

The following file contains two documents:

- The agenda for a November 16, 2009 meeting with the Chief Justice, the State Public Defender, the Alternate Defense Counsel, and the Office of the Child's Representative concerning the Department's FY 2010-11 budget request
- The agenda for a December 15, 2009 meeting with district attorneys concerning two issues: (1) Reimbursements to district attorneys for duplicating discoverable materials; and (2) Sharing of data between district attorney offices and the state court system

**JUDICIAL BRANCH  
FY 2010-11 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, November 16, 2009  
1:30 pm – 5:00 pm**

*JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation)*

**1:30-1:45      INTRODUCTIONS AND OPENING COMMENTS**

**1:45-2:05      STATE COURT SYSTEM**

1. Please discuss recent trends in the number of cases filed in county and district courts. Specifically, what has caused the number of felony criminal filings to decline since FY 2005-06 (e.g., does it relate to the number of certain crimes committed or changes in prosecutorial practices)? How has the weak economy affected the number and types of filings?
2. Please describe how the Department measures the workload for courts in each jurisdiction and how it allocates resources among jurisdictions. Specifically, please provide the following:
  - a. A comparison of caseload by judicial district to the number of judgeships.
  - b. A comparison of caseload by judicial district to allocated funds and staff.
3. Please describe any mid-year budget changes you intend to submit to reduce General Fund expenditures in FY 2009-10.
4. Please discuss the Department's proposal to reduce existing staff for trial courts, appellate courts, and Department administration by a total of 172.0 FTE in FY 2010-11, as well as the Department's proposal to further delay new judgeships (postponing 43.0 FTE). How would these reductions impact court operations and access to the courts? How would the Department manage these impacts?

**2:05-2:40      HOUSE PUBLIC ACCESS AND E-FILING SYSTEMS**

5. Please describe the relationship between your Integrated Information Services unit and the Office of Information Technology (OIT). Specifically, does your staff collaborate with OIT when purchasing hardware or software? Does your staff work with OIT to ensure that the Department's technology projects are consistent with OIT's statewide vision and technology plan?
6. Describe the Department's most recent proposal concerning the implementation of an in-house public access system (PAS) and the development of an in-house e-filing system (EFS). Please include a list of the benefits of bringing these systems in-house.

7. Has there been any independent validation of the PAS recently developed by the Department? Could OIT take a look at the PAS, interview current system users, and evaluate the cost-effectiveness of the system and whether it is consistent with OIT's statewide plan?
8. The Joint Budget Committee and the Chairpersons of the House and Senate Judiciary Committees recently received a letter from Marc Milligan, President of Background Information Services, Inc. concerning the Department's proposed PAS. Please respond to the issues raised in this letter, including the following:
  - a. Describe the current status of PAS, including how its functionality and reliability compares to the system currently operated by LexisNexis/Courtlink.
  - b. Describe the testing process you have used and whether you have received any feedback from current PAS users.
  - c. Is the PAS you have developed compatible with the existing interface provided for large users (i.e., how will you ensure service continuity for current users)?
  - d. Describe any fee changes you intend to implement.

**2:40-3:10 PROBATION AND RELATED SERVICES**

9. Please describe any national caseload standards for probation officers. How do Colorado's existing caseloads compare to these standards? Further, please describe your Probation Staffing Model. Are FY 2009-10 appropriations sufficient to fully staff probation offices based on this Staffing Model?
10. [Decision Item #1] Please discuss the Department's proposal to reduce probation staff by 94.0 FTE (8.2 percent). Given the growing number of offenders on probation, how would this reduction affect probation staffing ratios, services, and outcomes?
11. In Colorado, the Judicial Department is responsible for probation services and the Department of Corrections is responsible for parole services. Why? Should the General Assembly consider assigning both responsibilities to one agency? Do you have any information about the potential effect of such a consolidation on the costs of providing these services and the outcomes achieved?
12. Please provide information concerning the number and proportion of offenders on probation who have a substance abuse problem. If possible, please break down this data for various types of substances.
13. [Request for Information #5] If possible, please provide a breakdown of expenditures of state funds to provide substance abuse treatment for offenders on probation based on substance type.
14. Does the Department have information about total state expenditures for substance abuse

treatment? If not, what action could the General Assembly take to assist in gathering such information and to help coordinate treatment resources statewide?

15. Are existing substance abuse treatment services provided through the Judicial Department, the Department of Human Services, the Department of Corrections, and the Department of Public Safety adequate to meet the need for services? Are available treatment services effective?
16. Please provide information concerning the rate of recidivism for DUI offenders on probation. Has recidivism increased or decreased among these offenders in recent years?
17. Please discuss the effectiveness of electronic monitoring.
18. Provide a cost comparison of public and private supervision of offenders on probation. Please include information about who/what entity pays these costs and explain whether/how offenders who are privately supervised differ from those who are publicly supervised.

**3:10-3:30 MISCELLANEOUS**

19. [Request for Information #1] Please provide a response to this information request concerning Colorado Supreme Court Rule #16 (authorizing district attorneys to charge for the costs of duplicating discoverable material). Please include information about the relationship between fees charged by district attorneys to defense attorneys pursuant to this rule, and those charged to the public pursuant to Section 24-72-306, C.R.S. (amended through H.B. 08-1076).
20. We understand that Denver is not providing certain types of court- and probation-related data to the Department. Please explain what type of data is not being shared by Denver and what impact(s) this has on the Department. What action, if any, could the General Assembly take to remedy this situation?
21. [Decision Item #1] Please describe the Department's process of purchasing courthouse furnishings. Specifically, does the Department utilize Correctional Industries?
22. Please describe the plans for the new parking structure associated with the new Justice Complex. Would the structure be available to employees and the public? Would all users pay a fee for parking? If so, how would such revenue be utilized?

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

Please provide:

23. Organizational charts for your department, showing divisions and subdivisions (with geographic locations).
24. Definitions of the roles and missions of your department, its divisions and subdivisions.

25. The number of current personnel and the number of assigned FTE by division and subdivision (with geographic locations), including all government employees and on-site contractors.
26. A specific list of names, salaries, and positions by division and subdivision of any salaried officer or employee making over \$95,000 per year in FY 2009-10.
27. A specific list of names, bonuses, and positions by division and subdivision of any salaried officer or employee making over \$95,000 per year who received any bonuses in FY 2008-09.
28. Numbers and locations of any buildings owned or rented by any division or subdivision (by location) and the annual energy costs of all buildings.
29. Any real property or land owned, managed, or rented by any division or subdivision (by geographic location).
30. List essential computer systems and databases used by the department, its divisions and subdivisions, with their actual FY 2008-09 expenditures.
31. Any actual FY 2008-09 expenditures over \$100,000 total from the department or from its divisions and subdivisions to any private contractor, identifying the contract, the project, and whether the contracts were sole-source or competitive bid.
32. The amount of actual FY 2008-09 expenditures for any lobbying, public relations, gifts, public advertising, or publications including:
  - a. expenditures for lobbying by public employees, contract lobbyists, or "think tanks;"
  - b. expenditures for lobbying purposes at other levels of government;
  - c. expenditures for lobbying purposes from grants, gifts, scholarships, or tuition;
  - d. expenditures for publications or media used for lobbying purposes;
  - e. expenditures for gratuities, tickets, entertainment, receptions or travel for purposes of lobbying elected officials; or
  - f. expenditures for any public advertising. Include all advertising campaigns, including those that are not for public relations.
33. List of all boards, commissions, and study groups, including actual FY 2008-09 expenditures, travel, per diem budgets and assigned FTEs.
34. Suggest budget and staff reductions, including reductions in FTE and hours, by division and subdivision, that will reduce your department's total FY 2010-11 General Fund expenditures by 12.5% relative to FY 2009-10 appropriations before any adjustments that have been announced since the end of the 2009 session.

35. Suggest budget and staff reductions, including reductions in FTE and hours, by division and subdivision, that will reduce your department's total FY 2010-11 General Fund expenditures by 25.0% relative to FY 2009-10 appropriations before any adjustments that have been announced since the end of the 2009 session.

**3:30-3:40      BREAK**

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**INTRODUCTIONS AND OPENING COMMENTS**

1. Please discuss recent trends in the number of active cases for your office. Specifically, please discuss why the number of felony cases has declined since FY 2005-06 and the number of misdemeanor cases has increased. Further, please clarify how you categorize your cases (i.e., is it based on the original charge?).
2. Please describe any mid-year budget changes you intend to submit to reduce General Fund expenditures in FY 2009-10. Please include information about the status of the 41.9 FTE staff positions, supported by General Fund, that were added for FY 2009-10.
3. Please describe your proposal to delay hiring new staff associated with the implementation of H.B. 07-1054 (increase number of court judges).
4. What impact will these hiring delays have on your ability to meet your constitutional and statutory mandates?
5. Please discuss the legal implications of the U.S. Supreme Court *Rothgery* decision for Colorado and the potential financial impact on your Office.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

Please provide:

6. Organizational charts for your department, showing divisions and subdivisions (with geographic locations).
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**INTRODUCTIONS AND OPENING COMMENTS**

1. What would be the impact of a statutory change providing government immunity to the attorneys your office contracts with? Specifically, would such a change provide any financial benefits to the State?

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

Please provide:

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**INTRODUCTIONS AND OPENING COMMENTS**

**DISCRETIONARY APPOINTMENTS IN TRUANCY AND JUVENILE DELINQUENCY CASES**

1. Has the Office of the Child's Representative (OCR) studied whether the appointment of a guardian ad litem (GAL) in truancy or juvenile delinquency cases affects outcomes for children (i.e., are expenditures for GALs in these cases cost-effective early intervention efforts)?
2. Does the OCR or the Department have data indicating how much time individual judges spend on truancy cases? If so, is there evidence that the time spent on such cases affects the student dropout rate? Is there other data correlating certain practices or programs with decreases in the student dropout rate?
3. Does the OCR have any comments on the use of incentives and disincentives to address truancy? For example, would a policy of tying a student's cell phone use to school attendance have a positive impact?
4. In 2006, the General Assembly increased the age requirement for compulsory school attendance from 16 to 17. Has this change increased the number truancy cases filed?

**OTHER**

5. *The Joint Budget Committee sent a letter to Chief Justice Mullarkey on April 27, 2009 with several requests for information. Item #2 asked the State Court Administrator's Office (SCAO) to work with the Office of the Child's Representative (OCR) to explore options for providing the OCR with timely access to filing and appointment information for the purpose of allowing the OCR to better monitor its caseload and manage its annual appropriation. The SCAO recommended that the OCR consider creating a data reporting plan with its contractors to accurately determine the number and types of appointments involving OCR contractors. Please discuss any actions the OCR has taken or plans to take to improve its ability to monitor its caseload and manage its annual appropriation.*
6. What would be the impact of a statutory change providing government immunity to the attorneys your office contracts with? Specifically, would such a change provide any financial benefits to the State?
7. [Decision Item #2 – IT Asset Maintenance] Has OCR considered working with the Office of Information Technology (OIT) for purposes of purchasing/replacing hardware? Please inquire whether the OIT could provide or sell the OCR a server or computers at a lower cost than OCR could achieve on its own.

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**JUDICIAL BRANCH  
FY 2010-11 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Meeting with District Attorneys  
Tuesday, December 15, 2009  
11:00 am – noon**

**District attorneys attending the meeting are asked to respond to the questions listed in bold font below.**

DA Reimbursements for Duplicating Discoverable Materials

*Background Information:*The Joint Budget Committee (JBC) requested that the Judicial Department review and analyze the impact of Colorado Supreme Court Rule 16 on state expenditures, and to determine whether amendments to Rule 16 and/or statutory changes are warranted. Specifically, the Department was requested to collect and analyze data concerning rates currently charged to state agencies by each district attorney's office for duplicating discoverable material, the methodology used by each office to calculate these rates, as well as the timing and frequency of rate changes. The Department was further requested to determine the following:

- (a) *whether existing rates are consistent with Part V (c) of Rule 16 and appropriately reimburse district attorneys' duplication costs; and*
- (b) *whether the existing process of establishing these rates allows state agencies to effectively manage their resources.*

*In its report to the JBC, the Department identifies the variance in rates charged by various district attorney offices, but it indicates that the separation of powers doctrine prohibits it from setting policy for these offices. The Department indicates that if the General Assembly would like to see standard reimbursement rates, it would need to be addressed through legislation. Alternatively, the Department indicates its willingness to address the issue through either a Chief Justice Directive or a modification to Rule 16.*

*In addition, during the Judicial Department hearing with the JBC, the State Court Administrator and the State Public Defender suggested that the General Assembly consider shifting state moneys currently appropriated to the Public Defender's Office (PDO) and the Office of the Alternate Defense Counsel (OADC) for the costs of copying discoverable material to the "District Attorney Mandated Costs" line item appropriation. These state moneys would then be administered by the CDAC, and the CDAC would be responsible for justifying any requested increase in the annual appropriation.*

- 1. What do district attorneys understand is meant by "actual costs of copying"?**
- 2. Do district attorneys recommend any statutory changes to establish standard reimbursement rates or to clarify what types of costs the "actual cost of copying" is intended to cover? If so, what specific changes do you recommend?**

3. **Do district attorneys recommend that Rule 16 be amended? If so, how?**
4. **Do district attorneys support the suggestion to shift funding from the PDO and OADC to the "District Attorney Mandated Costs" line item?**
5. **CDAC only: Please describe how the "District Attorney Mandated Costs" line item is currently managed and allocated among district attorney offices. Further, if the General Assembly were to choose to include in this line item funding for duplication of discoverable materials, how would the CDAC manage and allocate these funds?**
6. **Do district attorneys have any other suggestions for the General Assembly or the Judicial Department to consider to reduce state expenditures or increase state revenues?**

Sharing of Data Between District Attorney Offices and the State Court System

*Background Information: The JBC has learned that Denver County Court does not share any of its data with the State Court System, including data on charges, convictions, and sentences. In addition, the Judicial Department has indicated that the Denver District Attorney's office has migrated to a case management system that is not compatible with the statewide data system for prosecutors, requiring court clerks to manually enter data a second time upon receiving information in a paper format from the Denver District Attorney's office.*

*The Judicial Department has also indicated that District Attorneys in the 9th and 18th judicial districts have recently stopped sending their data to the statewide data systems for prosecutors housed at CDAC. The Judicial Department states that sharing data electronically within one system is critical to ensure public safety, to ensure that judicial officers and prosecuting attorneys have the information necessary to make fully-informed decisions, and to avoid inefficient and redundant data collection and data entry.*

1. **For Representatives for the 2nd, 9th, and 18th Judicial Districts only: Why are you no longer sharing data with the state court system?**
2. **What action(s) could the General Assembly or the Judicial Department take to remedy this situation?**