.6	1.6
Budget/ Billing/ Office Administration (OCR R2)	3.5	3.6	4.1	4.1
Training Coordinator/ Indigency Screener	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
Subtotal - Administrative Office	7.9	8.0	8.5	8.5
Attorneys	11.9	12.0	12.0	12.0
Social Workers/ Case Coordinators	4.3	5.0	5.0	5.0
Administrative Support Staff (OCR R2)	<u>2.4</u>	<u>2.4</u>	<u>3.4</u>	<u>3.4</u>
Subtotal - El Paso County Office	18.6	19.4	20.4	20.4
Total	26.5	27.4	28.9	28.9

Request: The OCR requests \$2,295,026 General Fund and 28.9 FTE. The request is impacted by OCR R2 (FTE increase).

Recommendation: Staff recommends approving the request. The calculation of the recommendation is detailed in the following table.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Office of the Child's Representative, Personal Services			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$1,971,589	\$1,971,589	27.4
TOTAL	\$1,971,589	\$1,971,589	27.4
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$1,971,589	\$1,971,589	27.4
Annualize prior year salary survey	266,519	266,519	0.0
Annualize prior year merit pay	19,415	19,415	0.0
OCR R2 FTE increase	<u>37,503</u>	<u>37,503</u>	<u>1.5</u>
TOTAL	\$2,295,026	\$2,295,026	28.9
Increase/(Decrease)	\$323,437	\$323,437	1.5
Percentage Change	16.4%	16.4%	5.5%
FY 2015-16 Executive Request:	\$2,295,026	\$2,295,026	28.9
Request Above/(Below) Recommendation	\$0	\$0	0.0

➔ OCR R2 FTE increase

- The OCR requests \$38,928 General Fund to add 1.0 FTE administrative position in the OCR's El Paso county guardian ad litem office and 0.5 FTE administrative position in the OCR's central office.
- Staff recommends approving the request.

Request: The OCR requests \$38,928 General Fund to add 1.0 FTE administrative position in the OCR's El Paso county guardian ad litem office and 0.5 FTE administrative position in the OCR's central office.

For the El Paso office, the OCR proposes redefining job duties, shifting general administrative duties currently performed by the legal secretary and administrative assistant positions (2.4 FTE) to a lower level administrative position. These positions would then be able to take on several tasks currently performed by attorneys and case coordinators, allowing the attorneys and case coordinators to spend more time on higher level tasks that require their particular expertise. This office has also experienced workload increases associated with dependency and neglect cases, so this request should allow the guardians *ad litem* more time to perform necessary investigation and advocacy on each active appointment.

For the OCR's central office, the OCR requests funding for 0.5 FTE to perform clerical duties that are currently being performed by the Attorney Reimbursement Manager and temporary staff.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

This will allow the Attorney Reimbursement Manager to address the additional tasks required due to the implementation of CORE.

The following table details the components of the request.

Summary of Request for OCR R2: FTE Increase		
	FY 2015-16	FY 2016-17
Personal Services (salaries for 1.5 FTE administrative support staff for 11 months + PERA + Medicare)	\$37,503	\$40,913
Operating Expenses (per FTE costs of \$450 for telephone, \$500 for supplies)	<u>1,425</u>	<u>1,425</u>
Total	\$38,928	\$42,338

Recommendation: Staff recommends approving the request. The request is intended to address workload increases by adding 1.5 FTE administrative staff and realigning job duties among existing staff to more effectively utilize individuals' skills and expertise. With respect to the El Paso office, approval of the request will allow attorneys to manage workload increases and avoid the need to assign cases to outside contractors. With respect to the central office, approval of the request will allow the OCR to continue to review and process contractor billings on a timely basis and manage the increased workload that has resulted from the implementation of the CORE system (*e.g.*, increased time required to enter vendor information, enter payment vouchers, and process state credit card purchases, and a new requirement to enter "event types" when booking transactions).

Health Life and Dental

This is the fourth of five line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. This line item provides funds for OCR staff.

Request: The OCR requests \$223,780 General Fund.

Recommendation: Staff recommends appropriating \$222,248 General Fund, consistent with Committee policy with respect to employer contribution rates.

Short-term Disability

This is the fourth of five line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. This line item provides funds for OCR staff.

Request: The OCR requests \$5,213 General Fund.

Recommendation: Staff recommends appropriating \$5,224 General Fund, consistent with the Committee's common policy. This calculation is based on applying a rate of 0.22 percent to base salaries, including the recommended salary survey and merit pay increases.

S.B. 04-257 Amortization Equalization Disbursement (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). The fourth of five such line items, this one provides funds for OCR staff.

Request: The OCR requests \$103,742 General Fund.

Recommendation: Staff recommends appropriating \$104,479 General Fund, consistent with Committee's common policy. This calculation is based on applying the relevant rates [4.2 percent of base salaries for CY 2015 and 4.6 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.4 percent) does not include an adjustment for the pay date shift.

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. The fourth of five such line items, this one provides funds for OCR staff.

Request: The OCR requests \$99,944 General Fund.

Recommendation: Staff recommends appropriating \$100,917 General Fund, consistent with Committee's common policy. This calculation is based on applying the relevant rates [4.0 percent of base salaries for CY 2015 and 4.5 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.25 percent) does not include an adjustment for the pay date shift.

Salary Survey

The OCR uses this line item to pay for annual salary increases, similar to "salary survey" increases in the Executive Branch. The fourth of five such line items, this one provides funds for OCR staff.

Request: The OCR requests \$93,977 General Fund. The request includes funding to increase base salaries for 11 non-attorney positions by 1.0 percent, and to implement salary range adjustments for the following selected job classifications:

- Maintain the alignment of the Executive Director's salary with that of a district court judge, consistent with Long Bill footnote 49 (using the salary proposed by the Judicial Department for district court judges);
- Increase salaries for 15 attorney positions by 3.3 percent, consistent with the request submitted by the Department of Law;

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- Align the salary for the Deputy Director with that of a county court judge, which is the same practice used by the OADC (and using the county court judge salary proposed by the Judicial Department); and
- Align the salary for the OCR Controller with that of other state agency controllers with similar experience and qualifications.

Consistent with JBC policy, the request does not include any adjustment for the payday shift.

Recommendation: Staff recommends approving the request. The OCR's request is consistent with the Committee's common policy and the General Assembly's longstanding practice of linking the salary of the OCR's Executive Director to that of a district court judge. The proposed salary range adjustments for the remaining positions are reasonable and should ensure that the OCR's salary ranges remain aligned with comparable positions within other judicial and executive agencies. The recommendation includes the associated PERA and Medicare contributions; the associated increases required for AED, SAED, and Short-term Disability are included in the recommendations for those respective line items.

Merit Pay

The Department uses this line item to pay for longevity or performance-related pay increases. The fourth of five such line items, this one provides funds for OCR staff.

Request: The OCR requests a total of \$22,457 General Fund for merit increases averaging 1.0 percent.

Recommendation: Staff recommends appropriating \$23,011 General Fund pursuant to Committee policy. This calculation is based on applying a 1.0 percent increase to the sum of base salaries plus Salary Survey adjustments, plus the associated PERA and Medicare contributions (with no adjustment for the payday shift). The recommendation is higher than the request because the OCR's calculation excluded the Salary Survey adjustments.

Operating Expenses

This line item provides funding for operating expenses and information technology asset maintenance in both the Denver and El Paso offices, and for reimbursement of actual and necessary expenses incurred by Child's Representative Board members.

Request: The OCR requests \$193,354 General Fund. The request includes an increase of \$1,425 General Fund for OCR R2 (FTE increase).

Recommendation: Staff recommends approving the request.

Leased Space

This line item currently funds a full 12 months of lease payments for 8,375 square feet in Colorado Springs.

Request: The OCR requests \$105,137 General Fund. The request reflects an increase of \$1,519 to reflect lease rates for the Colorado Springs location.

Recommendation: Staff recommends approving the request. The requested amount will cover scheduled lease payments for the Colorado Springs location (8,375 square feet at \$12.55 per square foot).

CASA Contracts

This line item provides funding for grants to Colorado CASA, the nonprofit organization of volunteer CASA volunteers. This funding is used to pay both personnel and operating costs. Prior to FY 2008-09, the General Assembly appropriated \$20,000 General Fund annually for this line item; this funding was distributed to Colorado CASA. The Joint Budget Committee has initiated increases in this line item appropriation: \$500,000 in FY 2008-09; and another \$500,000 in FY 2013-14. Since FY 2008-09, Colorado CASA has continued to retain a portion of the funding for general operating costs, but the remainder has been allocated to local CASA Programs.

Background Information. Court-appointed special advocates (CASA) are trained volunteers who may be appointed to enhance the quality of representation for children⁴⁷. Pursuant to Section 19-1-202, C.R.S., CASA programs may be established in each judicial district pursuant to a memorandum of understanding between the district's chief judge and a community-based CASA program. A CASA volunteer may: conduct an independent investigation regarding the best interests of the child; and determine if an appropriate treatment plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner. A CASA volunteer may also make recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services. The Judicial Department may contract with a nonprofit entity for the coordination and support of CASA activities in Colorado.

Pursuant to Section 13-91-105 (1) (b), C.R.S., the OCR is charged with enhancing the CASA program in Colorado by cooperating with and serving as a resource to the contract entity to:

- ensure the development of local programs statewide;
- seek to enhance existing funding sources and developing private-public partnership funding for the provision of high-quality, volunteer local CASA programs;
- study the availability of or developing new funding sources for CASA programs;
- allocate moneys appropriated for CASA programs to local CASA programs based upon recommendations made by the contract entity;
- work cooperatively with the contract entity to ensure the provision and availability of high-quality, accessible training for CASA volunteers and for judges and magistrates; and
- accept grants, gifts, donations, and other governmental contributions to be used to fund the work of the OCR relating to CASA programs⁴⁸.

⁴⁷ Pursuant to Section 19-1-206 (1), C.R.S., any judge or magistrate may appoint a CASA volunteer in any domestic or probate matter when a child who may be affected by the matter may require services that a CASA volunteer can provide.

⁴⁸ Such funds are to be credited to the Court-appointed Special Advocate (CASA) Fund. This fund is subject to annual appropriation to the OCR for purposes of funding local CASA programs and the work of the OCR relating to the enhancement of CASA programs.

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Request: The OCR requests a continuation level of funding (\$1,020,000 General Fund).

Recommendation: Staff recommends approving the request. The following two tables provide additional data concerning: (1) the allocation of state funding by CASA; and (2) the number of D&N cases and the number of children served by CASA, as well as the number of CASA volunteers and volunteer hours. As indicated in the second table below, this appropriation helps to support nearly 1,700 volunteers who provide services to children in nearly one-third of dependency and neglect cases.

OCR: Distribution of General Fund Appropriation for CASA Programs								
	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15
Colorado CASA - General Operating	\$20,000	\$120,000	\$100,000	\$100,000	\$91,200	\$70,000	\$105,000	\$130,001
Public Relations Activities		25,000						
Outcomes Development for Programs							25,000	0
Allocations to Local CASA Programs (currently 16)		375,000	420,000	420,000	383,800	450,000	890,000	889,999
Total Appropriation	\$20,000	\$520,000	\$520,000	\$520,000	\$475,000	\$520,000	\$1,020,000	\$1,020,000

OCR: Statewide Data Related to Local CASA Programs								
	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	
	2008	2009	2010	2011	2012	2013	2014	
Dependency & Neglect Cases Filed	3,883	3,851	3,568	3,276	3,265	3,223	2,971	
New Cases Served by CASA	627	896	883	834	908	1,020	921	
<i>New Cases Served/ Cases Filed</i>	<i>16.1%</i>	<i>23.3%</i>	<i>24.7%</i>	<i>25.5%</i>	<i>27.8%</i>	<i>31.6%</i>	<i>31.0%</i>	
Total Number of Children Served	2,935	3,273	3,608	3,791	3,770	3,748	3,858	
Total Volunteers	1,174	1,411	1,637	1,608	1,603	1,670	1,694	
Volunteer Hours	77,481	158,820	140,618	120,640	137,834	125,067	132,351	
Source: Case filing data provided by State Court Administrator's Office. Remaining data provided by Colorado CASA.								

Training

Pursuant to Section 13-91-105 (1), C.R.S., the OCR is charged with "ensuring the provision and availability of high-quality, accessible training" for GALs, judges and magistrates who regularly hear matters involving children and families, CASA volunteers, and attorneys who are appointed to serve as a child's legal representative or a child and family investigator. The OCR is also charged with making recommendations to the Chief Justice concerning minimum practice standards for GALs and overseeing the practice of GALs to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures. In addition to the individuals noted above, the OCR invites respondent parent counsel, county attorneys and social workers, foster parents, and law enforcement to their training programs.

Request: The OCR requests a continuation level of funding (\$38,000 General Fund).

Recommendation: Staff recommends approving the request.

Court-appointed Counsel

This line item pays for contract attorneys appointed by the court to serve as GALs, child legal representatives, and child and family investigators in abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. Pursuant

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to Section 13-91-105 (1) (a) (VI), C.R.S., the OCR is charged with enhancing the provision of GAL services by "establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload limitations place on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem".

Request: The OCR requests \$20,421,453 General Fund. The request includes an increase of \$1,508,778 (8.0 percent) above the initial FY 2014-15 appropriation [OCR R1 (Caseload/workload increase)]. However, the OCR submitted a supplemental request to make this same adjustment in FY 2014-15. The Committee approved the supplemental request, and the increase is reflected in S.B. 15-150. Thus, the OCR's request for this line item for FY 2015-16 matches the FY 2014-15 appropriation as adjusted by S.B. 15-150. [For a detailed description of the supplemental request, see document entitled "Supplemental Requests for FY 2014-15: Judicial Branch", dated January 13, 2015, pages 15 through 18.]

The following three tables provide historical detail concerning the number of appointments paid and the cost of appointments, by type of case, as well estimates for FY 2014-15 and FY 2015-16.

OCR Court-appointed Counsel TABLE 1: Annual Number of Appointments Paid							
Case Type	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15 (updated projection)	FY 15-16 (request)
Dependency & Neglect	9,038	8,594	7,817	7,890	7,750	7,760	7,760
<i>annual percent change</i>	<i>1.5%</i>	<i>-4.9%</i>	<i>-9.0%</i>	<i>0.9%</i>	<i>-1.8%</i>	<i>0.1%</i>	<i>0.0%</i>
Juvenile Delinquency	4,299	3,903	3,846	4,118	4,783	4,800	4,800
<i>annual percent change</i>	<i>-2.8%</i>	<i>-9.2%</i>	<i>-1.5%</i>	<i>7.1%</i>	<i>16.1%</i>	<i>0.4%</i>	<i>0.0%</i>
Domestic Relations	690	450	494	631	575	600	600
<i>annual percent change</i>	<i>-9.2%</i>	<i>-34.8%</i>	<i>9.8%</i>	<i>27.7%</i>	<i>-8.9%</i>	<i>4.3%</i>	<i>0.0%</i>
Truancy	406	416	426	697	856	900	900
<i>annual percent change</i>	<i>-14.5%</i>	<i>2.5%</i>	<i>2.4%</i>	<i>63.6%</i>	<i>22.8%</i>	<i>5.1%</i>	<i>0.0%</i>
Paternity	198	146	159	187	213	225	225
<i>annual percent change</i>	<i>43.5%</i>	<i>-26.3%</i>	<i>8.9%</i>	<i>17.6%</i>	<i>13.9%</i>	<i>5.6%</i>	<i>0.0%</i>
Probate	64	79	61	62	55	60	60
<i>annual percent change</i>	<i>-9.9%</i>	<i>23.4%</i>	<i>-22.8%</i>	<i>1.6%</i>	<i>-11.3%</i>	<i>9.1%</i>	<i>0.0%</i>
All Other Case Types	99	68	184	193	239	230	230
Total	14,794	13,656	12,987	13,778	14,471	14,575	14,575
<i>annual percent change</i>	<i>-0.3%</i>	<i>-7.7%</i>	<i>-4.9%</i>	<i>6.1%</i>	<i>5.0%</i>	<i>0.7%</i>	<i>0.0%</i>

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OCR Court-appointed Counsel TABLE 2: Annual Costs Per Case Type							FY 14-15 (updated projection)	FY 14-15 (request)
Case Type	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14			
Dependency & Neglect	\$1,418	\$1,565	\$1,536	\$1,627	\$1,811	\$2,093	\$2,093	
<i>annual percent change</i>	9.1%	10.4%	-1.9%	5.9%	11.3%	15.5%	0.0%	
Juvenile Delinquency	\$512	\$474	\$502	\$533	\$535	\$615	\$615	
<i>annual percent change</i>	-18.5%	-7.3%	5.8%	6.0%	0.4%	15.0%	0.0%	
Domestic Relations	\$583	\$784	\$826	\$759	\$670	\$773	\$773	
<i>annual percent change</i>	-44.8%	34.5%	5.4%	-8.1%	-11.7%	15.2%	0.0%	
Truancy	\$437	\$372	\$313	\$316	\$342	\$398	\$398	
<i>annual percent change</i>	-6.5%	-14.8%	-16.0%	1.0%	8.3%	16.1%	0.0%	
Paternity	\$658	\$741	\$918	\$674	\$653	\$753	\$753	
<i>annual percent change</i>	-9.1%	12.5%	24.0%	-26.6%	-3.1%	15.4%	0.0%	
Probate	\$637	\$628	\$486	\$496	\$714	\$824	\$824	
<i>annual percent change</i>	-43.0%	-1.4%	-22.6%	2.0%	44.1%	15.4%	0.0%	
All Other Case Types	\$869	\$828	\$713	\$679	\$722	\$833	\$833	
All cases	\$1,072	\$1,173	\$1,138	\$1,162	\$1,218	\$1,401	\$1,401	
<i>annual percent change</i>	1.9%	9.5%	-3.0%	2.1%	4.8%	15.0%	0.0%	

* Please note that the average costs per case in FY 2006-07, FY 2007-08, FY 2008-09, and FY 2014-15 reflect approved increases in hourly rates.

OCR Court-appointed Counsel TABLE 3: Expenditures by Case Type							FY 14-15 (updated projection)	FY 15-16 (request)
Case Type	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14			
Dependency & Neglect	\$12,815,428	\$13,448,501	\$12,003,497	\$12,836,142	\$14,038,393	\$16,237,800	\$16,237,800	
<i>annual percent change</i>	10.7%	4.9%	-10.7%	6.9%	9.4%	15.7%	0.0%	
Juvenile Delinquency	\$2,201,105	\$1,851,671	\$1,931,335	\$2,192,888	\$2,557,264	\$2,952,000	\$2,952,000	
<i>annual percent change</i>	-20.8%	-15.9%	4.3%	13.5%	16.6%	15.4%	0.0%	
Domestic Relations	\$402,210	\$352,768	\$408,037	\$478,766	\$385,422	\$463,500	\$463,500	
<i>annual percent change</i>	-49.8%	-12.3%	15.7%	17.3%	-19.5%	20.3%	0.0%	
Truancy	\$177,414	\$154,930	\$133,341	\$220,342	\$293,163	\$357,750	\$357,750	
<i>annual percent change</i>	-20.1%	-12.7%	-13.9%	65.2%	33.0%	22.0%	0.0%	
Paternity	\$130,359	\$108,132	\$145,989	\$125,998	\$139,028	\$169,454	\$169,454	
<i>annual percent change</i>	30.4%	-17.1%	35.0%	-13.7%	10.3%	21.9%	0.0%	
Probate	\$40,748	\$49,601	\$29,653	\$30,730	\$39,272	\$49,433	\$49,433	
<i>annual percent change</i>	-48.6%	21.7%	-40.2%	3.6%	27.8%	25.9%	0.0%	
All Other Case Types	\$86,052	\$56,297	\$131,214	\$131,090	\$172,475	\$191,516	\$191,516	
All cases	\$15,853,316	\$16,021,900	\$14,783,066	\$16,015,956	\$17,625,017	\$20,421,453	\$20,421,453	
<i>annual percent change</i>	1.6%	1.1%	-7.7%	8.3%	10.0%	15.9%	0.0%	

Recommendation: Staff recommends approving the request.

Mandated Costs

This is one of six line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OCR, these costs include the following:

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- expert witnesses (\$25,690 or 47.1 percent of mandated costs in FY 2013-14)
- discovery/ reproduction services (\$24,354 or 44.7 percent)
- transcripts (\$1,485 or 2.7 percent)
- interpreters - out of court (\$2,056 or 3.8 percent)
- process servers (\$901 or 1.7 percent)

Request: The OCR requests \$54,487 General Fund. The request is impacted by OCR R3 (Mandated costs), discussed below.

Recommendation: Staff recommends approving the request.

➔ OCR R3 Mandated costs

- The Department requests \$17,200 General Fund to cover mandated costs.
- Staff recommends approving the request.

Request: The Department requests an increase of \$17,200 General Fund to cover the costs of expert witnesses, discovery/ reproduction services, transcripts, interpreter services outside the courtroom, and process servers.

Recommendation: Staff recommends approving the request. As detailed in the following table, the OCR has needed to use its year-end transfer authority to cover mandated costs in each of the last seven fiscal years. Approval of the request would ensure that the appropriation is sufficient to cover mandated costs in most fiscal years.

Transfers Made by Office of the Child's Representative Pursuant to Long Bill Footnote							
Long Bill Line Item	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
Personal Services	(\$45,748)	(\$71,276)	(\$28,561)	(\$69,920)	\$12,220	(\$20,814)	(\$56,684)
Operating Expenses	42,493	49,073	21,070	50,000	20,310	30,793	52,306
Capital Outlay	0	(175)	(481)	0	0	0	0
Leased Space	1,037	24,878	1,440	2,244	0	(15,120)	0
Training	(246)	(5,481)	(1,000)	14,613	9,765	3,026	0
Court Appointed Counsel	(27,389)	(5,228)	443,428		(56,645)	(5,935)	726,892
Mandated Costs	29,853	8,209	13,489	3,063	14,350	17,379	17,486
<i>Transfer to/(from) Other</i>							
<i>Judicial Agencies</i>	<u>0</u>	<u>0</u>	<u>(449,385)</u>	<u>0</u>	<u>0</u>	<u>(9,329)</u>	<u>(740,000)</u>
Net Transfers	0	0	0	0	0	0	0

Title IV-E Training Grant [NEW LINE ITEM]

Request: The OCR requests that a new line item be included in the FY 2015-16 Long Bill to reflect anticipated expenditures from a federal Title IV-E training grant. While these moneys originate as federal funds, they are transferred to the OCR from the Department of Human Services. Thus, this line item should be categorized as reappropriated funds.

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Recommendation: Staff recommends including the requested line item (\$9,390 reappropriated funds). Staff further recommends including an "I" notation on the appropriation to indicate that it is included for informational purposes only and is not intended to limit the OCR's expenditures of these federal funds.

(8) Office of the Respondent Parents' Counsel

At the beginning of this packet, staff has included recommendations related to the Department's request JUD R14 (Office of the Respondent Parents' Counsel). Staff recommends including all of the appropriations for the establishment and operation of the ORPC in a new Long Bill section titled "Office of the Respondent Parents' Counsel. Staff has listed below the line items that will be included in this section, and the recommended appropriations for each.

Personal Services

\$842,361 General Fund and 6.9 FTE

Health Life and Dental

\$30,579 General Fund

Short-term Disability

\$1,430 General Fund

S.B. 04-257 Amortization Equalization Disbursement (AED)

\$28,598 General Fund

S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)

\$27,623 General Fund

Operating Expenses

\$38,546 General Fund

Capital Outlay

\$435,140 General Fund

Legal Services

An amount sufficient to purchase 500.0 hours of services from the Department of Law

Case Management System

\$253,125 General Fund

Training

Total of \$45,000, including \$22,500 General Fund and \$22,500 cash funds from training fees

Court-appointed Counsel

\$4,986,663 General Fund

(9) Independent Ethics Commission

The Independent Ethics Commission (IEC) is a five-member body established through a constitutional amendment that was approved by voters in 2006⁴⁹. The purpose of the IEC is to give advice and guidance on ethics-related matters arising under the Colorado Constitution and any other standards of conduct or reporting requirements provided by law concerning public officers, members of the General Assembly, local government officials, or government employees. The IEC hears complaints, issues findings, assesses penalties and sanctions where appropriate, and issues advisory opinions. The members of the IEC are appointed by the Governor, the Chief Justice of the Supreme Court, the Senate, the House of Representatives, and the IEC itself. IEC members serve without compensation but are reimbursed for actual and necessary expenses incurred.

The IEC is an independent agency within the Judicial Branch, and it is currently supported by one employee. The Office of the State Court Administrator provides free administrative support to the IEC, including payroll, leave keeping, budget preparation, accounting services, and computer support. The IEC is supported entirely by General Fund appropriations.

The following table summarizes the staff recommendations for the IEC. Overall, staff's recommendation is \$6,270 General Fund lower than the request. Differences between the recommendation and the request include the following:

- The recommendation is \$859 higher than the request due to the application of Committee common policies for employee benefits; and
- Staff is recommending a slightly lower number of legal services hours (a difference of 72 hours and an estimated \$7,129).

⁴⁹ See Article XXIX of the Colorado Constitution and Section 24-18.5-101, C.R.S.

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Independent Ethics Commission			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$352,093	\$352,093	2.0
SB 15-150 (Supplemental bill)	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$352,093	\$352,093	2.0
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$352,093	\$352,093	2.0
Reverse supplemental adjustment for personal services	75,086	75,086	0.0
IEC R1 Legal services and operating	9,221	9,221	0.0
Employee benefits/ common changes	<u>7,446</u>	<u>7,446</u>	<u>0.0</u>
TOTAL	\$443,846	\$443,846	2.0
Increase/(Decrease)	\$91,753	\$91,753	0.0
Percentage Change	26.1%	26.1%	0.0%
FY 2015-16 Executive Request	\$450,116	\$450,116	2.0
Request Above/(Below)			
Recommendation	\$6,270	\$6,270	0.0

LINE ITEM DETAIL

Personal Services

This line item provides funding for the 2.0 FTE that support the IEC.

Request: The IEC requests \$199,457 General Fund and 2.0 FTE.

Recommendation: Staff recommends approving the request, which is consistent with Committee policy and is detailed in the following table.

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Independent Ethics Commission, Personal Services			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$193,063	\$193,063	2.0
SB 15-150 (Supplemental bill)	<u>(75,086)</u>	<u>(75,086)</u>	<u>0.0</u>
TOTAL	\$117,977	\$117,977	2.0
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$117,977	\$117,977	2.0
Reverse supplemental adjustment	75,086	75,086	0.0
Annualize prior year salary survey	4,567	4,567	0.0
Annualize prior year merit pay	<u>1,827</u>	<u>1,827</u>	<u>0.0</u>
TOTAL	\$199,457	\$199,457	2.0
Increase/(Decrease)	\$81,480	\$81,480	0.0
Percentage Change	69.1%	69.1%	0.0%
FY 2015-16 Executive Request:	\$199,457	\$199,457	2.0
Request Above/(Below) Recommendation	\$0	\$0	0.0

Health Life and Dental

This is the sixth of six line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. This line item provides funds for IEC staff.

Request: The IEC requests \$16,328 General Fund.

Recommendation: Staff recommends appropriating \$17,187 General Fund, consistent with Committee policy with respect to employer contribution rates. Please note that this recommendation and those that follow provide funding for benefits for 2.0 FTE, even though one of those positions is currently vacant.

Short-term Disability

This is the sixth of six line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. This line item provides funds for IEC staff.

Request: The IEC requests \$379 General Fund, based on applying a rate of 0.22 percent to base salaries (including the requested salary survey and merit pay increases).

Recommendation: Staff recommends approving the request, which is consistent with the Committee's common policy.

S.B. 04-257 Amortization Equalization Disbursement (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). The sixth of six such line items, this one provides funds for IEC staff.

Request: The IEC requests \$7,586 General Fund, based on applying the relevant rates [4.2 percent of base salaries for CY 2015 and 4.6 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.4 percent) does not include an adjustment for the pay date shift.

Recommendation: Staff recommends approving the request, which is consistent with Committee's common policy.

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. The sixth of six such line items, this one provides funds for IEC staff.

Request: The IEC requests \$7,327 General Fund, based on applying the relevant rates [4.0 percent of base salaries for CY 2015 and 4.5 percent of base salaries for CY 2016] to base salaries, including the recommended salary survey and merit pay increases. The blended rate (4.25 percent) does not include an adjustment for the pay date shift.

Recommendation: Staff recommends approving the request, which is consistent with Committee's common policy.

Salary Survey

The IEC uses this line item to pay for annual salary increases. The sixth of six such line items, this one provides funds for IEC staff.

Request: The IEC requests a total of \$1,946 General Fund for salary increases of 1.0 percent. This calculation is based on applying a 1.0 percent increase to base salaries (for both FTE positions), plus the associated PERA and Medicare contributions (with no adjustment for the paydate shift).

Recommendation: Staff recommends approving the request, which is consistent with the Committee's common policy.

Merit Pay

The IEC uses this line item to pay for longevity or performance-related pay increases. The sixth of six such line items, this one provides funds for IEC staff.

Request: The IEC requests a total of \$1,969 General Fund for merit increases averaging 1.0 percent. This calculation is based on applying a 1.0 percent increase to the sum of base salaries plus the requested salary survey increase, plus the associated PERA and Medicare contributions (with no adjustment for the paydate shift).

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Does Not Represent Committee Decision**

Recommendation: Staff recommends approving the request, which is consistent with the Committee's common policy.

Operating Expenses

This line item provides funding for the operating expenses of the IEC staff and reimbursement of actual and necessary expenses incurred by IEC members.

Request: The IEC requests a total of \$29,777 General Fund for operating expenses. This request is impacted by IEC R1 (Legal services and operating).

Recommendation: Staff recommends approving the request, and is detailed in the following table. The recommendation maintains the funding that was recently approved for FY 2014-15, ensuring that the IEC budget is sufficient to cover travel and lodging expenses for those Commissioners who travel a significant distance to attend meetings.

Independent Ethics Commission, Operating Expenses			
	Total Funds	General Fund	FTE
FY 2014-15 Appropriation			
HB 14-1336 (Long Bill)	\$16,757	\$16,757	0.0
SB 15-150 (Supplemental bill)	<u>5,086</u>	<u>5,086</u>	<u>0.0</u>
TOTAL	\$21,843	\$21,843	0.0
FY 2015-16 Recommended Appropriation			
FY 2014-15 Appropriation	\$21,843	\$21,843	0.0
IEC R1 Legal services and operating	<u>7,934</u>	<u>7,934</u>	<u>0.0</u>
TOTAL	\$29,777	\$29,777	0.0
Increase/(Decrease)	\$7,934	\$7,934	0.0
Percentage Change	36.3%	36.3%	0.0%
FY 2015-16 Executive Request:	\$29,777	\$29,777	0.0
Request Above/(Below)			
Recommendation	\$0	\$0	0.0

➔ IEC R1 Legal services and operating

- Compared to the adjusted FY 2014-15 appropriation, the IEC requests \$16,350 General Fund for the purchase of additional legal services from the Department of Law and for operating and travel expenses.
- Staff recommends approving the request, with one modification.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
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Request: Compared to the adjusted FY 2014-15 appropriation, the IEC requests a total of \$16,350 General Fund for FY 2015-16. This request includes two components:

- \$8,416 to allow the IEC to purchase an additional 85 hours of legal services; and
- \$7,934 to cover one-time costs associated with the replacement of recording equipment and the purchase of laptops and software for the five Commissioners.

Recommendation: Staff recommends approving the request, but with a slightly smaller increase for legal services. The Committee recently approved a mid-year adjustment to the FY 2014-15 budget to allow the IEC to purchase 1,787 hours of legal services. The request for FY 2015-16 represents an additional increase of 85 hours. As indicated in the table below, for the last four fiscal years the IEC's appropriation has been sufficient to purchase 900 hours of services (the equivalent of 0.5 FTE at the Department of Law). The number of hours of services required has increased steadily, and the IEC's appropriation fell short in the last two fiscal years. The increased need is related to increases in the number of cases investigated, the number of cases resulting in litigation, and the duration of cases investigated.

For FY 2015-16, staff recommends appropriating an amount sufficient to purchase 1,800 hours of services (the equivalent of 1.0 FTE at the Department of Law). At the IEC's December 1, 2014, budget hearing, the Director indicated that she hopes to handle most of the legal issues that arise day-to-day, issues that come up through investigations, Colorado Open Records Act (CORA) requests, and requests for advisory opinions and letter rulings. This would allow Department of Law staff to focus on legal matters that require outside counsel. Staff believes it is reasonable to provide funding for 1.0 FTE at the Department of Law to meet the IEC's ongoing need for legal services, and thus recommends a modest increase to cover an additional 13 hours of legal services.

Independent Ethics Commission: Legal Services					
Fiscal Year	Appropriation		Actual Expenditures	Estimated Number of Hours Purchased	(Reversion)/ Shortfall
	Dollars	Hours			
2010-11	\$67,842	900	\$34,217	466	(\$33,625)
2011-12	68,139	900	54,315	717	(13,824)
2012-13	69,525	900	75,945	983	6,420
2013-14	81,972	900	150,252	1,650	68,280
2014-15 (Amended)	176,931	1,787			
2015-16 Request	185,347	1,872			
2015-16 Recommendation	pending	1,800			

Approval of the request for one-time operating funding (\$7,934) will allow the Commission to replace its current recording equipment, enable live web-based streaming of Commission meetings, and provide the Commissioners with laptops.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
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Legal Services

This line item provides funding for the IEC to purchase legal services from the Department of Law.

Request: The IEC requests \$185,347 General Fund to purchase 1,872 hours of legal services. The request is impacted by IEC R1 (Legal services and operating), which is discussed above.

Recommendation: As described more fully above, staff recommends providing an appropriation sufficient to purchase 1,800 hours of legal services. The associated appropriation will be calculated after the Committee sets the common policy for the legal services rate.

Long Bill Footnotes and Requests for Information

The following Long Bill Footnotes (LBF) and Requests for Information (RFI) relate to the Judicial Branch and are included in this section:

Applicable to Multiple Agencies Within Judicial Branch

LBF #49 – Compensation for justices, judges, the State Public Defender, the Alternate Defense Counsel, and the Executive Director of the Office of the Child's Representative

Judicial RFI #2 – State Court Administrator's Office report concerning practices related to court appointments in domestic relations cases

Probation

LBF #51 – State funding for veterans treatment courts

Statewide RFI #1 – Cash funds that are utilized by multiple state agencies

Judicial RFI #4 – Recidivism rates

Judicial RFI #5 – Expenditures for testing, treatment, and assessments for offenders

Office of the State Public Defender

LBF #52 – Authority to transfer funds between line item appropriations

Judicial RFI #3 – Appellate case backlog

Office of the Alternate Defense Counsel

LBF #53 – Authority to transfer funds between line item appropriations

Office of the Child's Representative

LBF #54 – Authority to transfer funds between line item appropriations

LBF #55 – Authority to utilize \$25,000 to fund pilot program for domestic relations cases

Independent Ethics Commission

LBF #56 – Authority to transfer funds between line item appropriations

District Attorneys

LBF #50 – Portion of state funding for District Attorney mandated costs provided for one or more specific cases

Judicial RFI #1 – State funding for District Attorney mandated costs

LONG BILL FOOTNOTES

Staff recommends that the following footnotes be **continued**:

- 51 Judicial Department, Probation and Related Services, Offender Treatment and Services** -- It is the intent of the General Assembly that \$624,877 of the General Fund appropriation for Offender Treatment and Services be used to provide treatment and

services for offenders participating in veterans treatment courts, including peer mentoring services.

Comment:

This footnote identifies the amount of funding within the Offender Treatment and Services line item appropriation that is intended to support treatment and services for offenders participating in veterans treatment courts.

- 52 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 2.5 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 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. This footnote provides the OSPD with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

- 53 Judicial Department, Office of the Alternate Defense Counsel --** In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

Comment: This footnote provides the OADC with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

- 54 Judicial Department, Office of the Child's Representative --** In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.

Comment: This footnote provides the OCR with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

- 55 Judicial Department, Office of the Child's Representative, Court-appointed Counsel --** It is the intent of the General Assembly that the Office of the Child's Representative be authorized to utilize up to \$25,000 of this appropriation to fund a pilot program as authorized pursuant to Section 13-91-105 (1) (e), C.R.S., for the purpose of evaluating alternatives to the appointment of child and family investigators and child's legal representatives in domestic relations cases.

Comment:

Background Information. Under current law, the court may make two types of appointments in a domestic relations case that involves allocation of parental responsibilities:

- The court may appoint an attorney, a mental health professional, or any other individual with appropriate training and qualifications to serve as a child and family investigator (CFI). The CFI is required to investigate, report, and make recommendations in the form of a written report filed with the court; the CFI may be called to testify as a witness regarding his/her recommendations.
- The court may appoint an attorney to serve as a child's legal representative (CLR).

When the parties to the case are determined to be indigent, the Office of the Child's Representative (OCR) pays for all CLR appointments and for CFI attorney appointments.

Long Bill Footnote. This footnote, initially included in the FY 2009-10 Long Bill, authorizes the OCR to utilize up to \$25,000 of the appropriation for Court-appointed Counsel to fund a pilot program for the purpose of evaluating alternatives to the appointment of CFIs and CLR's in domestic relations cases. The evaluation would determine whether the use of alternatives results in equal or better outcomes, and whether it reduces state expenditures.

The OCR is continuing to support a pilot program in the 2nd (Denver) and 17th (Adams/Broomfield) judicial districts to offer Early Neutral Assessment (ENA) to parties in domestic relations cases. ENA offers trained two-person teams to help parties understand the strengths and weaknesses of their positions, assisting them to come to an early resolution. Each team consists of one attorney and one mental health expert, one of whom is male and the other female. When parties attend their initial status conference they often request a CFI or request a hearing to determine parenting time. When this occurs, the Family Court Facilitator identifies cases that may be appropriate for a referral to the ENA pilot. ENA is a voluntary, free, confidential process. If the parties agree that they want to attend ENA, the session is scheduled within a month of the initial status conference.

The ENA session takes three to four hours, allowing each party to be heard (with their attorneys present if they have them). The evaluator team describes their impressions of a likely outcome and realistic parenting plan. If an agreement is reached during the ENA session, they are able to get that agreement to a judge and have it read into the record immediately.

The primary benefits of ENA are that it is voluntary, timely, and client-driven. The process allows each parent to feel heard and talk about what is important. ENA works well for cases where there is disagreement with parenting time schedules and decision making between parties. The approach the evaluators take is that it is not if decisions will be made about parenting time, it is how such decisions will be made. In general, it is better for children for parents to make these decisions. Even when full agreement is not

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reached, the number of disagreements often narrowed and communication between the parties improved.

- 56 Judicial Department, Independent Ethics Commission** -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 10.0 percent of the total Independent Ethics Commission appropriation may be transferred between line items in the Independent Ethics Commission.

Comment: This footnote provides the Commission with the authority to transfer up to 10.0 percent of its total annual appropriation between line items.

Staff recommends the following footnotes be continued as **modified**:

- 49 Judicial Department, Supreme Court/Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Office of the State Public Defender, Personal Services; Office of the Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services** -- In accordance with Section 13-30-104 (3), C.R.S., funding is provided for judicial compensation, as follows:

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>FY 2014-15 Salary</u>	<u>Increase</u>	<u>FY 2015-16 Salary</u>	
Chief Justice, Supreme Court		\$13,306		
	\$147,845	\$161,151	\$15,648	\$161,151 \$176,799
Associate Justice, Supreme Court		13,022		
	444,688	157,710	15,314	157,710 173,024
Chief Judge, Court of Appeals		12,793		
	442,140	154,933	15,044	154,933 169,977
Associate Judge, Court of Appeals		12,506		
	438,957	151,463	14,707	151,463 166,170
District Court Judge, Denver Juvenile Court Judge, and Denver Probate Court Judge		11,991		
	433,228	145,219	14,101	145,219 159,320
County Court Judge		11,475		
	427,497	138,972	13,494	138,972 152,466

Funding is also provided in the Long Bill to maintain the salary of the State Public Defender at the level of an associate judge of the Court of Appeals, and to maintain the salaries of the Alternate Defense Counsel and COUNSEL, the Executive Director of the Office of the Child's Representative REPRESENTATIVE, AND THE DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL at the level of a district court judge.

Comment: This footnote first appeared in the FY 1999-2000 Long Bill. Sections 13-30-103 and 104, C.R.S., established judicial salaries for various fiscal years during the 1990s [through H.B. 98-1238]. These provisions state that any salary increases above those set forth in statute "shall be determined by the general assembly as set forth in the annual general appropriations bill." The General Assembly annually establishes judicial salaries through this footnote in the Long Bill. The footnote also establishes the salaries for the

individuals who head three of the four independent agencies by tying them to specific judicial salaries.

The recommended revisions to the footnote for FY 2015-16 are based on providing a 9.71 percent increase in judicial salaries. For further information about the recommendation, see the discussion for the Salary Survey line item appropriation under (2) Courts Administration, (B) Central Appropriations. The recommended revisions also add the Director of the new Office of the Respondent Parents' Counsel (ORPC). Staff's recommendations for the ORPC budget include funding sufficient to pay the Director the same salary as a district court judge.

- 50 Judicial Department, Trial Courts, District Attorney Mandated Costs** -- It is the intent of the General Assembly that ~~\$300,000~~ \$400,000 of the amount appropriated for District Attorney Mandated Costs be used only to reimburse mandated costs associated with one case: The People of the State of Colorado v. James Holmes (12CR1522). Should reimbursable mandated costs incurred in ~~FY 2014-15~~ FY 2015-16 for this case total less than ~~\$300,000~~, \$400,000, it is the intent of the General Assembly that the unexpended funds revert to the General Fund.

Comment: This footnote was first included in S.B 13-092, the supplemental bill for FY 2012-13. The footnote expresses the intent of the General Assembly that a portion of the amount appropriated for this line item be used only to reimburse mandated costs associated with one or more specific cases. For FY 2015-16, staff's recommendation includes the \$400,000 General Fund requested by the CDAC for one case.

Staff recommends the following footnote be **added**:

- N JUDICIAL DEPARTMENT, OFFICE OF THE RESPONDENT PARENTS' COUNSEL** -- IN ADDITION TO THE TRANSFER AUTHORITY PROVIDED IN SECTION 24-75-108 (5), C.R.S., UP TO 2.5 PERCENT OF THE TOTAL OFFICE OF THE CHILD'S REPRESENTATIVE'S APPROPRIATION MAY BE TRANSFERRED BETWEEN LINE ITEMS IN THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL.

Comment: This footnote would provide the ORPC with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

REQUESTS FOR INFORMATION

Requests Applicable to Multiple Departments, Including Judicial Branch

Staff recommends that the following requests for information be **continued, as amended** (for all of the relevant state agencies):

- 1 Department of Corrections, ~~Management, Executive Director's Office Subprogram;~~
Department of Human Services, ~~Behavioral Health Services, Substance Use~~**

~~Treatment and Prevention; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety; Division of Criminal Justice; and Colorado Bureau of Investigation;~~ AND DEPARTMENT OF TRANSPORTATION -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM FUND, THE LAW ENFORCEMENT ASSISTANCE FUND; the Offender Identification Fund, THE PERSISTENT DRUNK DRIVER CASH FUND, AND the Sex Offender Surcharge Fund, ~~the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund,~~ among other programs.

Comment: This RFI is intended to ensure that state agencies coordinate requests that draw on the same cash fund. The RFI is also intended to ensure that for each fund listed, one department includes a comprehensive annual budget request for that fund. Staff recommends the following changes to the RFI for FY 2015-16:

- simply list the relevant departments in the footnote leader, rather than including specific information about which budget sections may include appropriations from the specified funds;
- add the Law Enforcement Assistance Fund to the list of specified cash funds for which a comprehensive annual budget request is requested and add the Department of Transportation to the list of relevant departments; and
- rearrange the list of specified funds so that they appear in alphabetical order.

Requests Applicable to the Judicial Branch Only

Staff recommends that the following requests for information be **eliminated**:

2. **Judicial Department, Trial Courts, Court Costs, Jury Costs, and Court-appointed Counsel; Office of the Child's Representative, Court-appointed Counsel** – The State Court Administrator's Office (SCAO) is requested to provide by November 1, 2014, a report concerning practices related to court appointments in domestic relations cases, including the following information: (1) The number of state-paid appointments in each judicial district for FY 2013-14 and the associated state expenditures for attorneys serving as a child and family investigator (CFI), for non-attorneys serving as a CFI, and for attorneys serving as a child's legal representative (CLR); (2) a description of the SCAO's role in overseeing privately-paid appointments of CFIs and CLRs; (3) the merits of allowing judges the discretion to appoint an attorney or a non-attorney as a CFI; (4) the merits of having two different judicial agencies overseeing state-paid appointments in domestic relations cases; and (5) the merits of paying attorneys and non-attorneys who serve as CFIs different hourly rates. The SCAO is requested to prepare the report with

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the input of the Office of the Child's Representative (OCR), and the OCR is requested to cooperate with the SCAO as necessary to prepare the requested report.

Comment: The SCAO provided the information as requested and the Committee is sponsoring legislation (H.B. 15-1153) to implement the recommended changes in oversight for CFIs.

Staff recommends that the following request for information be **continued, as amended:**

2. **Judicial Department, Office of the State Public Defender** – The State Public Defender is requested to provide by November 1, ~~2014,~~ 2015, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY ~~2013-14:~~ 2014-15: 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, ~~2014.~~ 2015.

Comment: In the Fall of 2013, the Office of the State Public Defender (OSPD) submitted a request to add 16.0 FTE to reduce a growing backlog of appellate cases. This funding request was submitted in response to a request for information from the General Assembly. The General Assembly approved the request and appropriated \$839,684 General Fund for FY 2014-15. The above request for information was included to allow the General Assembly to monitor the OSPD's progress in reducing the backlog. The Committee sends a similar request for information to the Department of Law to monitor that agency's progress in reducing the backlog of criminal appellate cases.

Staff recommends that the following request for information be **continued:**

1. **Judicial Department, Trial Courts, District Attorney Mandated Costs** – District Attorneys in each judicial district shall be responsible for allocations made by the Colorado District Attorneys' Council's Mandated Cost Committee. Any increases in this line item shall be requested and justified in writing by the Colorado District Attorneys' Council, rather than the Judicial Department, through the regular appropriation and supplemental appropriation processes. The Colorado District Attorneys' Council is requested to submit an annual report by November 1 detailing how the District Attorney Mandated Costs appropriation is spent, how it is distributed, and the steps taken to control these costs.

Comment: This request indicates that the Colorado District Attorneys' Council (CDAC) is responsible for submitting the budget request related to the District Attorney Mandated Costs line item, and asks that the CDAC provide information annually concerning actual expenditures and steps taken to control costs.

Section 20-1-110, C.R.S., authorizes District Attorneys (DAs) to participate in an intergovernmental cooperative relationship concerning criminal prosecution (e.g., the CDAC), and to enter into contracts on behalf of his or her judicial district for cooperation

with other DAs concerning such prosecution and prosecution-related services. Further, Section 20-1-111, C.R.S., authorizes DAs to cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting DAs, "including the sharing of costs and the administration and distribution of moneys received for mandated costs." This provision also authorizes DAs to "allocate up to five percent of the moneys received for mandated costs authorized by the general assembly for administrative expenses".

3. **Judicial Department, Probation and Related Services** – Judicial Department, Probation and Related Services – The State Court Administrator’s Office is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; and the female offender program. The Office is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many offenders return to probation as the result of violations.

Comment: This report provides useful information on the success of the various probation programs.

4. **Judicial Department, Probation and Related Services, Offender Treatment and Services** – The State Court Administrator’s Office is requested to provide by November 1 of each year a detailed report on how this appropriation is used, including the amount spent on testing, treatment, and assessments for offenders.

Comment: This consolidated line item was created in FY 2006-07. The purpose of this format change was to: (a) provide increased flexibility to local probation departments to allocate funds for treatment and services for indigent offenders or those otherwise unable to pay; and (b) reduce year-end reversions of unspent cash funds. This request ensures that the General Assembly is informed of the actual allocation and expenditure of these funds.

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Appendix A: Number Pages

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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JUDICIAL DEPARTMENT
Nancy Rice, Chief Justice

(1) SUPREME COURT/COURT OF APPEALS

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The primary functions of the Supreme Court include: general supervisory control of lower courts; appellate review of lower court judgments; original jurisdiction for certain constitutional and other cases; rule-making for the state court system; and overseeing the regulation of attorneys and the practice of law. The Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Cash fund sources primarily include annual attorney registration fees, law examination application fees, appellate court filing fees, and various docket fees that are credited to the Judicial Stabilization Cash Fund. Reappropriated funds are funds transferred from the Department of Law.

Appellate Court Programs	<u>11,575,350</u>	<u>11,580,999</u>	<u>12,531,286</u>	<u>13,377,395</u>	<u>13,377,395</u>
FTE	139.8	140.0	141.0	143.0	142.8
General Fund	10,242,960	10,248,847	12,459,286	13,305,395	13,305,395
Cash Funds	1,332,390	1,332,152	72,000	72,000	72,000
Office of Attorney Regulation Counsel	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,650,000</u>
FTE	0.0	0.0	0.0	0.0	69.0
Cash Funds	0	0	0	0	10,650,000
Attorney Regulation	<u>8,929,272</u>	<u>8,646,975</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>0</u>
FTE	56.0	56.0	56.0	56.0	0.0
Cash Funds	8,929,272	8,646,975	9,000,000	9,000,000	0
Continuing Legal Education	<u>239,906</u>	<u>1,059,947</u>	<u>300,000</u>	<u>300,000</u>	<u>0</u>
FTE	4.0	4.0	4.0	4.0	0.0
Cash Funds	239,906	1,059,947	300,000	300,000	0

JBC Staff Staff Figure Setting - FY 2015-16
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	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
State Board of Law Examiners	<u>1,269,392</u>	<u>3,117,917</u>	<u>1,300,000</u>	<u>1,300,000</u>	<u>0</u>
FTE	7.0	7.0	7.0	7.0	0.0
Cash Funds	1,269,392	3,117,917	1,300,000	1,300,000	0
Law Library	<u>934,190</u>	<u>528,735</u>	<u>563,121</u>	<u>563,121</u>	<u>563,121</u>
FTE	3.5	3.5	3.5	3.5	3.5
Cash Funds	771,227	466,284	500,000	500,000	500,000
Reappropriated Funds	162,963	62,451	63,121	63,121	63,121
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>177,001</u>	<u>221,332</u>	<u>221,332</u>
Cash Funds	0	0	177,001	221,332	221,332
TOTAL - (1) Supreme Court/Court of Appeals	22,948,110	24,934,573	23,871,408	24,761,848	24,811,848
FTE	<u>210.3</u>	<u>210.5</u>	<u>211.5</u>	<u>213.5</u>	<u>215.3</u>
General Fund	10,242,960	10,248,847	12,459,286	13,305,395	13,305,395
Cash Funds	12,542,187	14,623,275	11,349,001	11,393,332	11,443,332
Reappropriated Funds	162,963	62,451	63,121	63,121	63,121

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	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(2) COURTS ADMINISTRATION

The Justices of the Supreme Court appoint a State Court Administrator to oversee administrative functions of the Branch. The State Court Administrator and his staff provide leadership and technical and administrative support for judicial district staff. This section includes funding for: the State Court Administrator and his staff; information technology staff and infrastructure for courts and probation programs; employee benefits for all court and probation staff; multiple programs that are administrated centrally rather than at the judicial district level; and operations of the Ralph L. Carr Colorado Judicial Center.

(A) Administration and Technology

This subsection includes funding and staff associated with central administration of the State's judicial system, including budgeting, research, information technology systems and support, training, and technical assistance. Cash fund sources include the Judicial Department Information Technology Cash Fund, the Judicial Stabilization Cash Fund, and various fees and cost recoveries. Reappropriated funds include statewide and departmental indirect recoveries and funds transferred from other state agencies.

General Courts Administration	<u>15,999,149</u>	<u>19,965,915</u>	<u>22,468,617</u>	<u>24,493,939</u>	<u>24,355,479</u> *
FTE	181.3	191.9	231.0	235.5	233.4
General Fund	10,033,126	12,277,636	14,616,345	16,603,971	16,419,069
Cash Funds	3,843,413	5,783,300	5,782,533	5,820,229	5,745,980
Reappropriated Funds	2,122,610	1,904,979	2,069,739	2,069,739	2,190,430
Information Technology Infrastructure	<u>4,587,531</u>	<u>4,637,670</u>	<u>5,450,321</u>	<u>8,631,321</u>	<u>8,631,321</u>
General Fund	403,092	403,094	403,094	403,094	403,094
Cash Funds	4,184,439	4,234,576	5,047,227	8,228,227	8,228,227
Indirect Cost Assessment	<u>0</u>	<u>581,957</u>	<u>646,898</u>	<u>682,402</u>	<u>682,402</u>
Cash Funds	0	581,957	640,139	673,399	673,399
Reappropriated Funds	0	0	6,759	9,003	9,003
Statewide Indirect Cost Assessment	<u>98,175</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Cash Funds	98,175	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Departmental Indirect Cost Assessment	<u>1,666,717</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Cash Funds	1,666,717	0	0	0	0
SUBTOTAL - (A) Administration and Technology	22,351,572	25,185,542	28,565,836	33,807,662	33,669,202
<i>FTE</i>	<u>181.3</u>	<u>191.9</u>	<u>231.0</u>	<u>235.5</u>	<u>233.4</u>
General Fund	10,436,218	12,680,730	15,019,439	17,007,065	16,822,163
Cash Funds	9,792,744	10,599,833	11,469,899	14,721,855	14,647,606
Reappropriated Funds	2,122,610	1,904,979	2,076,498	2,078,742	2,199,433
Federal Funds	0	0	0	0	0

(B) Central Appropriations

This subsection includes centrally appropriated line items. While most of these line items cover expenses for the entire Judicial Branch, the following line items exclude funding associated with the four independent agencies: salary-related line items; appropriations for health, life, and dental, and short-term disability insurance; and the vehicle lease payments line item. Cash fund sources include: the Judicial Stabilization Cash Fund, the State Commission on Judicial Performance Cash Fund, the Offender Services Fund, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Correctional Treatment Cash Fund, and the Alcohol and Drug Driving Safety Program Fund.

Health, Life, and Dental	<u>21,548,359</u>	<u>24,360,420</u>	<u>24,531,550</u>	<u>29,128,048</u>	<u>29,574,072</u> *
General Fund	21,290,385	22,860,367	22,579,160	26,319,081	26,723,070
Cash Funds	257,974	1,500,053	1,952,390	2,808,967	2,851,002
Short-term Disability	<u>290,613</u>	<u>296,287</u>	<u>404,028</u>	<u>427,559</u>	<u>384,414</u> *
General Fund	288,404	247,005	369,464	390,218	347,073
Cash Funds	2,209	49,282	34,564	37,341	37,341

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
S.B. 04-257 Amortization Equalization					
Disbursement	<u>4,494,237</u>	<u>6,394,913</u>	<u>8,307,836</u>	<u>8,928,410</u>	<u>8,928,410</u> *
General Fund	4,031,900	5,397,337	7,677,392	8,168,699	8,168,699
Cash Funds	462,337	997,576	630,444	759,711	759,711
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>3,714,492</u>	<u>5,574,610</u>	<u>7,549,075</u>	<u>8,271,723</u>	<u>8,271,723</u> *
General Fund	3,339,866	4,689,972	6,958,118	7,542,763	7,542,763
Cash Funds	374,626	884,638	590,957	728,960	728,960
Salary Survey	<u>309,680</u>	<u>5,284,336</u>	<u>12,352,590</u>	<u>8,823,344</u>	<u>8,711,251</u>
General Fund	309,680	4,676,224	11,786,542	8,499,767	8,395,379
Cash Funds	0	608,112	566,048	323,577	315,872
Merit Pay	<u>0</u>	<u>3,370,314</u>	<u>2,013,849</u>	<u>2,616,751</u>	<u>2,556,586</u>
General Fund	0	2,788,409	1,841,214	2,415,167	2,360,879
Cash Funds	0	581,905	172,635	201,584	195,707
Workers' Compensation	<u>1,712,924</u>	<u>1,337,492</u>	<u>1,210,253</u>	<u>1,113,913</u>	<u>1,126,921</u>
General Fund	1,712,924	1,337,492	1,210,253	1,113,913	1,126,921
Legal Services	<u>113,754</u>	<u>134,260</u>	<u>218,218</u>	<u>218,218</u>	<u>198,020</u>
General Fund	113,754	134,260	218,218	218,218	198,020
Payment to Risk Management and Property Funds	<u>347,144</u>	<u>607,112</u>	<u>685,664</u>	<u>542,217</u>	<u>729,019</u>
General Fund	347,144	607,112	685,664	542,217	729,019
Vehicle Lease Payments	<u>58,674</u>	<u>76,374</u>	<u>90,798</u>	<u>92,481</u>	<u>93,207</u>
General Fund	58,674	76,374	90,798	92,481	93,207

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Ralph L. Carr Colorado Judicial Center Leased					
Space	<u>1,312,476</u>	<u>2,063,194</u>	<u>2,384,393</u>	<u>2,427,803</u>	<u>2,491,754</u>
General Fund	1,251,571	2,063,194	2,384,393	2,427,803	2,491,754
Cash Funds	60,905	0	0	0	0
Payments to OIT	<u>0</u>	<u>0</u>	<u>2,622,667</u>	<u>3,107,174</u>	<u>3,107,174</u>
General Fund	0	0	2,622,667	3,107,174	3,107,174
CORE Operations	<u>1,056,857</u>	<u>1,056,857</u>	<u>2,101,598</u>	<u>1,067,197</u>	<u>1,619,424</u>
General Fund	1,056,857	1,056,857	2,101,598	1,067,197	1,619,424
Lease Purchase	<u>119,878</u>	<u>119,878</u>	<u>119,878</u>	<u>119,878</u>	<u>119,878</u>
General Fund	119,878	119,878	119,878	119,878	119,878
Purchase of Services from Computer Center	<u>753,476</u>	<u>699,378</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	753,476	699,378	0	0	0
Colorado State Network	<u>575,849</u>	<u>1,666,209</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	575,849	1,666,209	0	0	0
Communication Services Payments	<u>24,725</u>	<u>18,113</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	24,725	18,113	0	0	0
Information Technology Security	<u>0</u>	<u>24,047</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	24,047	0	0	0
SUBTOTAL - (B) Central Appropriations	36,433,138	53,083,794	64,592,397	66,884,716	67,911,853
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	35,275,087	48,462,228	60,645,359	62,024,576	63,023,260
Cash Funds	1,158,051	4,621,566	3,947,038	4,860,140	4,888,593

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(C) Centrally Administered Programs

This subsection includes funding and staff associated with specific functions, grant programs, and distributions that are administered by the Office of the State Court Administrator. Cash fund sources include the Victims and Witnesses and Law Enforcement Fund, the Crime Victim Compensation Fund, the Judicial Collections Enhancement Fund, the Fines Collection Cash Fund, the Judicial Stabilization Cash Fund, the Court Security Cash Fund, the State Commission on Judicial Performance Cash Fund, the Family Violence Justice Fund, the Family-friendly Court Program Cash Fund, and various fees, cost recoveries, and grants. Reappropriated funds include Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section, and federal funds transferred from the Department of Human Services.

Victim Assistance	<u>16,113,865</u>	<u>16,075,801</u>	<u>16,375,000</u>	<u>16,375,000</u>	<u>16,375,000</u>
Cash Funds	16,113,865	16,075,801	16,375,000	16,375,000	16,375,000
Victim Compensation	<u>13,375,492</u>	<u>13,315,657</u>	<u>12,175,000</u>	<u>12,175,000</u>	<u>13,400,000</u>
Cash Funds	13,375,492	13,315,657	12,175,000	12,175,000	13,400,000
Collections Investigators	<u>5,002,446</u>	<u>4,984,001</u>	<u>6,497,511</u>	<u>6,670,821</u>	<u>6,670,821</u>
FTE	72.5	80.1	104.2	104.2	104.2
Cash Funds	4,260,196	4,259,771	5,599,970	5,773,280	5,773,280
Reappropriated Funds	742,250	724,230	897,541	897,541	897,541
Problem-solving Courts	<u>2,335,869</u>	<u>3,045,535</u>	<u>3,133,985</u>	<u>3,509,361</u>	<u>3,509,361</u> *
FTE	31.5	37.9	41.5	44.3	44.3
General Fund	0	0	0	375,376	375,376
Cash Funds	2,335,869	3,045,535	3,133,985	3,133,985	3,133,985
Federal Funds	0	0	0	0	0
Language Interpreters and Translators	<u>3,635,100</u>	<u>3,639,982</u>	<u>3,913,738</u>	<u>4,137,999</u>	<u>4,137,999</u> *
FTE	24.9	24.9	32.0	33.0	32.9
General Fund	3,376,235	3,376,232	3,863,738	4,087,999	4,087,999
Cash Funds	258,865	263,750	50,000	50,000	50,000

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Courthouse Security	<u>2,949,570</u>	<u>2,606,889</u>	<u>3,218,438</u>	<u>3,221,940</u>	<u>2,471,940</u>
FTE	1.0	1.0	1.0	1.0	1.0
General Fund	0	0	0	1,250,000	500,000
Cash Funds	2,949,570	2,606,889	3,218,438	1,971,940	1,971,940
Appropriation to Underfunded Courthouse Facility					
Cash Fund	<u>0</u>	<u>0</u>	<u>700,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
General Fund	0	0	700,000	3,000,000	3,000,000
Underfunded Courthouse Facilities Grant Program	<u>0</u>	<u>0</u>	<u>700,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
FTE	0.0	0.0	1.0	1.0	1.0
Reappropriated Funds	0	0	700,000	3,000,000	3,000,000
Courthouse Capital/ Infrastructure Maintenance	<u>1,621,173</u>	<u>3,590,121</u>	<u>2,293,364</u>	<u>4,539,173</u>	<u>4,501,549</u> *
General Fund	0	172,550	2,194,601	2,485,309	2,457,525
Cash Funds	1,621,173	3,417,571	98,763	2,053,864	2,044,024
Reappropriated Funds	0	0	0	0	0
Senior Judge Program	<u>1,255,217</u>	<u>1,256,444</u>	<u>1,300,000</u>	<u>1,504,384</u>	<u>1,504,384</u>
General Fund	0	0	0	204,384	204,384
Cash Funds	1,255,217	1,256,444	1,300,000	1,300,000	1,300,000
Judicial Education and Training	<u>1,069,536</u>	<u>1,462,036</u>	<u>1,448,906</u>	<u>1,453,718</u>	<u>1,453,718</u>
FTE	1.5	1.8	2.0	2.0	2.0
General Fund	0	0	0	4,812	4,812
Cash Funds	1,069,536	1,462,036	1,448,906	1,448,906	1,448,906

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Office of Judicial Performance Evaluation	<u>695,016</u>	<u>673,973</u>	<u>748,911</u>	<u>784,084</u>	<u>784,084</u>
FTE	2.0	2.0	2.0	2.0	2.0
General Fund	0	0	290,000	290,000	290,000
Cash Funds	695,016	673,973	458,911	494,084	494,084
Family Violence Justice Grants	<u>599,991</u>	<u>1,148,230</u>	<u>2,170,000</u>	<u>2,170,000</u>	<u>2,170,000</u>
General Fund	429,991	1,000,000	2,000,000	2,000,000	2,000,000
Cash Funds	170,000	148,230	170,000	170,000	170,000
Restorative Justice Programs	<u>0</u>	<u>191,666</u>	<u>798,000</u>	<u>798,000</u>	<u>872,249</u>
FTE	0.0	0.0	0.0	0.0	1.0
Cash Funds	0	191,666	798,000	798,000	872,249
District Attorney Adult Pretrial Diversion Programs	<u>0</u>	<u>29,561</u>	<u>477,000</u>	<u>477,000</u>	<u>477,000</u>
General Fund	0	29,561	400,000	400,000	400,000
Cash Funds	0	0	77,000	77,000	77,000
Family-friendly Court Program	<u>178,676</u>	<u>176,591</u>	<u>375,943</u>	<u>375,943</u>	<u>225,943</u> *
FTE	0.5	0.5	0.5	0.5	0.5
General Fund	0	0	0	150,000	0
Cash Funds	178,676	176,591	375,943	225,943	225,943
Compensation for Exonerated Persons	<u>0</u>	<u>107,800</u>	<u>102,771</u>	<u>105,751</u>	<u>105,751</u>
General Fund	0	107,800	102,771	105,751	105,751
Child Support Enforcement	<u>81,413</u>	<u>83,183</u>	<u>90,900</u>	<u>90,900</u>	<u>90,900</u>
FTE	1.0	1.0	1.0	1.0	1.0
General Fund	27,642	28,458	30,904	30,904	30,904
Reappropriated Funds	53,771	54,725	59,996	59,996	59,996

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
SUBTOTAL - (C) Centrally Administered					
Programs	48,913,364	52,387,470	56,519,467	64,389,074	64,750,699
<i>FTE</i>	<u>134.9</u>	<u>149.2</u>	<u>185.2</u>	<u>189.0</u>	<u>189.9</u>
General Fund	3,833,868	4,714,601	9,582,014	14,384,535	13,456,751
Cash Funds	44,283,475	46,893,914	45,279,916	46,047,002	47,336,411
Reappropriated Funds	796,021	778,955	1,657,537	3,957,537	3,957,537
Federal Funds	0	0	0	0	0

(D) Ralph L. Carr Colorado Judicial Center

This subsection includes appropriations related to the operations of the Ralph L. Carr Colorado Judicial Center. Funding supports: various contractual services (including engineering, custodial, and maintenance services; parking garage operations and maintenance; and copy center operations); the purchase of security services from the Colorado State Patrol; utilities; operational and engineering facility staff; debt service payments (previously included in the Capital Construction section of the budget); and an annual appropriation for facility controlled maintenance needs. Cash funds are from the Justice Center Cash Fund. Reappropriated funds are transferred from Leased Space appropriations to the Judicial Branch and the Department of Law.

Personal Services	<u>817,821</u>	<u>1,315,312</u>	<u>1,450,421</u>	<u>1,460,479</u>	<u>1,460,479</u>
FTE	1.8	2.0	2.0	2.0	2.0
Cash Funds	817,821	0	412,968	423,026	351,707
Reappropriated Funds	0	1,315,312	1,037,453	1,037,453	1,108,772
Federal Funds	0	0	0	0	0
Operating Expenses	<u>1,867,262</u>	<u>3,703,417</u>	<u>4,026,234</u>	<u>4,026,234</u>	<u>4,026,234</u> *
General Fund	0	0	0	1,146,362	1,146,362
Cash Funds	1,867,262	43,379	1,146,362	0	0
Reappropriated Funds	0	3,660,038	2,879,872	2,879,872	2,879,872
Debt Service Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>21,543,903</u>	<u>21,543,903</u> *
General Fund	0	0	0	3,853,638	3,853,638
Cash Funds	0	0	0	17,690,265	17,690,265

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Controlled Maintenance	0	0	<u>2,025,000</u>	<u>2,025,000</u>	<u>2,025,000</u>
Cash Funds	0	0	576,564	576,564	487,652
Reappropriated Funds	0	0	1,448,436	1,448,436	1,537,348
SUBTOTAL - (D) Ralph L. Carr Colorado					
Judicial Center	2,685,083	5,018,729	7,501,655	29,055,616	29,055,616
<i>FTE</i>	<u>1.8</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
General Fund	0	0	0	5,000,000	5,000,000
Cash Funds	2,685,083	43,379	2,135,894	18,689,855	18,529,624
Reappropriated Funds	0	4,975,350	5,365,761	5,365,761	5,525,992
Federal Funds	0	0	0	0	0
TOTAL - (2) Courts Administration					
	110,383,157	135,675,535	157,179,355	194,137,068	195,387,370
<i>FTE</i>	<u>318.0</u>	<u>343.1</u>	<u>418.2</u>	<u>426.5</u>	<u>425.3</u>
General Fund	49,545,173	65,857,559	85,246,812	98,416,176	98,302,174
Cash Funds	57,919,353	62,158,692	62,832,747	84,318,852	85,402,234
Reappropriated Funds	2,918,631	7,659,284	9,099,796	11,402,040	11,682,962
Federal Funds	0	0	0	0	0

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(3) TRIAL COURTS

This section provides funding for the state trial courts, which consist of district courts in 22 judicial districts, water courts, and county courts. District courts: preside over felony criminal matters, civil claims, juvenile matters, and probate, mental health, and divorce proceedings; handle appeals from municipal and county courts; and review decisions of administrative boards and agencies. Water courts have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water. County courts: handle civil actions involving no more than \$15,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints; issue search warrants and protection orders in cases involving domestic violence; and hear municipal court appeals. Cash fund sources include the Judicial Stabilization Cash Fund, various court fees and cost recoveries, and the sale of jury pattern instructions. Reappropriated funds reflect federal funds transferred from the Departments of Public Safety and Human Services.

Trial Court Programs	<u>122,511,665</u>	<u>123,860,291</u>	<u>133,630,886</u>	<u>143,100,414</u>	<u>142,548,019</u> *
FTE	1,696.0	1,741.4	1,847.0	1,856.7	1,845.9
General Fund	92,758,392	93,122,685	100,652,562	112,987,637	112,435,242
Cash Funds	28,750,217	29,626,026	31,728,324	28,862,777	28,862,777
Reappropriated Funds	1,003,056	1,111,580	1,250,000	1,250,000	1,250,000
 Court Costs, Jury Costs, and Court-appointed Counsel	 <u>15,521,673</u>	 <u>15,814,487</u>	 <u>17,627,440</u>	 <u>17,607,294</u>	 <u>12,620,631</u>
General Fund	15,381,007	15,668,309	17,455,790	17,442,045	12,455,382
Cash Funds	140,666	146,178	171,650	165,249	165,249
 District Attorney Mandated Costs	 <u>2,304,497</u>	 <u>2,312,067</u>	 <u>2,697,153</u>	 <u>2,862,410</u>	 <u>2,797,153</u>
General Fund	2,164,497	2,152,067	2,527,153	2,692,410	2,627,153
Cash Funds	140,000	160,000	170,000	170,000	170,000
 Action and Statewide Discovery Sharing Systems	 0	 0	 <u>5,300,000</u>	 0	 0
General Fund	0	0	5,300,000	0	0

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Federal Funds and Other Grants	<u>1,414,599</u>	<u>1,730,194</u>	<u>2,900,000</u>	<u>2,900,000</u>	<u>2,900,000</u>
FTE	10.8	13.7	14.0	14.0	14.0
Cash Funds	119,762	126,445	975,000	975,000	975,000
Reappropriated Funds	95,775	0	300,000	300,000	300,000
Federal Funds	1,199,062	1,603,749	1,625,000	1,625,000	1,625,000
TOTAL - (3) Trial Courts	141,752,434	143,717,039	162,155,479	166,470,118	160,865,803
FTE	<u>1,706.8</u>	<u>1,755.1</u>	<u>1,861.0</u>	<u>1,870.7</u>	<u>1,859.9</u>
General Fund	110,303,896	110,943,061	125,935,505	133,122,092	127,517,777
Cash Funds	29,150,645	30,058,649	33,044,974	30,173,026	30,173,026
Reappropriated Funds	1,098,831	1,111,580	1,550,000	1,550,000	1,550,000
Federal Funds	1,199,062	1,603,749	1,625,000	1,625,000	1,625,000

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(4) PROBATION AND RELATED SERVICES

This section provides funding for: the supervision of offenders sentenced to probation; the preparation of presentence investigation reports for the courts; victim notification and assistance; and community outreach programs. This section also provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance use disorder and co-occurring disorders for adult and juvenile offenders. Cash funds are from fees paid by offenders for supervision, treatment, and restitution, as well as various cost recoveries. Reappropriated funds include: spending authority for General Fund moneys that are appropriated to the Correctional Treatment Cash Fund; Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section; and funds transferred from other Departments.

Probation Programs	<u>74,924,839</u>	<u>76,075,870</u>	<u>79,389,528</u>	<u>84,220,961</u>	<u>84,220,961</u> *
FTE	1,108.8	1,129.8	1,156.0	1,181.0	1,178.9
General Fund	65,082,409	62,054,609	68,889,803	73,309,049	73,309,049
Cash Funds	9,842,430	14,021,261	10,499,725	10,911,912	10,911,912
Offender Treatment and Services	<u>21,316,138</u>	<u>24,984,444</u>	<u>31,388,070</u>	<u>31,388,070</u>	<u>31,388,070</u>
General Fund	667,197	667,197	924,877	924,877	924,877
Cash Funds	10,557,106	12,297,245	14,374,852	14,374,852	14,374,852
Reappropriated Funds	10,091,835	12,020,002	16,088,341	16,088,341	16,088,341
Appropriation to the Correctional Treatment Cash Fund	<u>9,856,200</u>	<u>11,700,000</u>	<u>15,200,000</u>	<u>15,200,000</u>	<u>15,200,000</u>
General Fund	9,856,200	11,700,000	15,200,000	15,200,000	15,200,000
S.B. 91-94 Juvenile Services	<u>1,917,335</u>	<u>1,933,860</u>	<u>2,496,837</u>	<u>2,496,837</u>	<u>2,496,837</u>
FTE	25.0	25.0	25.0	25.0	25.0
Reappropriated Funds	1,917,335	1,933,860	2,496,837	2,496,837	2,496,837
Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer	<u>0</u>	<u>88,049</u>	<u>187,500</u>	<u>187,500</u>	<u>187,500</u>
Cash Funds	0	88,049	187,500	187,500	187,500

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Victims Grants	<u>392,934</u>	<u>359,162</u>	<u>650,000</u>	<u>650,000</u>	<u>650,000</u>
FTE	6.0	6.0	6.0	6.0	6.0
Reappropriated Funds	392,934	359,162	650,000	650,000	650,000
Federal Funds and Other Grants	<u>4,952,148</u>	<u>4,546,976</u>	<u>5,600,000</u>	<u>5,600,000</u>	<u>5,600,000</u>
FTE	33.0	33.0	33.0	33.0	33.0
Cash Funds	948,027	731,174	1,950,000	1,950,000	1,950,000
Reappropriated Funds	160,276	150,768	850,000	850,000	850,000
Federal Funds	3,843,845	3,665,034	2,800,000	2,800,000	2,800,000
Indirect Cost Assessment	<u>0</u>	<u>1,031,039</u>	<u>1,103,840</u>	<u>1,144,696</u>	<u>1,144,696</u>
Cash Funds	0	1,031,039	1,103,840	1,144,696	1,144,696
TOTAL - (4) Probation and Related Services	113,359,594	120,719,400	136,015,775	140,888,064	140,888,064
FTE	<u>1,172.8</u>	<u>1,193.8</u>	<u>1,220.0</u>	<u>1,245.0</u>	<u>1,242.9</u>
General Fund	75,605,806	74,421,806	85,014,680	89,433,926	89,433,926
Cash Funds	21,347,563	28,168,768	28,115,917	28,568,960	28,568,960
Reappropriated Funds	12,562,380	14,463,792	20,085,178	20,085,178	20,085,178
Federal Funds	3,843,845	3,665,034	2,800,000	2,800,000	2,800,000

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(5) OFFICE OF THE STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants.

Personal Services	<u>43,511,185</u>	<u>43,409,279</u>	<u>57,498,136</u>	<u>59,840,235</u>	<u>59,762,923</u>
FTE	624.4	670.8	771.1	780.2	780.2
General Fund	43,511,185	43,409,279	57,498,136	59,840,235	59,762,923
Health, Life, and Dental	<u>4,323,337</u>	<u>4,978,927</u>	<u>5,355,507</u>	<u>6,207,643</u>	<u>6,232,846</u> *
General Fund	4,323,337	4,978,927	5,355,507	6,207,643	6,232,846
Short-term Disability	<u>68,710</u>	<u>89,283</u>	<u>102,281</u>	<u>111,308</u>	<u>114,758</u>
General Fund	68,710	89,283	102,281	111,308	114,758
S.B. 04-257 Amortization Equalization					
Disbursement	<u>1,239,073</u>	<u>1,679,974</u>	<u>1,915,191</u>	<u>2,272,255</u>	<u>2,295,153</u>
General Fund	1,239,073	1,679,974	1,915,191	2,272,255	2,295,153
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>1,059,806</u>	<u>1,513,219</u>	<u>1,795,395</u>	<u>2,189,132</u>	<u>2,216,909</u>
General Fund	1,059,806	1,513,219	1,795,395	2,189,132	2,216,909
Salary Survey	<u>0</u>	<u>5,640,158</u>	<u>1,303,106</u>	<u>570,536</u>	<u>583,552</u>
General Fund	0	5,640,158	1,303,106	570,536	583,552
Merit Pay	<u>0</u>	<u>651,614</u>	<u>528,200</u>	<u>570,536</u>	<u>576,242</u>
General Fund	0	651,614	528,200	570,536	576,242

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Vehicle Lease Payments	<u>82,649</u>	<u>105,286</u>	<u>112,755</u>	<u>113,711</u>	<u>114,565</u> *
General Fund	82,649	105,286	112,755	113,711	114,565
Capital Outlay	<u>51,733</u>	<u>419,037</u>	<u>183,514</u>	<u>0</u>	<u>0</u>
General Fund	51,733	419,037	183,514	0	0
Operating Expenses	<u>1,463,618</u>	<u>1,553,480</u>	<u>1,725,651</u>	<u>1,741,697</u>	<u>1,741,697</u>
General Fund	1,445,228	1,534,805	1,695,651	1,711,697	1,711,697
Cash Funds	18,390	18,675	30,000	30,000	30,000
Leased Space/Utilities	<u>6,122,344</u>	<u>5,618,157</u>	<u>6,456,972</u>	<u>6,456,972</u>	<u>6,456,972</u>
General Fund	6,122,344	5,618,157	6,456,972	6,456,972	6,456,972
Automation Plan	<u>841,282</u>	<u>1,766,920</u>	<u>1,416,920</u>	<u>1,416,920</u>	<u>1,416,920</u>
General Fund	841,282	1,766,920	1,416,920	1,416,920	1,416,920
Attorney Registration	<u>84,605</u>	<u>126,300</u>	<u>140,085</u>	<u>140,085</u>	<u>140,085</u>
General Fund	84,605	126,300	140,085	140,085	140,085
Contract Services	<u>49,395</u>	<u>0</u>	<u>49,395</u>	<u>49,395</u>	<u>49,395</u>
General Fund	49,395	0	49,395	49,395	49,395
Mandated Costs	<u>4,126,488</u>	<u>4,777,888</u>	<u>4,552,716</u>	<u>4,552,716</u>	<u>4,552,716</u>
General Fund	4,126,488	4,777,888	4,552,716	4,552,716	4,552,716
Grants	<u>146,524</u>	<u>35,223</u>	<u>120,000</u>	<u>120,000</u>	<u>120,000</u>
FTE	3.5	0.3	2.0	2.0	2.0
Cash Funds	146,524	35,223	120,000	120,000	120,000

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
House Bill 14-1158 Vehicular Homicide and Assault Minimum Sentence	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	0.0	0.0	0.0	0.0	0.0
General Fund	0	0	0	0	0
TOTAL - (5) Office of the State Public Defender	63,170,749	72,364,745	83,255,824	86,353,141	86,374,733
FTE	<u>627.9</u>	<u>671.1</u>	<u>773.1</u>	<u>782.2</u>	<u>782.2</u>
General Fund	63,005,835	72,310,847	83,105,824	86,203,141	86,224,733
Cash Funds	164,914	53,898	150,000	150,000	150,000

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL					
This independent agency provides legal representation for indigent defendants in cases where the State Public Defender is precluded from doing so because of an ethical conflict of interest. Cash funds are received from private attorneys and investigators for training.					
Personal Services	<u>750,382</u>	<u>880,672</u>	<u>905,127</u>	<u>1,122,470</u>	<u>1,093,458</u>
FTE	7.5	8.4	9.1	11.0	10.9
General Fund	750,382	880,672	905,127	1,122,470	1,093,458
Health, Life, and Dental	<u>92,555</u>	<u>109,710</u>	<u>112,745</u>	<u>125,071</u>	<u>134,599</u> *
General Fund	92,555	109,710	112,745	125,071	134,599
Short-term Disability	<u>1,103</u>	<u>1,341</u>	<u>1,694</u>	<u>1,873</u>	<u>2,078</u> *
General Fund	1,103	1,341	1,694	1,873	2,078
S.B. 04-257 Amortization Equalization					
Disbursement	<u>20,051</u>	<u>24,222</u>	<u>30,807</u>	<u>37,182</u>	<u>41,541</u> *
General Fund	20,051	24,222	30,807	37,182	41,541
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>17,154</u>	<u>21,799</u>	<u>28,882</u>	<u>35,834</u>	<u>40,126</u> *
General Fund	17,154	21,799	28,882	35,834	40,126
Salary Survey	<u>0</u>	<u>12,817</u>	<u>28,709</u>	<u>54,693</u>	<u>61,947</u>
General Fund	0	12,817	28,709	54,693	61,947
Merit Pay	<u>0</u>	<u>10,408</u>	<u>8,389</u>	<u>7,723</u>	<u>6,761</u>
General Fund	0	10,408	8,389	7,723	6,761

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Operating Expenses	<u>66,201</u>	<u>96,917</u>	<u>71,895</u>	<u>79,862</u>	<u>75,405</u> *
General Fund	66,201	96,917	71,895	79,862	75,405
Capital Outlay	<u>0</u>	<u>0</u>	<u>4,703</u>	<u>6,251</u>	<u>4,703</u> *
General Fund	0	0	4,703	6,251	4,703
Training and Conferences	<u>40,549</u>	<u>42,996</u>	<u>60,000</u>	<u>60,000</u>	<u>60,000</u>
General Fund	20,549	22,996	20,000	20,000	20,000
Cash Funds	20,000	20,000	40,000	40,000	40,000
Conflict-of-interest Contracts	<u>19,882,661</u>	<u>22,416,624</u>	<u>26,615,760</u>	<u>26,615,760</u>	<u>26,615,760</u>
General Fund	19,882,661	22,416,624	26,615,760	26,615,760	26,615,760
Mandated Costs	<u>1,764,604</u>	<u>1,938,282</u>	<u>1,852,371</u>	<u>1,852,371</u>	<u>1,852,371</u>
General Fund	1,764,604	1,938,282	1,852,371	1,852,371	1,852,371
Leased Space	<u>25,186</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	25,186	0	0	0	0
TOTAL - (6) Office of the Alternate Defense					
Counsel	22,660,446	25,555,788	29,721,082	29,999,090	29,988,749
<i>FTE</i>	<u>7.5</u>	<u>8.4</u>	<u>9.1</u>	<u>11.0</u>	<u>10.9</u>
General Fund	22,640,446	25,535,788	29,681,082	29,959,090	29,948,749
Cash Funds	20,000	20,000	40,000	40,000	40,000

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

Personal Services	<u>1,903,131</u>	<u>1,905,492</u>	<u>1,971,589</u>	<u>2,295,026</u>	<u>2,295,026</u>
FTE	26.1	26.5	27.4	28.9	28.9
General Fund	1,903,131	1,905,492	1,971,589	2,295,026	2,295,026
Health, Life, and Dental	<u>174,855</u>	<u>195,658</u>	<u>249,721</u>	<u>223,780</u>	<u>222,248</u>
General Fund	174,855	195,658	249,721	223,780	222,248
Short-term Disability	<u>2,747</u>	<u>3,197</u>	<u>4,714</u>	<u>5,213</u>	<u>5,224</u>
General Fund	2,747	3,197	4,714	5,213	5,224
S.B. 04-257 Amortization Equalization					
Disbursement	<u>50,484</u>	<u>59,322</u>	<u>85,702</u>	<u>103,742</u>	<u>104,479</u>
General Fund	50,484	59,322	85,702	103,742	104,479
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>43,165</u>	<u>53,380</u>	<u>80,345</u>	<u>99,944</u>	<u>100,917</u>
General Fund	43,165	53,380	80,345	99,944	100,917
Salary Survey	<u>0</u>	<u>34,879</u>	<u>266,519</u>	<u>93,977</u>	<u>93,977</u>
General Fund	0	34,879	266,519	93,977	93,977
Merit Pay	<u>0</u>	<u>28,323</u>	<u>19,415</u>	<u>22,457</u>	<u>23,011</u>
General Fund	0	28,323	19,415	22,457	23,011

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Operating Expenses	<u>190,722</u>	<u>241,195</u>	<u>191,929</u>	<u>193,354</u>	<u>193,354</u> *
General Fund	190,722	241,195	191,929	193,354	193,354
Leased Space	<u>146,970</u>	<u>102,120</u>	<u>103,618</u>	<u>105,137</u>	<u>105,137</u>
General Fund	146,970	102,120	103,618	105,137	105,137
CASA Contracts	<u>520,000</u>	<u>1,020,000</u>	<u>1,020,000</u>	<u>1,020,000</u>	<u>1,020,000</u>
General Fund	520,000	1,020,000	1,020,000	1,020,000	1,020,000
Training	<u>41,026</u>	<u>38,000</u>	<u>38,000</u>	<u>38,000</u>	<u>38,000</u>
General Fund	41,026	38,000	38,000	38,000	38,000
Court-appointed Counsel	<u>16,015,965</u>	<u>17,625,017</u>	<u>20,421,453</u>	<u>20,421,453</u>	<u>20,421,453</u>
General Fund	16,015,965	17,625,017	20,421,453	20,421,453	20,421,453
Mandated Costs	<u>43,607</u>	<u>54,486</u>	<u>37,287</u>	<u>54,487</u>	<u>54,487</u>
General Fund	43,607	54,486	37,287	54,487	54,487
Title IV-E Training Grant	<u>0</u>	<u>9,390</u>	<u>0</u>	<u>9,390</u>	<u>9,390</u>
Reappropriated Funds	0	9,390	0	9,390	9,390
TOTAL - (7) Office of the Child's Representative	19,132,672	21,370,459	24,490,292	24,685,960	24,686,703
<i>FTE</i>	<u>26.1</u>	<u>26.5</u>	<u>27.4</u>	<u>28.9</u>	<u>28.9</u>
General Fund	19,132,672	21,361,069	24,490,292	24,676,570	24,677,313
Reappropriated Funds	0	9,390	0	9,390	9,390

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

Pursuant to S.B. 14-203, the Department's budget request proposes the creation of a new section for an independent agency that will provide legal representation for indigent parents involved in judicial dependency and neglect proceedings.

Personal Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>347,410</u>	<u>842,361</u>
FTE	0.0	0.0	0.0	2.7	6.9
General Fund	0	0	0	347,410	842,361
Health, Life, and Dental	<u>0</u>	<u>0</u>	<u>0</u>	<u>16,016</u>	<u>30,579</u>
General Fund	0	0	0	16,016	30,579
Short-term Disability	<u>0</u>	<u>0</u>	<u>0</u>	<u>483</u>	<u>1,430</u>
General Fund	0	0	0	483	1,430
S.B. 14-257 Amortization Equalization					
Disbursement	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,622</u>	<u>28,598</u>
General Fund	0	0	0	10,622	28,598
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,260</u>	<u>27,623</u>
General Fund	0	0	0	10,260	27,623
Operating Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>15,733</u>	<u>38,546</u>
General Fund	0	0	0	15,733	38,546
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>441,140</u>	<u>435,140</u>
General Fund	0	0	0	441,140	435,140

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Legal Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>49,500</u>	<u>49,505</u>
General Fund	0	0	0	49,500	49,505
Case Management System	<u>0</u>	<u>0</u>	<u>0</u>	<u>37,500</u>	<u>253,125</u>
General Fund	0	0	0	37,500	253,125
Training	<u>0</u>	<u>0</u>	<u>0</u>	<u>25,000</u>	<u>45,000</u>
General Fund	0	0	0	25,000	22,500
Cash Funds	0	0	0	0	22,500
Court-appointed Counsel	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,986,663</u>
General Fund	0	0	0	0	4,986,663
TOTAL - (8) Office of the Respondent Parents'					
Counsel	0	0	0	953,664	6,738,570
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>2.7</u>	<u>6.9</u>
General Fund	0	0	0	953,664	6,716,070
Cash Funds	0	0	0	0	22,500

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
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(9) INDEPENDENT ETHICS COMMISSION

This independent agency is charged with hearing complaints, issuing findings, assessing penalties, and issuing advisory opinions on ethics issues that arise concerning public officers, members of the General Assembly, local government officials, or government employees.

Personal Services	<u>120,099</u>	<u>118,832</u>	<u>117,977</u>	<u>199,457</u>	<u>199,457</u>
FTE	1.0	2.0	2.0	2.0	2.0
General Fund	120,099	118,832	117,977	199,457	199,457
Health, Life, and Dental	<u>5,216</u>	<u>7,209</u>	<u>15,393</u>	<u>16,328</u>	<u>17,187</u>
General Fund	5,216	7,209	15,393	16,328	17,187
Short-term Disability	<u>166</u>	<u>183</u>	<u>374</u>	<u>379</u>	<u>379</u>
General Fund	166	183	374	379	379
S.B. 04-257 Amortization Equalization					
Disbursement	<u>3,094</u>	<u>4,335</u>	<u>6,803</u>	<u>7,586</u>	<u>7,586</u>
General Fund	3,094	4,335	6,803	7,586	7,586
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>2,648</u>	<u>3,917</u>	<u>6,378</u>	<u>7,327</u>	<u>7,327</u>
General Fund	2,648	3,917	6,378	7,327	7,327
Salary Survey	<u>0</u>	<u>0</u>	<u>4,567</u>	<u>1,946</u>	<u>1,946</u>
General Fund	0	0	4,567	1,946	1,946
Merit Pay	<u>0</u>	<u>0</u>	<u>1,827</u>	<u>1,969</u>	<u>1,969</u>
General Fund	0	0	1,827	1,969	1,969

JBC Staff Staff Figure Setting - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2015-16 Request	FY 2015-16 Recommendation
Operating Expenses	<u>15,033</u>	<u>15,601</u>	<u>21,843</u>	<u>29,777</u>	<u>29,777</u> *
General Fund	15,033	15,601	21,843	29,777	29,777
Legal Services	<u>75,945</u>	<u>150,252</u>	<u>176,931</u>	<u>185,347</u>	<u>178,218</u> *
General Fund	75,945	150,252	176,931	185,347	178,218
TOTAL - (9) Independent Ethics Commission	222,201	300,329	352,093	450,116	443,846
<i>FTE</i>	<u>1.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
General Fund	222,201	300,329	352,093	450,116	443,846
TOTAL - Judicial Department	493,629,363	544,637,868	617,041,308	668,699,069	670,185,686
<i>FTE</i>	<u>4,070.4</u>	<u>4,210.5</u>	<u>4,522.3</u>	<u>4,582.5</u>	<u>4,574.3</u>
General Fund	350,698,989	380,979,306	446,285,574	476,520,170	476,569,983
Cash Funds	121,144,662	135,083,282	135,532,639	154,644,170	155,800,052
Reappropriated Funds	16,742,805	23,306,497	30,798,095	33,109,729	33,390,651
Federal Funds	5,042,907	5,268,783	4,425,000	4,425,000	4,425,000

Appendix B: Indirect Cost Assessment Methodology

Description of Indirect Cost Assessment Methodology

Description of Indirect Cost Assessment Methodology

The Judicial Branch's indirect cost assessment methodology is based on an "*Indirect Cost Pool*", which is allocated among fund sources based on estimates of the relative benefit that each program area receives from each component of the Indirect Cost Pool.

The Branch's Indirect Cost Pool is comprised of the General Fund share of several line item appropriations that appear in three sections of the Long Bill, listed below.

Courts Administration

*General Courts Administration

Information Technology Infrastructure

Workers' Compensation

Legal Services

Payment to Risk Management and Property Funds

Leased Space - State Court Administrator's Office

Payments to OIT (prior to FY 2014-15: Purchase of Services from Computer Center,
Multiuse Network Payments, and Communication Services)

COFRS Modernization

Lease Purchase

Trial Courts

*Trial Court Programs

Probation and Related Services

*Probation Programs

Three of the line item appropriations that are included in the Department's Indirect Cost Pool (noted with an asterisk above) support personal services and operating expenses in the State Court Administrator's Office and judicial districts. The Department only includes that portion of each appropriation that relates to administrative positions. The Department also includes the associated costs of administrative employees' benefits. The Department's Indirect Cost Pool is based on appropriated amounts for the previous fiscal year (*e.g.*, the Indirect Cost Pool for FY 2014-15 is based on FY 2013-14 Long Bill appropriations). **Table 1** outlines which line items are included in the Department's Indirect Cost Pool for FY 2014-15.

**JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision**

Table 1				
Division	Judicial Department: Indirect Cost Pool Line Item	FY 2013-14 General Fund Appropriation	Percent of Costs Included in Indirect Cost Pool	FY 2014-15 Indirect Cost Pool Components
Courts Administration	General Courts Administration - Personal Services and Operating Expenses	\$14,616,345	64.6%	\$9,443,877
	Health, Life, and Dental - Administration	1,388,057	64.6%	896,848
	Short-term Disability - Administration	32,753	64.6%	21,162
	S.B. 04-257 AED - Administration	588,953	64.6%	380,533
	S.B. 06-235 SAED - Administration	552,245	64.6%	356,815
	Salary Survey - Administration	1,336,347	64.6%	863,437
	Information Technology Infrastructure	0	100.0%	0
	Workers' Compensation	1,210,253	100.0%	1,210,253
	Legal Services	218,218	100.0%	218,218
	Purchase of Services from Computer Center	0	100.0%	0
	Multiuse Network Payments	0	100.0%	0
	Payment to Risk Management and Property Funds	685,664	100.0%	685,664
	Leased Space - State Court Administrator's Office	2,384,393	100.0%	2,384,393
	Communication Services	0	100.0%	0
	Payments to OIT (new in FY2015)	2,543,223	100.0%	2,543,223
	COFRS Modernization	1,067,197	100.0%	1,067,197
Lease Purchase	119,878	100.0%	119,878	
Trial Courts	Trial Court Programs - Personal Services and Health, Life, and Dental - Trial Courts	100,168,187	4.8%	4,797,325
	Short-term Disability - Trial Courts	9,384,332	4.8%	449,441
	S.B. 04-257 AED - Trial Courts	136,163	4.8%	6,521
	S.B. 04-257 AED - Trial Courts	3,863,819	4.8%	185,049
	S.B. 06-235 SAED - Trial Courts	3,581,968	4.8%	171,550
	Salary Survey - Trial Courts	8,010,360	4.8%	383,638
Probation and	Probation Programs - Personal Services and Health, Life, and Dental - Probation	68,889,803	7.1%	4,924,228
	Short-term Disability - Probation	7,092,282	7.1%	506,955
	S.B. 04-257 AED - Probation	135,105	7.1%	9,657
	S.B. 04-257 AED - Probation	2,316,501	7.1%	165,583
	S.B. 06-235 SAED - Probation	2,279,019	7.1%	162,904
Salary Survey - Probation	1,593,745	7.1%	113,921	
Departmental Indirect Cost Pool				\$32,068,270

As detailed in **Table 2**, the Department calculates an *Indirect Cost Rate* for each general program area. The Department first allocates each component of the Indirect Cost Pool among general program areas. While most components are categorized as “general overhead” because they benefit all program areas in a similar manner, some components only benefit one program area. The Department then calculates an Indirect Cost Rate for each program area by comparing the program area’s allocation from the Indirect Cost Pool to total Long Bill appropriations for the Department (including all state fund sources, but excluding appropriations for each of the independent agencies). For example, the “general overhead” portion of the Indirect Cost Pool represents 2.17 percent of total Department appropriations, and the “probation” portion of the Indirect Cost Pool represents 2.11 percent of total Department appropriations. Thus, the Department applies an Indirect Cost Rate of 4.28 percent (2.17% + 2.11% = 4.28%) to each fund source that supports a probation-related program.

Table 2												
Judicial Department: Calculation of Basis for Allocating Indirect Costs												
Division		Line Items Included in Indirect Cost Pool		Allocation of Cost Pool Components by Program Area								
				Total (from Table 1)	General Overhead		Trial Courts		Probation		Attorney Regulation	
					Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars
Courts Administration	General Courts Administration - Personal Services	\$11,962,672	16.0%	\$1,914,028	49.0%	\$5,861,710	33.0%	\$3,947,682	2.0%	\$239,253		
	Information Technology Infrastructure	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0		
	Workers' Compensation	1,210,253	100.0%	1,210,253	0.0%	0	0.0%	0	0.0%	0		
	Legal Services	218,218	100.0%	218,218	0.0%	0	0.0%	0	0.0%	0		
	Purchase of Services from Computer Center	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0		
	Multiuse Network Payments	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0		
	Payment to Risk Management and Property Funds	685,664	100.0%	685,664	0.0%	0	0.0%	0	0.0%	0		
	Leased Space - State Court Administrator's Office	2,384,393	100.0%	2,384,393	0.0%	0	0.0%	0	0.0%	0		
	Communication Services	0	0.0%	0	0.0%	0	100.0%	0	0.0%	0		
	Payments to OIT (new in FY2015)	2,543,223	100.0%	2,543,223	0.0%	0	0.0%	0	0.0%	0		
	COFRS Modernization	1,067,197	100.0%	1,067,197	0.0%	0	0.0%	0	0.0%	0		
	Lease Purchase	119,878	100.0%	119,878	0.0%	0	0.0%	0	0.0%	0		
Trial Courts	Trial Court Programs - Personal Services and	5,993,524	0.0%	0	100.0%	5,993,524	0.0%	0	0.0%	0		
Probation and	Probation Programs - Personal Services and	5,883,248	0.0%	0	0.0%	0	100.0%	5,883,248	0.0%	0		
Total		\$32,068,270		\$10,142,854		\$11,855,233		\$9,830,930		\$239,253		
Total Budget for State Court Administrator's Office, Courts, and Probation - All Fund Sources Except Federal Funds		466,365,282										
Allocated Indirect Cost Pool / Total Budget			2.17%		2.54%		2.11%		0.08%			

The *Indirect Cost Base* is comprised of total Long Bill appropriations to the Department (including all state fund sources, but excluding appropriations for each of the independent agencies). Thus, the *Departmental Indirect Cost Assessment* for each fund source is calculated by multiplying the applicable Indirect Cost Rate by the total amount appropriated in the Long Bill from that fund source. Please note that the Department does not recover indirect costs from several non-General Fund sources of funding, which are listed on the following page.

- *Crime Victim-related funds:* Statutorily, a Victims and Witnesses Assistance and Law Enforcement Fund and a Crime Victim Compensation Fund are established in the office of the court administrator for each judicial district. Moneys anticipated to be expended from these funds are reflected in the Long Bill for informational purposes, but local court administrators and district attorneys may spend these funds without an appropriation. Statute requires that these funds be used for the implementation of the rights afforded to crime victims, services and compensation of crime victims, and certain related administrative costs incurred by local court administrators and district attorneys.
- *Judicial Stabilization Cash Fund:* Moneys in this fund may be appropriated for the “expenses of trial courts in the judicial department”. This fund was created through S.B. 03-186, a Joint Budget Committee sponsored bill that raised multiple docket, filing, and probation fees and used the revenues to reduce General Fund expenditures. As this fund is used in lieu of General Fund for certain trial court expenses, it has never been used to cover indirect costs.
- *Attorney law examination and continuing legal education fees:* The Colorado Supreme Court is authorized to collect fees from attorneys and judges to cover the costs of regulation of the practice of law. The Department currently assesses indirect costs on fees related to attorney regulation activities, but not on fees related to continuing legal education or the bar exam.
- *Fees credited to the Supreme Court Library Fund:* The Supreme Court Library is a public library that is supported by appellate filing and other fees deposited in the Supreme Court Library Fund.
- *Transfers from other state agencies:* The Department receives federal child support enforcement funding from the Department of Human Services, for persistent drunk driver programs, and for S.B. 91-94 juvenile service programs.

In addition, please note that the budget for the Judicial Branch includes funding for four independent agencies. Other than a small amount of revenue from training fees and occasional grants, these independent agencies are entirely supported by the General Fund. Thus, administrative costs incurred by these agencies are not included in the Indirect Cost Pool, and the budgets for these agencies do not reflect indirect cost assessments. These agencies do not currently use fees that are paid by attorneys attending training sessions to cover agency indirect costs. With respect to grants, if one of these agencies were to receive a grant that may be used to cover both direct and indirect costs, the agency would charge an appropriate amount to the grant, and then use that amount to cover an administrative expense that would otherwise be supported by General Fund. Thus, any indirect cost recoveries that may be collected by these agencies would be used to reduce General Fund expenditures.

Table 3, on the following page, details the calculation of the Departmental Indirect Cost Assessment for FY 2015-16 among divisions and specific funding sources. The Department then allocates the Statewide Indirect Cost Assessment proportionally, based on Departmental Indirect Cost Assessments.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

Table 3					
Judicial Department: Allocation of Indirect Costs Among Divisions and Fund Sources					
Division	Fund Source	Indirect Cost Rate	Dept. Indirect	Statewide	Total
Supreme Court/	Annual attorney registration fees for Attorney	2.25%	\$202,898	\$18,434	\$221,332
	Judicial Stabilization Cash Fund		0	0	0
	Law examination application fees for the State Board		0	0	0
	Annual attorney registration fees for Continuing		0	0	0
	Subtotal		202,898	18,434	221,332
Courts Administration	Judicial Department Information Technology Cash Fund	2.17%	229,563	20,856	250,419
	Victims and Witnesses Assistance and Law		0	0	0
	Crime Victim Compensation Fund		0	0	0
	Court Security Cash Fund	4.72%	151,811	13,792	165,603
	Judicial Collection Enhancement Fund	2.17%	104,366	9,482	113,848
	Fines Collection Cash Fund	2.17%	19,574	1,778	21,352
	Judicial Stabilization Cash Fund		0	0	0
	Justice Center Cash Fund	2.17%	46,453	4,220	50,673
	State Commission on Judicial Performance Cash Fund	4.72%	21,646	1,967	23,613
	Family-friendly Court Program Cash Fund	4.72%	17,733	1,611	19,344
	Family Violence Justice Fund	4.72%	8,019	729	8,748
	Restorative Justice Surcharge Fund	4.72%	18,150	1,649	19,799
	Various Federal Grants			9,003	9,003
	Transfer from DHS from the Child Support		0	0	0
	Subtotal		617,315	65,088	682,403
Trial Courts	Judicial Stabilization Cash Fund		0	0	0
	Transfer from DHS from the Child Support		0	0	0
	Water Adjudication Cash Fund		0	0	0
	Subtotal		0	0	0
Probation and	Offender Services Fund	4.28%	614,373	55,817	670,190
	Correctional Treatment Cash Fund	4.28%	205,444	18,665	224,109
	Alcohol and Drug Driving Safety Program Fund	4.28%	218,997	19,896	238,893
	Offender Identification Fund	4.28%	2,515	228	2,743
	Interstate Compact Probation Transfer Cash Fund	4.28%	8,030	730	8,760
	Sex Offender Surcharge Fund		0	0	0
	Transfer from DHS from Persistent Drunk Driver		0	0	0
	Transfer from DHS from S.B. 91-94 Programs line item		0	0	0
	Victims and Witnesses Assistance and Law		0	0	0
	Subtotal		1,049,359	95,337	1,144,696
Total			\$1,869,572	\$178,858	\$2,048,430

FY 2015-16 Indirect Cost Assessment Recommendation

The total of departmental and statewide indirect cost assessments is appropriated in the “General Courts Administration” line item in the Courts Administration section of the Long Bill, thereby reducing General Fund expenditures by the same amount. In addition, this line item includes an amount that is anticipated to be charged to various federal grants received by the Department to cover a portion of departmental and statewide indirect costs. These federal recoveries are treated differently than other indirect cost recoveries because they are less predictable, and the indirect cost assessment is calculated using a different methodology (e.g., the calculation uses lag data and the rates are not finalized until September of the fiscal year). If the total amount of indirect cost recoveries from federal grants exceeds the amount reflected in the Long Bill, the Department books the expenditure to the associated grants line item, and then applies such recoveries to the General Courts Administration line item. Thus, all indirect cost recoveries from federal grants reduce General Fund expenditures.

*JBC Staff Figure Setting: FY 2015-16 Staff Working Document –
Does Not Represent Committee Decision*

As detailed in **Table 4**, staff recommends an appropriation of \$2,190,430 for indirect cost assessments and indirect cost recoveries from federal grants. The recommendation for FY 2015-16 represents an increase of \$120,691 compared to FY 2014-15, primarily due to increases in the amount appropriated from or anticipated to be expended in FY 2014-15 from the following: attorney registration fees; the Judicial Collection Enhancement Fund; the Restorative Justice Surcharge Fund; and the Offender Services Fund.

Table 4				
Judicial Department: Indirect Cost Assessment				
Division	Total	Indirect Cost Assessments		Estimated Indirect Cost
		Cash Funds	Other Funds	Recoveries from Federal
Supreme Court/Court of Appeals	\$221,332	\$221,332	\$0	
Courts Administration	682,403	673,400	9,003	0
Trial Courts	0	0	0	0
Probation and Related Services	1,144,696	1,144,696	0	0
Amounts Reflected Within Grants Line Items	142,000	0	0	142,000
Total Indirect Cost Assessment for FY 2015-16	2,190,430	2,039,427	9,003	142,000
FY 2014-15 Indirect Cost Assessment	2,069,739	1,920,980	6,759	142,000
Difference (FY 15-16 less FY 14-15)	120,691	118,447	2,244	0

Appendix C: State Funding for District Attorneys

Colorado's district attorneys' offices (DAs) are responsible for prosecuting all criminal and traffic cases filed in district and county courts. While DAs' budgets are primarily set and provided by boards of county commissioners within each respective judicial district, the State provides direct funding for DAs in the following areas (a total of \$7.2 million for FY 2014-15):

1. The Department of Law's budget includes an appropriation for "District Attorneys' Salaries" (\$2,697,656 General Fund for FY 2014-15). This appropriation covers 80 percent of the statutory minimum salary for the elected DA (currently \$130,000), plus the associated PERA and Medicare costs.
2. The Judicial Department's budget includes an appropriation for "District Attorney Mandated Costs" (\$2,697,153 total funds, including \$2,527,153 General Fund for FY 2014-15). This line item provides funding to reimburse DAs for costs incurred for prosecution of state matters, such as expert witness fees and witness travel expenses, the costs of mailing subpoenas, and the cost of acquiring transcripts.
3. The Department of Corrections' budget includes an appropriation for "Payments to District Attorneys" for costs associated with prosecuting a crime alleged to have been committed by a person in the custody of the Department (\$1,081,102 General Fund for FY 2014-15).
4. The Judicial Branch's budget includes an appropriation for "District Attorney Adult Pretrial Diversion Programs" for adult pretrial diversion programs that meet the established statutory guidelines (\$477,000 for FY 2014-15).
5. Pursuant to H.B. 14-1144, the Department of Law's budget includes an appropriation of \$350,000 General Fund to be transferred to the Colorado District Attorneys' Council (CDAC) for the provision of prosecution training, seminars, continuing education programs, and other prosecution-related services.
6. The Department of Public Safety's budget includes an appropriation for "Witness Protection Fund Expenditures" to pay DAs for qualifying expenses related to security personnel, travel expenses, lodging, and other immediate needs (\$83,000 General Fund was appropriated for this purpose for FY 2014-15).

In addition, the General Assembly appropriates funds to the State Court Administrator's Office, the Office of the State Public Defender, the Office of the Alternate Defense Counsel, and the Office of the Child's Representative to cover the costs of obtaining discoverable materials⁵⁰. In FY 2013-14, these offices spent a total of \$2,722,683 for discovery. The majority of these

⁵⁰ Under Colorado Supreme Court Rule 16, the prosecuting attorney is required to make available to the defense certain material and information that is within his or her control and to provide duplicates upon request. The State pays the costs of duplicating discoverable material when legal representation is provided for an indigent defendant.

expenditures (87.8 percent in FY 2013-14) were paid to reimburse DAs or the Attorney General's Office.

Finally, pursuant to S.B. 14-190, the General Assembly appropriated \$5,300,000 General Fund to the Judicial Department for FY 2014-15 for the CDAC to develop and maintain a statewide discovery sharing system integrated with CDAC's existing ACTION case management system.