

**DEPARTMENT OF PUBLIC SAFETY
(Except Division of Criminal Justice)
FY 2012-13 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Wednesday, December 14, 2011
1:30 pm – 4:30 pm**

1:30-1:40 **INTRODUCTIONS AND OPENING COMMENTS**

1:40-2:00 **DEPARTMENT-WIDE QUESTIONS**

A. PERFORMANCE-BASED GOALS AND BUDGET REQUEST (ALL DEPARTMENTS)

1. Please describe the process the department used to develop its strategic plan.

RESPONSE: *Several years ago, the divisions within the Department made a determination of which objectives and associated performance measures should be incorporated into its strategic plan. This included the priority objectives of both the Executive Director and the divisions within Public Safety. Because of this, the Department has generally attempted to report on objectives and performance measures where data was previously being tracked.*

Each division utilized a unique approach in developing its strategic plan. For example, the Colorado State Patrol (CSP) Strategic Plan is developed by a core group of members representing a diverse rank structure within the Patrol, including both uniform and non-uniform members. Through group collaboration, the working group is able to develop a plan that is representative of our people, partnerships and advancement in technology. Similarly, the Colorado Bureau of Investigation (CBI) used a core group of members to develop its strategic plan. The group applied some of the fundamental principles noted in Jim Collins' book, "Good to Great". The fundamental principles included: 1) The Hedgehog Concept—3 Circles of Simplicity; and 2) Preserve the Core/Stimulate Progress. However, before delving into the characteristics of The Hedgehog Concept and Preserve the Core/Stimulate Progress, the agency discussed the existing Core Values. It was essential to identify the Core Values in order to embrace and "Preserve" then transition to "Stimulate Progress." Later, the entire group was broken into smaller groups to conduct environmental scanning in the form of a CBI Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis.

With the passage of House Bill 10-1119, the "State Measurement for Accountable, Responsive and Transparent (SMART) Government Act," the divisions reviewed their objectives and associated performance measures to ensure compliance with the SMART Government Act. DPS made a few changes to its strategic plan in an attempt to provide more meaningful measures. However, the FY 2012-13 Strategic Plan represents the Department's first attempt to comply with the comprehensive performance reporting process envisioned under the SMART Act.

B. OTHER QUESTIONS COMMON TO ALL DEPARTMENTS

2. Please refer to Appendix D of the JBC staff briefing document (SAO Audit Recommendations Not Entirely Implemented) in addressing the following question: Please explain why the Department has audit recommendations that have not been fully implemented after extended periods of time. What are the obstacles the Department has faced in implementing recommendations? How does it plan to address outstanding audit findings? If applicable, please focus on those financial audit findings classified as "material weakness" or "significant deficiency".

RESPONSE: *There were two audit recommendations for the Department in the State Auditors report that was presented to the JBC. The recommendation are; "The Colorado Department of Transportation and the Colorado State Patrol should work together to see the adoption of safety legislation requiring the use of seatbelts and motorcycle helmets. Specifically, the laws should require all motor vehicle occupants to wear a seatbelt and law enforcement officers should have the ability to stop a driver and issue a citation based solely on the failure of the driver or of one or more of the passengers to comply with the requirement". The audit recommendations are not financial audit findings, and both would require legislation for implementation. The Department has proposed legislative changes in both of these areas during recent legislative sessions, but to date, the changes have not been made.*

3. How does the Department define FTE? Is the Department using more FTE than are appropriated to the Department in the Long Bill and Special Bills? How many vacant FTE does the Department have for FY 2009-10 and FY 2010-11?

RESPONSE: *OSPB and DPA are working with all departments to provide quarterly reports on FTE usage to the JBC. These reports will ensure that all departments are employing the same definition of FTE. This definition comprises a backward-looking assessment of total hours worked by department employees to determine the total full-time equivalent staffing over a specific period. We intend for these reports to provide the JBC with a more clear linkage between employee head-count and FTE consumption. As it concerns FTE usage in excess of Long Bill 'authorizations,' departments will continue to manage hiring practices in order to provide the most efficient and effective service to Colorado's citizens within the appropriations given by the General Assembly.*

The Department reverted and an equivalent of 34.0 FTE for FY 2009-10, and 0.0 FTE for FY 2010-11. Reasons for reversions vary from year to year, depending on revenues collected, staff turn-over, retirements, and various programmatic changes. In some instances, variances may occur because of low turnover within a unit. An example of this is the 4.8 FTE reversion for FY 2010-11, within the EDO. As employees become more efficient within their current

positions, supervisors are able to increase the duties and responsibilities which creates an opportunity for promotional growth, within the same unit. Therefore, employees are promoted, without additional appropriations to accommodate the salary increase. Because of this, the unit is unable to backfill vacancy, when staff leaves the unit.

2:00-2:05 EXECUTIVE DIRECTOR'S OFFICE

4. What district attorneys are currently not sharing disposition information electronically through the Colorado Integrated Criminal Justice Information System (CICJIS)?

RESPONSE: *The 2nd Judicial District (City and County of Denver), the 9th Judicial District (Garfield, Pitkin, and Rio Blanco counties), and the 18th Judicial District (Arapahoe, Douglas, Elbert, and Lincoln counties) have withdrawn from the Colorado District Attorney's Council (CDAC) and are no longer sharing disposition information electronically through CICJIS via CDAC.*

Obviously, the entity most affected by the withdrawals of the 2nd, 9th and 18th Judicial Districts is CDAC itself. In addition to the substantial revenue losses, the CDAC connection to CICJIS no longer automatically feeds DA data into CICJIS, resulting in some gaps in the data that is able to be shared.

The Judicial Department is also affected by the actions of the 2nd, 9th, and 18th Judicial Districts. Because information entered and stored in the individual IT systems of those three agencies can no longer be transferred to Judicial through CICJIS, Judicial is now compelled to enter case filing information into its own data system. This has certainly burdened Judicial's court clerks, who, for years, were able to avoid this duplicative data entry through the CICJIS' connection to CDAC.

From the CICJIS perspective, however, the program's primary goals are not affected by the actions of the 2nd, 9th, and 18th Judicial Districts. Because Judicial now directly keys data into its IT system from these districts, the ability of CICJIS to match court dispositions to felony arrest records is not affected. Unfortunately, the data is made available only through duplicative data entry performed by Judicial Department staff. Moreover, data sharing efforts between the district attorneys from all judicial districts is significantly compromised.

2:05-3:15 QUESTIONS FOR THE COLORADO STATE PATROL (CSP)

5. The State Patrol reports a decrease in traffic fatalities investigated by Troopers. Is the decrease in traffic fatalities the result of things the Patrol has done or because vehicles are becoming more safe? Is it because there are fewer drunk drivers on the road? Is it design improvements on highways? Does the State Patrol have statistics that would show how much of the reduction in traffic fatalities is the result of improvements made to highways by the

Department of Transportation, versus work of the State Patrol in enforcing traffic laws, versus other factors?

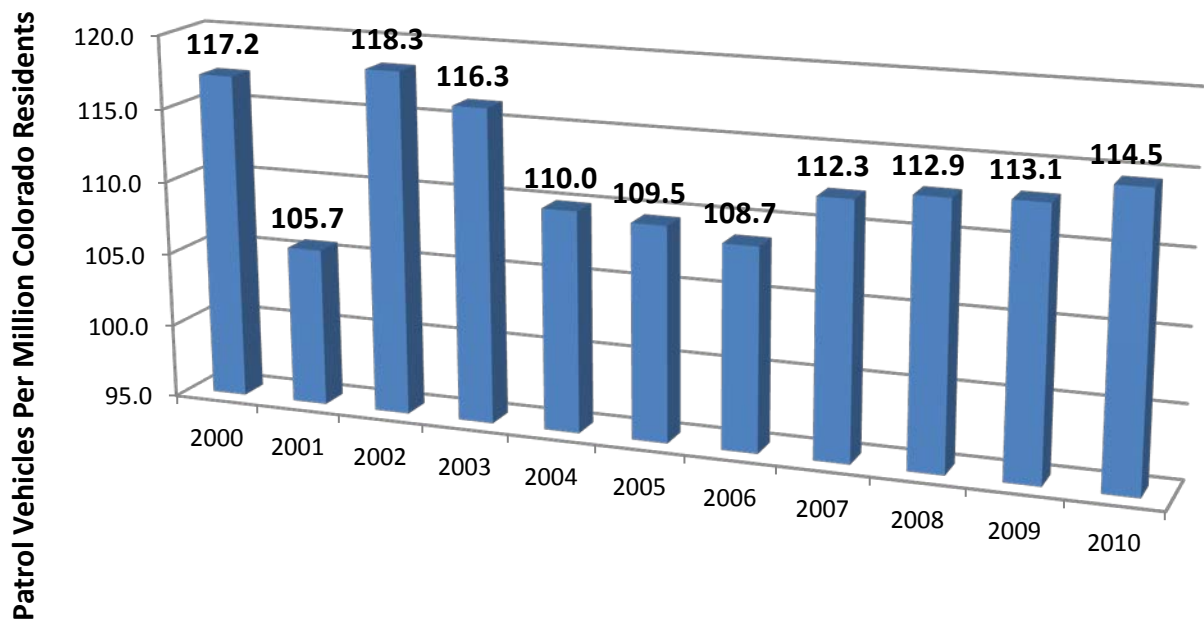
RESPONSE: *In 2001, the Colorado State Patrol experienced its highest fatality rate in more than a decade. This inspired the Patrol to reconfigure its strategic operations to address the fatality rate on Colorado's roadways. The Patrol established high-visibility safety zones, increased team operations for maximum visibility and strict enforcement of the traffic laws violations of which contributed that lead to serious injury or fatal crashes. This change in operational tempo was instrumental in reducing traffic fatalities 48.85% by 2010.*

In addition, the Patrol has worked to develop and strengthen partnerships with external stakeholders in an effort to improve public safety services. This process includes working with the Colorado Department of Transportation (CDOT) to help identify areas where road design might contribute to serious crashes. In addition, vehicle manufacturers routinely access crash reports generated by the Patrol, to ascertain how certain safety design features perform in real-world crash scenarios.

The complexity involved in tying specific proactive actions by all stakeholders to a reduction in serious crashes, prevents accumulating beneficial statistics that demonstrate a cause and effect relationship. With this being said, it would be fair to state that the efforts of the State Patrol, CDOT, and vehicle manufacturers are intertwined to make Colorado roads safer.

6. Please provide a graph that shows the number of patrol cars on the road per capita over the last 20 years. Also, show this per mile driven. Do more Patrol vehicles on state highways help improve the ability of the Patrol to meet its objective related to traffic fatalities?

RESPONSE: *See graphs below*



**Data shown reflects ten year span due to dataset readily available.*

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Colorado Population (Millions)	4.327	4.427	4.496	4.548	4.601	4.665	4.755	4.862	4.987	5.075	5.029
Colorado Vehicle Miles Traveled (Millions)	41,560	42,995	43,545	43,379	45,779	47,900	48,641	49,614	47,223	47,582	44,766
CSP Vehicles	507	468	532	529	506	511	517	546	563	574	576
Patrol Vehicles Per Million / Population	117.2	105.7	118.3	116.3	110.0	109.5	108.7	112.3	112.9	113.1	114.5
Patrol Vehicles Per Million VMT	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01

7. For the Department's first top priority objective on traffic safety, is the goal to reduce the number of serious crashes or to reduce the number of serious crashes that are being investigated? Does the Patrol strive to have local jurisdictions investigate crashes in their jurisdiction areas?

RESPONSE: *In accordance with our mission statement, the State Patrol strives to ensure a safe and secure environment for all persons. This includes a commitment to reducing the number of serious injury crashes that occur on roads the Patrol directly supervises. While many local entities have responsibility within their jurisdiction, in many counties and municipalities the Colorado State Patrol investigates crashes within their boundaries. Pursuant to our policy (316.01) the Colorado State Patrol will cover all collisions where jurisdiction is in question.*

8. What measures is the department taking to reduce the level of texting while driving in accordance with H.B. 09-1094? How many tickets per year has the Patrol written for texting while driving since the passage of the legislation?

RESPONSE: *Since the enactment of House Bill 09-1094, in December 2009, the Colorado State Patrol (CSP) in tandem with our partners at the CDOT has engaged in an aggressive education campaign surrounding texting and distracted driving to alter the motoring public's driving behaviors. This education campaign consists of paid advertising that includes radio traffic broadcast sponsorship, sign board messaging, printed ads and joint news conferences with CSP and CDOT. In CY 2012, CDOT will be providing grants to Denver PD, Aurora PD, and CSP to conduct high visibility enforcement, to further address this issue.*

In 2011, the Patrol's Public Affairs Unit, delivered approximately thirty safety presentations where a substantial amount of time was spent on the topic of distracted driving, including four presentations focusing solely on texting while driving. April, 2011 was designated as Distracted Driving Month and the Colorado State Patrol hosted a free webinar to illustrate the dangers of distracted driving to include texting while driving. This webinar can still be found on our website under media and education.

The Colorado State Patrol, since December 2009, in an attempt to further educate the motoring public has written 281 citations for texting while driving, 256 written warning tickets, and 58 verbal warnings. As with all of our enforcement actions, the goal of our efforts is conscious compliance.

9. Within the narrative of Request 2, to consolidate certain department line items, the Department mentions that “the Department of Personnel and Administration has developed a new reporting mechanism that will provide the Legislature with new visibility into the use of Full-Time Equivalent positions (FTE) in the Executive Branch.” Discuss the new Department of Personnel FTE reporting mechanism. What kind of information will it provide that will be useful to the General Assembly?

RESPONSE: *In efforts to provide the Legislature with new visibility into the use of Full-Time Equivalent positions (FTE) in the Executive Branch, Department of Personnel now requires all departments to submit quarterly FTE reports to the JBC.*

10. Why is Request 2 not a common policy request submitted by all departments to consolidate all personal services and operating expenses line items into program line items? How are the six agencies that have submitted this request special? Do these six agencies have a greater need for consolidating their personal services and operating expenses line items than the other state agencies?

RESPONSE: *The Department is unaware of the needs for other departments. The Department identified this as an efficiency that has been approved by the Governor’s Office. With regard to CDPS, line item consolidation would improve the Department’s budgetary efficiency and ability to address increasing pressures in challenging fiscal times.*

11. What FY 2011-12 HUTF "Off-the-Top" supplemental requests does the Department anticipate submitting in January 2012?

RESPONSE: *The Department has submitted several supplemental requests to OSPB for consideration. Supplementals are currently proceeding through the review and approval process at the Governor’s office. Final decisions have not been determined by the Governor. All supplementals approved by the Governor’s office will be given to the JBC the first part of January, 2012.*

12. In how many years has the HUTF “Off-the-Top” 6.0 percent appropriations limit not been reached in the past?

RESPONSE: *Based on historical reports, the HUTF “Off-the-Top” has been appropriated up to the 6.0 percent appropriations limit, with the exception of two years. In FY 2002-03, the HUTF “Off-the-Top” was only appropriated up to 5.92 percent and FY 2005-06 was appropriated up to 5.99 percent.*

13. How many troopers has the Patrol lost to other law enforcement agencies as a result of pay differences? Have trooper salary promotions in the past been based on seniority or performance, or a combination of the two?

RESPONSE: *When troopers separate from the State Patrol, there is currently no mechanism in place to collect information related to subsequent employment. Therefore, this data is not available. During the exit interview, the reason given by the separating members are open to interpretation. In addition, separating members are not pressured to honestly divulge their reasoning.*

In the past 7 years, for separating members who were willing to offer a reason for leaving the State Patrol, nearly 50 gave “dissatisfied with pay” as a reason for leaving the Patrol. In that same time period, 193 members separated employment.

Prior to 2001, salary increases were based on years of service and standard performance ratings. Since that time, the State of Colorado has operated under the pay for performance system, which has not been adequately funded. Subsequently, no salary increases have been realized by members since 2001. The pay for performance base building has been sporadic and nominal since its inception. In fact, the CSP has the highest disparity of any other employee group, 26.4% for troopers for in FY 2011-12. The difference reflects the adjustment needed to reach 99 percent of the market average salaries.

14. Regarding Change Request 3, for the purchase of new Patrol radios to meet a Federal Communications Commission (FCC) requirement. Please provide an explanation of why the Patrol needs these new radios? What would happen if funding for this request was not provided?

RESPONSE: *On January 18, 2011, the State Patrol was notified by GOIT that the use of VHF wide-band communications would be shut down on January 1, 2013.*

Wide band communications operate at 25 KHz and the FCC issued a ruling requiring public safety agencies to “narrowband” to 12.5 KHz. Currently, most patrol cars have two radios installed in them. One is a Digital Trunk Radio System (DTRS) providing operability within the State Patrol. The other is a wide band VHF radio used for both operability in remote areas of the state, and interoperability with other public safety agencies.

In order to maintain both operability and interoperability, the State Patrol must convert to the narrowband requirements. Current equipment cannot be re-configured for this use. Also, the current VHF radios and towers need to be replaced to meet the following FCC requirements:

FCC executive summary of the order FCC-04-292A1:

- *FCC establishes January 1, 2013 deadline for migration to 12.5 KHz technology.*
- *Public Safety Pool licensees conversion deadline is January 1, 2013.*
- *After this date, all systems must convert from 25 KHz to either 12.5 KHz bandwidth or to a technology that provides one voice channel per 12.5 KHz or operates at a data rate of 4800 bps per 6.25 KHz of bandwidth.*

By the end of 2012, all legacy communications systems below 512 MHz must convert to narrowband operation. The rule change has considerable impact because most current public safety radio systems below 512 MHz still use 25 KHz voice channels. Thus, all municipal government and state and local public safety systems using 25 KHz radio systems must migrate to 12.5 KHz narrowband voice channels by the end of 2012. To migrate to narrowband operations, public safety agencies must apply for new narrowband licenses or modify existing licenses, while justifying channel requirements by that deadline.

In order to encourage interoperability within the public safety community, the FCC has been proactive in predefining a set of non-Federal, or national, interoperability channels in designated public safety spectrum bands. These channels were designed to provide the public safety community with a set of channels with predetermined operational parameters that could serve as a basis for initial on-the-scene coordination and resolution of local interoperability issues.

Licensees are prohibited from operating 25 KHz efficiency equipment after January 1, 2013. Non-compliance will be considered a violation that could lead to FCC enforcement action, which may include admonishment, monetary fines, or loss of license. We would lose the ability for operability in remote areas and interoperability with local agencies.

15. Please discuss Request 3 in light of the State's Digital Trunked Radio System (DTRS) Communication infrastructure. How does DTRS relate to the request for narrow-band radios?

RESPONSE: *DTRS has been an extremely successful example of a shared operable and interoperable network for over 1,000 local, regional, tribal, state and federal agencies, supporting over 55,000 field subscriber units. However, it has not been identified as a solution for every responder in the state. Many local, regional, tribal and federal agencies, especially in the mountainous and rural areas, have opted to remain on their updated VHF systems with capabilities from 25 KHz to 12.5 KHz, due to fact that it would be cost prohibitive to update to the DTRS. In addition, there are areas and terrain where the DTRS radio is not a viable option due to coverage in their area. CSP, as the law enforcement agency with jurisdiction across the state, requires interoperability with all agencies.*

16. What particular local entities would the Patrol be able to communicate with on the new narrow-wband spectrum?

RESPONSE: *The State Patrol would be able to continue communication with public safety agencies in Boulder, Teller, Jefferson, Ouray, Summit, Gilpin, Clear Creek and Kit Carson counties to name a few.*

17. How many communications per month does the Patrol have with local entities that do not use the Digital Trunked Radio System network?

RESPONSE: *In 2010, the State Patrol received approximately 889,000 calls for service. A significant number of these calls were VHF transmissions with local agencies. The Patrol does not differentiate VHF and DTRS calls from local agencies.*

18. How does the backup and emergency assistance in mountainous and rural areas interplay with the problem local fire fighters have communicating during fires? Does Request 3 help resolve the issue local firefighters are having in communicating during fires? Is Request 3 related to the Department of Local Affairs request to replace relays?

RESPONSE: *Local fire departments that dispatch through the Patrol currently use VHF communications as their backup communication system. Large scale wild land fires requiring federal assistance will require narrowbanding communication capabilities to ensure interoperability between state and federal assets.*

19. The Department is requesting \$1.8 million to replace 240 radios in FY 2012-13. How many radios in total would be replaced with this request? How much in total would this cost the state?

RESPONSE: *Approximately 500 radios will be needed to complete the conversion to narrowbanding. This request contemplates 240 of these radios. The remainder will be acquired through fleet management and be included in the Patrol's future vehicle leases.*

Vehicle Assets:

240 Mobile VHF Radios (240 * \$4,362) = \$1,046,880

Tower Assets:

38 Base Receivers (38 * \$18,388) = \$698,744

38 Antenna & Hardware (38 * 1,500) = \$57,000

Total \$1,802,624

20. The Patrol is proposing to purchase radios that will be able to handle both DTRS and narrowband communication at a cost of \$4,362 per radio. How much would a hand-set that only handles narrow-band transmission cost? Could the Patrol save money by purchasing a cheaper radio hand-set that only transmits narrow-band and keep the old DTRS handsets? How much could the Patrol save from such a move?

RESPONSE: *A replacement VHF-only vehicle radio is approximately \$1,500. A replacement DTR vehicle radio is \$3,658 for a total of \$5,158. The current DTR radios are at the end of their life span. Replacement parts are increasingly difficult to find and expensive. Because of the age of the current legacy Motorola DTR vehicle radios, the Department believes it is most practical to combine these systems at this time versus replacing an entire new system.*

21. Request 5, Comprehensive Law Enforcement Improvement Program, is made up of two parts, one a change in the way the Patrol handles, stores, and transports evidence, including DNA evidence, and the other the purchase of mobile video recorders (MVRs) for trooper vehicles. Please describe and justify the need for these requests. Is any part of these requests a federal or statutory requirement?

RESPONSE: *There are statutory requirements for the preservation, collection and handling of evidence to include DNA. This request will enable the Patrol to continue to comply with statutory requirements and best industry practices.*

Some of the Colorado Revised Statutes (C.R.S) and Federal Laws that hold law enforcement responsible for securing, containing, and holding DNA evidence is below:

- a. Title 16 Criminal Procedures*
- b. Colorado Revised Statute 16-23-103 Collection of Biological Samples from persons arrested or charged with felonies.*
- c. Colorado Revised Statute 18-1-413 Content of applications for DNA testing.*
- d. Colorado Revised Statute 18-1-414 Preservation of Evidence*
- e. Colorado Revised Statute 18-1-415 Testing - Payment*
- f. Colorado Revised Statute 18-1-416 Results of DNA test*
- g. Colorado Revised Statute 18-1-1102 Scope*
- h. Colorado Revised Statute 18-1-1103 Duty to preserve DNA evidence*
- i. Colorado Revised Statute 18-1-1104 Manner and location of preservation of DNA evidence*
- j. Colorado Revised Statute 18-1-1105 Law enforcement agency request for permission to dispose of evidence - procedures.*

- k. *Colorado Revised Statute 18-1-1107 Victim Request for disposition of DNA evidence - procedures*
- l. *Colorado Revised Statute 24-31-311 DNA evidence collection and retention*
- m. *Canons of Police Ethics Article 10. Presentation of Evidence (Institute of Criminal Justice Ethics)*
- n. *521 F.3d 1118 (9th Cir. 2008) Osborne v. District Attorney's Office*
- o. *151 Fed. Appx. 501 (9th Cir. 2005) Atkins v. County of Riverside*

The use of MVRs has become an industry standard and utilized in the states surrounding Colorado. Implementation varies from installation in all patrol vehicles in Kansas, New Mexico and Utah; to partial implementation for those in the patrol function as in Nebraska and Wyoming.

All video is evidentiary in nature and will require electronic means of storing, holding and retaining this video feed from the patrol cars as evidence. This will have to be stored and archived. The electronic servers will hold and retain this video evidence from the patrol cars and in some cases it will be sent to servers at HQ, particularly when a for high liability issue is involved.

22. The Patrol states that several pieces of legislation passed that changed the requirements for storage of DNA evidence in the past several years. Discuss if the Patrol, or the sponsors of the various pieces of legislation, envisioned a fiscal impact to the State Patrol related to storing and transporting DNA evidence?

RESPONSE: *The concept of this legislation was in flux during the legislative process, and it was unclear exactly how the law would read and what would be required once passed. While it was foreseeable that legislation would have an impact, the patrol was unclear as to the significance to our operations. However, experience has identified specific cost metrics associated with the storage of evidence.*

23. What kinds of vehicles is the Patrol requesting for the DNA technicians to use to transport DNA evidence?

RESPONSE: *The patrol is requesting SUV vehicles for this function.*

24. How long is evidence stored in the Patrol DNA and evidence storing rooms before it is transported for analysis?

RESPONSE: *This varies according to the charges filed. In addition to the collection, retention and testing of evidence during the investigative and trial phases of a case, the Patrol may be required to hold evidence for several years on a defendant who has been convicted and serving time in prison.*

25. The Patrol is requesting \$300,000 for six regional storage buildings and another \$350,000 for 10 additional storage offices. Please explain how the Patrol determined that it needs the number of storage units as well as the cost for each. Are these buildings going to be on space that the state currently owns or leases?

RESPONSE: *The Patrol is consolidating evidence rooms from 19 current locations to 6 regional facilities. These regional evidence rooms will reside within their respective offices within the districts which will need to be redesigned and fitted with security systems, work space, computers and computer software, storage facilities, electronic servers, DNA driers and refrigeration. The total cost for the regional evidence rooms is \$300,000.*

The Patrol is consolidating evidence storage facilities for short-term holding from more than 30 locations to 10. Each of these locations will need to be properly equipped, secured and ventilated at a cost of \$35,000 each. The total cost for these short-term evidence rooms is \$350,000.

“The property and evidence control function should provide for the security and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property in the custody of the agency. This is critically important in supporting investigations, in helping to guarantee successful prosecution at criminal/civil trials, in facilitating the timely return of property to its rightful owners, and in establishing the agency’s reputation as an honest, reputable agency worthy of the public’s confidence and trust”

- **(CALEA Standards Manual, p 84-1).**

In order to achieve its goal of obtaining CALEA accreditation by CY 2015, the Colorado State Patrol must demonstrate compliance with a variety of minimum standards that pertain to property and evidence control.

26. Is the evidence that is being stored by the Patrol all from traffic accidents or does the Patrol store evidence related to other traffic/crime scenes? Is HUTF “Off-the-Top” used to store and transport evidence that is not traffic related?

RESPONSE: *Yes, the evidence collected by the Patrol would be from traffic crashes or traffic contacts.*

27. Why is the Patrol proposing to take four years to install mobile video recorders (MVRs) on trooper vehicles? Who will do the actual installation of MVRs, will it be done in-house, or will a contractor be hired?

RESPONSE: *This proposal will allow MVR to be installed as part of the new vehicle build. This replacement schedule is in congruence with the 4 year vehicle lease agreements. The Patrol is unable to outfit its entire fleet within one year. The installation will be done with in-house staff, contracted staff or a combination of both, as needed.*

28. Request 6 ask for additional operating expenses to fund the Patrol's 22.85 percent increase in variable rates paid to State Fleet Management. If the Patrol's request to merge its personal services and operating expenses line items is approved, will the Patrol be able to absorb this increase in costs within existing appropriations?

RESPONSE: *The consolidation of Long Bill line items will not allow for the absorption of the approximately \$814,000 in increased operating expenditures related to vehicle variable rate increases. The consolidation of Long Bill items contemplates longer term efficiencies and flexibility, not immediate savings.*

29. Discuss the implications of the legislation proposed by the Transportation Legislation Review Committee to transfer the FTE of the Ports of Entry (POE) from the Department of Revenue to the Colorado State Patrol and to transfer the management of the facilities of the POE to the Colorado Department of Transportation. What structure does the Patrol envision for the POE under the Patrol?

RESPONSE: *While the current version of the bill transfers Port of Entry from the Department of Revenue to the Colorado State Patrol, it does not transfer the facilities to the Colorado Department of Transportation. All facilities, personnel and responsibilities currently managed by Port of Entry, as it exists within Colorado Department of Revenue, will be transferring to the Colorado State Patrol.*

The bill transferring Port of Entry to the Colorado State Patrol statutorily defines the transfer as a Type 3. As a result, the current structure of the Port of Entry will be maintained throughout the transfer. Once the transfer is complete and the Port of Entry is integrated into the Colorado State Patrol, the Department will structure the Port of Entry in a manner that

increases effectiveness, efficiency and customer service. This will be accomplished while maintaining the goals and objectives of all three departments, including protecting infrastructure, revenue collection and public safety.

3:15-3:30 BREAK

3:30-4:00 QUESTIONS FOR THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY (OPSFS)

30. For the Department's third top priority objective on counter-terrorism and infrastructure protection, the Department is using a measure called "Increase the audience for the Colorado Information Analysis Center (CIAC)". Why is this data presented in calendar years when all other measures use fiscal years? How is reporting on the "audience" of the CIAC a good measure? Define who the audience is. Is there a better measure to use than the size of the audience of CIAC reports? What is an alternative measure that the Department could use?

RESPONSE: *The CIAC reports data based upon the calendar year as part of its federal reporting requirements. This is also due to local government partners in the CIAC reporting information on a calendar year basis, as well.*

In previous years, the CIAC's primary performance measure was based the number of products disseminated annually. While that measure is an important workload indicator, it does not capture the size of the audience that the CIAC is targeting. It would do little good to create many reports for a very small audience. Therefore, the CIAC believes that measuring the target audience is a more appropriate performance measure.

This performance measure helps the CIAC assess its ability to impact the largest audience of first responders and other homeland security stakeholders. Increasing the audience for the intelligence bulletins authored by the CIAC and its key partners (DHS and FBI), will increase the effectiveness of the CIAC's products. The customers utilize the intelligence products to provide the appropriate response to current threats or criminal trends. This objective also helps measure the effectiveness of the CIAC's Terrorism Liaison Officer (TLO) program, which develops partnerships with local, state and federal agencies as well as owners and operators of critical infrastructure. These partnerships allow access to critical intelligence and help assess training needs associated with the "prevent and protect" missions of the CIAC. A wider audience allows for greater deployment of protection and prevention methods and strategies.

While other reporting measures may be utilized, outcome measures are difficult to quantify due to the paradox of prevention because it is difficult to measure the incidents prevented. However, successful terrorist investigations and arrests, such as the Najibullah Zazi case in Aurora, show that strategies developed to detect, deter and disrupt terrorism remain effective.

31. Explain what the Critical Operational Capabilities (COCs) are and how they were developed? Why are these used as guiding principles in developing the Department's third top priority objective?

RESPONSE: *Fusion centers, like the CIAC, serve as primary focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information among federal, state, local, tribal, and territorial partners. Fusion centers are uniquely situated to empower front-line law enforcement, public safety, fire service, emergency response, public health, critical infrastructure protection and private sector personnel to lawfully gather and share threat-related information. They provide interdisciplinary expertise and situational awareness to inform decision-making at all levels of government. Fusion centers conduct analysis and facilitate information sharing.*

In order to facilitate information sharing, while ensuring that civil rights are protected, the National Security Council called for the development of baseline operational standards to help define fusion center capability requirements. Subsequently, the federal government, in collaboration with its state, local, tribal and territorial partners, published baseline capabilities for fusion centers. These baseline capabilities were distilled into four critical operational capabilities (COCs), which are:

- **Receive:** *Ability to receive classified/unclassified information from federal partners*
- **Analyze:** *Ability to assess local implications of threat information through formal risk assessment process*
- **Disseminate:** *Ability to further disseminate threat information to other state, local, tribal and territorial agencies and private sector entities*
- **Gather:** *Ability to gather locally generated information, aggregate it, analyze it, and share it with federal partners, as appropriate*

These COCs, and the baseline capabilities that they are derived from, are critical to the success of the national framework of information sharing. The FBI, the DHS and other federal agencies provided training and assistance to stakeholders in the implementation of these standards in order to enhance messaging and cooperation.

These standards are used by the CIAC to ensure that the structure and processes used within the CIAC are consistent with national efforts to develop and sustain the information sharing framework.

It should be noted that DHS conducts an annual audit of the CIAC based upon the baseline capabilities and the CIAC's adherence to these capabilities. As is shown in the

results of the most recent audit, the CIAC continues to lead the nation in efficient and effective strategies and methods in the information sharing environment.

32. For the Department's fourth top priority objective on fire safety, on reducing the fire-related fatalities in Colorado. Is this a useful measure in tracking progress of the Division of Fire Safety? What other measures could the Department use that would be more useful when considering the full scale of activities that the Division of Fire Safety is engaged in?

RESPONSE: *The Division believes measuring the fire-related fatalities rate is the ultimate outcome measure of the performance of local fire departments' fire prevention and fire suppression efforts. As the Division supports the efforts of Colorado's fire service, the Division believes the measure, in part, reflects the Division's efforts.*

The Division has other performance measures, e.g., number of firefighters trained and certified, which may better reflect the actual efforts of the Division included in the division section of the Department's Strategic Plan.

33. How will consolidation of the personal services and operating expenses line items in the Division of Fire Safety help the Division in reaching its performance-based goals?

RESPONSE: *The Division of Fire Safety believes consolidation of personal services and operating line items will help the unit to more efficiently meet its performance-based goals by allowing the Division more flexibility in spending on program costs based on the needs as they arise without the artificial constraint of delineating personal services versus operating expenses allocations. While the primary purpose of this request is to be able to more efficiently meet the Division's performance goals, the Division believes it will also help increase the effectiveness of meeting its performance goals by potentially freeing operating expenses for program delivery, e.g., firefighter training.*

34. Provide an update on the implementation of Executive Order D 2011-030 on the re-organization of Homeland Security duties in the state.

RESPONSE: *The Department has completed several of the necessary steps to implement Executive Order D 2011-030. The Department:*

- *Reorganized internally*
- *Filled several positions within the organization*
- *Transferred spending authority from the Governor's Office to the Department*

The next steps in the reorganization are:

- *Complete the staffing changes necessary to implement the reorganization within the Department*
- *Negotiate MOUs among CDPS, CDPHE and DOLA to transfer appropriate personnel and programs*
- *Appoint members to the stakeholders' Advisory Board*
- *Draft legislation necessary to codify the reorganization, which includes:*
 - *Clean up the existing CDPS statutes*
 - *Codify the transfer of functions between CDPS and DOLA*
 - *Rename the division and its offices*
 - *Specify responsibilities for the new Office of Preparedness*
 - *Make the appropriate changes in the Long Bill*
 - *Provide for reporting to the General Assembly on the success of the reorganization*

35. What benefits are anticipated to be achieved by transferring homeland security functions and funding to the Department of Public Safety?

RESPONSE: *Colorado's government is structured in a manner that relies heavily on local governments to provide services directly to its citizens. While the state provides some initial response services, the state's primary homeland security roles are coordination and facilitation of state, local and regional activities; directing federal funding to local governments; and information sharing.*

Opportunities for improvement through the reorganization include:

- ***Homeland Security Funding*** – *The Governor's Office of Homeland Security was completely funded from the state's share of federal homeland security grants. Unfortunately, federal homeland security grant funding was cut 51 percent for Federal Fiscal Year (FFY) 2011, and another 50 percent cut is anticipated for FFY 2012. The reorganization results in a net decrease of three state employees. No new state funding is required to operate the Division.*
- ***Redundancies*** – *In the previous system, redundancies exist in training and exercise, public risk communications, internal communications, state-level advisory boards, and grant management systems. The new structure seeks to eliminate these redundancies.*
- ***Leveraging of Federal Funds*** – *Federal funds were not being leveraged to the fullest measure. The reorganization will create a clearinghouse for state, federal*

and private sector funding opportunities for local government and NGO customers in order to ensure the maximum utilization of federal funding sources.

- ***Oversight and Customer Service*** – *Under the previous structure, local government partners did not have much of a voice in the oversight of the state’s homeland security activities, adversely affecting customer satisfaction. The reorganization implements an advisory board that includes representation from a variety of stakeholders. This Board enhances efficiency by consolidating multiple state level boards with overlapping concerns and personnel, and enhances customer service by including local and tribal government partners on the board.*
- ***Unity of Effort*** – *Better coordination among state agencies charged with homeland security functions is needed. The reorganization facilitates improvements in overall preparedness by further developing mechanisms for coordination among Colorado’s emergency management, homeland security and public health agencies. It does this by transferring training and external communications positions from CDPHE to the new division, emergency resource mobilization functions from CDPS to DOLA, and training functions from DOLA to CDPS. These transfers will facilitate better coordination with state agencies and their stakeholders.*

36. Does the table on page 38 of the JBC staff briefing document provide an accurate picture of current funding and functions related to homeland security in the state? If not, please provide an updated table that shows total current homeland security funding and activity within all involved state agencies.

RESPONSE: *Homeland security includes a series of integrated frameworks, covering prevention, protection, mitigation, response, and recovery. These frameworks are built upon scalable, flexible, and adaptable coordinating structures that align key roles and responsibilities to deliver the capabilities necessary for all domestic disasters, whether natural or man-made, including acts of terror. These roles and responsibilities cross multiple disciplines. As such, all state agencies have homeland security roles and responsibilities, see table in #37 below.*

The Department is unaware of the actual funding that could be considered homeland security-related in other departments; and therefore, cannot comment on the accuracy of the table on page 38 of the briefing document. However, it is safe to say the table in question underestimates the actual expenditures that could be considered homeland security-related.

37. Provide an explanation of the role of all agencies that currently have homeland security functions. After the proposed re-organization, what agencies will have homeland security

functions? Provide an explanation of what functions the different agencies will have under the new homeland security structure.

RESPONSE: *As stated above in #36, homeland security functions cross multiple disciplines and involve all state agencies. For example, the table below illustrates the type of events and capabilities that are brought together from different state agencies in the State Emergency Operations Plan.*

The reorganization, only addresses certain aspects of homeland security. The Department will primarily focus on coordination among agencies, NGOs and the private sector; preparedness; and the “prevent and protect” missions. The Department’s prevention and protection missions include: the ability to detect, deter and disrupt acts of terrorism; and enforcing life safety codes in regulated occupancies. The coordinating and preparedness missions will include:

- *Creating a standardized process for identifying, analyzing and disseminating prevent and protect information to the wider all-hazards response community.*
- *Establishing a standardized crisis communication information sharing process and act as the reporting entity for all state level critical incidents, ensuring stakeholders (e.g., the Governor’s Office, state agencies, local entities, private sector, federal partners, regional response coordination centers, and national operations centers) are integrated both vertically and horizontally. This process will be developed through collaboration with other state agencies and other stakeholders.*
- *Coordinating emergency-related public risk communication products for homeland security, public health, fire safety, and emergency management events.*
- *Establishing a standardized risk communication information sharing process and acting as the single point of contact for citizens to receive homeland security, public health, fire safety, and emergency management related communications.*
- *Leveraging limited grant funds by combining federal funding streams directed at citizen preparedness and prevention programs.*
- *Consolidating training functions of CDPHE, CDPS and DOLA.*
- *Coordinating exercises with other agencies and facilitating Homeland Security Exercise and Evaluation Program compliance for grant funded exercises.*
- *Creating a single training and exercise calendar with identified points of contact accessible to all stakeholders.*
- *Developing and updating the State Homeland Security Strategy, conducting capabilities assessments and coordinating planning efforts with other state agencies, and internal and external stakeholders.*

- *Assisting CDEM in consolidating state emergency plans where practical and as necessary.*
- *Administering homeland security grants and coordinating with the Division of Criminal Justice, CDPHE and DOLA on grant funding opportunities.*
- *Developing and maintaining a catalog of state, federal and private sector funding opportunities for local government and NGOs customers.*
- *Identifying and taking advantage of opportunities to consolidate grant management systems and funding streams.*

Other state agencies such as DMVA, CDA, DOC, CDPHE, CDOT, and DOLA have significant homeland security functions. For example, in addition to their other activities:

- *DMVA coordinates homeland defense information.*
- *CDA provides for food security.*
- *DOC provides information on, and disrupts, radicalization of inmates.*
- *CDPHE monitors biological threats and prepares the public health community to respond to chemical and biological incidents.*
- *CDOT prepares plans for evacuation routes and for maintaining transportation corridors during emergency operations.*
- *DOLA mitigates hazards, maintains the State Emergency Operations Plan, funds local emergency managers and emergency operations centers, and exercises emergency operation plans.*

State Agency Emergency Support Roles

STATE AGENCIES Lead (L) or Supporting Roles (S)	Transportation	Communications	Public Works & Engineering	Firefighting	Wildfire Suppression	Emergency Management	Mass Care, Emergency Housing and Human Services	Care of Companion Animals	Resource Support	Public Health and Medical Services	Behavioral Health	Search and Rescue	Oil and Hazardous Materials Response	Agriculture and Natural Resources	Energy	Public Safety and Security	Long-term Community Recovery	External Affairs
Agriculture					S	S		S	S				L			S	S	
Corrections	S		S	S	S			S								S	S	S
Education					S													
Emergency Management	S	S	S	S	S	L	S	L	L	S	S	L	S	S	S	S	L	S
Governor's Office of Information		L							S						S		S	L
Health Care, Policy & Finance							S		S								S	S
Higher Education			S		S	S	S	S	S	S		S	S			S	S	
Human Services					S	L	S		S	S			S			S	S	
Labor & Employment	S		S		S			S			S						S	S
Law				S	S				S							S	S	S
Local Affairs							S	S					S	S	S	S	S	
Military & Veterans Affairs	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S
Natural			S		S	S		S	S	S	S	S	L	S	S	S	S	
Personnel & Administration		L				S	S		S	S	S						S	S
Public Health & Environ		S	S		S	S	S		L	L		S	S			S	S	S
Public Safety	S	S		L	S	S			S	S	S	L			L	S	S	
Regulatory Agencies	S				S				S	S				L			S	S
Revenue	S				S												S	S
State Forest Service					L	S			S									S
Transportation	L		L	S	S	S		S	S		S	S		S		S	S	
Treasury					S			S								S	S	

4:00-4:30 QUESTIONS FOR THE COLORADO BUREAU OF INVESTIGATION (CBI)

38. Is there a way to limit the number of requests for laboratory analysis from locals with regard to property tests? Is there a way to prioritize the amount of evidence submitted for DNA testing and avoid locals sweeping the crime scene and just sending everything to the CBI lab? To what effect are past efforts to accomplish this effective? Why or why not?

RESPONSE: Pursuant to C.R.S. 24-33.5-412 (1)(c), the CBI is statutorily authorized to “arrange for scientific laboratory services and facilities for assistance to law enforcement agencies, utilizing existing facilities and services wherever feasible”. The CBI uses its resources effectively, and efficiently, ensuring the scientific methods employed are utilized to the maximum benefit to the citizens of Colorado. Placing artificial “limits” on the number of submissions is not common in the forensic sciences. The CBI does, in fact, work collaboratively with law enforcement partners to identify case evidence which has the most probative value, while ensuring the unique characteristics of the case are taken into account. The CBI uses several scientific methods including case triage, analyst assessment, and evidence-based decision making, to ensure its resources are properly and efficiently utilized.

Case triage is a process of meeting with law enforcement partners, including local agencies and district attorney representatives, to prioritize the evidence collected from the crime scene through a cooperative discussion of the particulars of the case. Participation in the process is encouraged in order to ensure the most effective outcome for all agencies involved. Depending on circumstances, case triage may transpire via conference call or at our evidence counter. In all situations the anticipated outcome is the same – to identify the evidence with significant probative value for priority in our analysis, to ensure justice for the citizens of Colorado.

CBI expert forensic scientists provide training to both local agencies and district attorneys’ representatives in an effort to educate our partners in the various forensic disciplines and CBI’s forensic services policies and procedures including any constraints in our analysis. During official trainings, the CBI addresses the case triage process in detail, evidence processing time factors that are frequently misunderstood and all specific questions of our partners. These trainings increase overall understanding of the CBI’s processes, limit submissions of evidence with minimal value, encourage appropriate use of forensic testing (i.e. latent print testing on hard, smooth surfaces; DNA testing on rough surfaces) and ultimately assist in building alliances to solve crime. It is CBI’s goal to educate our partners in all of our interactions, whether through a specific training session or phone conversation.

During the analysis process, constant contact is maintained by informing individuals of the official test results. It is not unusual for more than one forensic discipline to be involved in the examination and analysis. Because of these various results, in addition to the case disposition information obtained through our partners, determinations are made as to how best to proceed in the case. CBI may conclude that a particular type of analysis takes precedence or stop testing based on a plea arrangement.

Based on CBI's professional experience and technical knowledge, the agency employs various methodologies to assist in limiting requests for unnecessary forensic analysis that will not produce effective results. These efforts have shown good results and CBI is encouraged by the fact that our partners are willingly participating in productive, collaborative discussions regarding these issues. The end result is that more crime is being solved, ensuring we fulfill the CBI's mission to the citizens of Colorado.

39. What is the backlog of DNA cases as compared to other cases? Does the backlog of DNA cases impact the amount of analysis done on other types of cases? If so, in what way? Does the facility in which a DNA test is performed impact the validity of the DNA test? Should such a measure be part of the department's strategic plan?

RESPONSE: *The actual backlog of DNA cases is a difficult measure to assess, because backlog figures merely provide a snapshot of a specific point in time. They are unreliable in determining how long it actually takes between evidence submission and return of this evidence to the submitting agency. An example of "backlog" figures were provided in the Department's Strategic Plan but, they merely indicated a snapshot of the longest held case submission within the discipline noted, at the time the information was provided. These "backlog" examples were provided for informational purposes only and to demonstrate the improvements being made in turnaround times. However, they were not intended to be demonstrative of the time it takes for a case submission to be examined and returned to the submitting agency. Instead, the CBI is using the measure of turnaround time for all forensic disciplines, including DNA. Turnaround tracks the time between when the evidence has been received by the laboratory, includes the time needed to process the evidence, and ends when evidence has been returned to the submitting agency. The CBI utilizes the Laboratory Information Management System (LIMS) to maintain real-time information regarding these items of evidence and the movement of the evidence throughout the laboratory.*

Cases submitted to the CBI may contain one item or multiple items. The LIMS is utilized to assign these items via a Request for Laboratory Examination (RFLE). In a case that contains only one item, the process is fairly simple. Once the item has been entered into the system, the turnaround time begins. The evidence is placed in the vault; and based on workload a forensic scientist will be assigned the evidence for analysis and will perform all necessary testing. Once complete, quality checks will be conducted, the final report issued, and the evidence returned to the submitting agency. The turnaround time in a case such as this can be accurately determined using LIMS as this is identical to how LIMS is designed to track evidence.

In cases involving multiple items of evidence or numerous requests for discipline-specific analysis, the turnaround time is more difficult to determine. For example, a case like this may involve DNA analysis, latent fingerprint analysis and firearms analysis. In this situation, the turnaround time for all three disciplines begins simultaneously. However, work can only

begin in one discipline while the other two wait for results to be obtained. The turnaround time for the discipline receiving the evidence first is accurate, involving the wait time, analysis, and reporting. In the other two disciplines, turnaround time is skewed because the turnaround time for the second discipline is artificially inflated by the first; the turnaround time for the third discipline is further inflated by the first and second disciplines. As the complexity of the case grows, the turnaround times become increasingly inaccurate.

As necessary, we may look at our data manually to determine how long it took to perform each of the analyses steps. However, this information is not available in an automated fashion through our system. Because we do not have the resources to determine turnaround times per discipline manually, the CBI has set a goal of a 90 day turnaround time for the entire system. It is CBI's objective to work as a team, each of the disciplines will reduce their evidence processing time, which will reduce the overall time needed to conduct all analyzes requested by the submitting agency, thereby reducing the overall laboratory turnaround time. This process reflects an accurate measure of improvement within our system.

Generally, physical facilities do not affect the validity of DNA analysis. The validity of the testing is ensured by the quality and technical policies and procedures adopted by the CBI. However, physical facilities do impact the turnaround time of DNA analysis due to space constraints. Because of the insufficient space available, the CBI is limited in the number of pieces of equipment that can be installed and maintained, which translates to a limited number of DNA tests that can be performed. Supplementary space would unquestionably impact the ability to process additional DNA cases. In fact, added space for all of disciplines, including those that do not require bulky equipment, would result in increased production of casework, allowing the agency to be more effective and efficient.

40. For the CBI InstaCheck program, please provide information that indicates what the backlog of firearms requests is, the wait times for approvals, as well as total approvals and total denials. How many employees are currently dedicated to performing this function? What steps is the program taking to shorten the turnaround times for firearms checks?

RESPONSE: *The CBI InstaCheck Unit does not have a backlog of firearms transfers. The Unit completes every transfer of a firearm in real-time within minutes of the Federal Firearms Licensed Dealer (FFL) submitting a request for background approval. The process to complete a firearms transfer is divided into two distinct phases: queue time and processing time. Queue time is referred to as the time an FFL waits for their application for transfer to be processed by InstaCheck. Typically, the time it takes to process a background check, once removed from the waiting queue, is three to five minutes. For purposes of consistency in data collection and reporting when we refer to queue time, that measure includes both phases noted above. The average queue time for a check during CY 2010 was 31 minutes and average queue time for CY 2011 through November is 13 minutes 21 seconds.*

The InstaCheck Unit processed 214,748 firearm background check transactions in CY 2010

with an average queue time of 31 minutes. Of this total, Instacheck approved 209,255 transactions or 97.44 percent and denied 5,493 transactions or 2.56 percent. In CY 2011, the total number of firearm background check transactions processed through November 2011 was 220,649 with an average queue time of 13 minutes and 21 seconds. Of this total, the Unit approved 215,393 transactions or 97.62 percent and denied 5,256 transactions or a 2.38 percent.

In CY 2011, the InstaCheck Unit has been able to significantly reduce the time FFL's wait for a background check by thoroughly examining its internal procedures and streamlining background checks without impacting public safety concerns or statutory requirements. Efforts in the past to reduce wait times were affected by a high turnover of essential personnel. In order to address the concerns of employee turnover and consistency in new hire training, the InstaCheck Unit has instituted a group training environment with 30 days of intense instruction before new hires are allowed to work independently.

In order to enhance efficiency, Instacheck is exploring additional solutions to the processing of background checks in the future. Several IT vendors have been interviewed to discuss a technology solution whereby all background checks are received over the internet and processed as quickly as they are received.

Since September 16, 2011, the InstaCheck unit has experienced the least amount of time an FFL waits for a background check to be processed. Currently the average waiting time for an FFL to have a transaction processed is 4 minutes for November, 2011, as compared to 40 minutes and 5 seconds, for November, 2010. Assuming that staffing levels remain constant, training of new hires a priority and adherence to procedural changes, the unit expects queue times to remain consistently reduced compared to previous years.

In the Department's Long Bill, SB 11-209, the Unit is authorized for 22 FTE and 4.4 FTE, which are funded by General Fund and Cash Funds, respectively. In total, the unit is appropriated 26.4 FTE which includes an Agent-in-Charge. During peak periods (October-December), the unit also employs temporary personnel through a temporary employment agency.

41. Senate Bill 11-266 required certain employees working on a site at a public school to undergo a fingerprint-based background check. The fiscal note of the bill estimated that an additional 18,000 people will be subject to a background check each year. The fiscal note estimated an appropriation of \$735,838 cash funds (CBI Identification Unit Fund) and 3.4 FTE. However, the bill appropriated \$310,500. What is the total fee that each individual subject to S.B. 11-266 has to pay for the background check? Please explain why in the Department's opinion the final appropriation of the bill was lower than the fiscal note estimate. Does the fund balance of the CBI Identification Unit Fund have anything to do with the lower appropriation?

RESPONSE: *The fee collected from the passage of Senate Bill 11-266 is \$39.50 per background check, which is the same for all “flagged” background checks. This fee includes \$17.25 to pay the FBI for the cost of their national background check. CBI, in collaboration with the Colorado Department of Education, estimated 18,000 background checks as a result of SB 11-266. The cost for the national background check was used to calculate the final appropriation: 18,000 background checks times \$17.25 equals \$310,500.*

The House Committee on Appropriations amended the reengrossed bill, striking the \$735,838 cash funds and 3.4 FTE, and substituting \$310,500 in cash funds, which the Committee noted “would be sufficient for the implementation of the bill”. As noted above, that amount was contained in the Department’s fiscal note as the costs that would be paid to the FBI for national background checks, based on a fee of \$17.25 and the 18,000 additional checks that CBI and Colorado Department of Education estimated would result from the passage of the bill.

The Department does not have any information as to whether the CBI Identification Fund Unit balance was a factor in the House Committee on Appropriation’s recommendation.

42. For the Department’s second top priority objective related to forensic services, explain how reporting an overall turn-around time to complete and return forensic analysis helps the CBI achieve its objective. Would tracking and reporting overall time not make the data less useful rather than continuing to track chemistry, latent fingerprints and biological screenings separately? Please explain.

RESPONSE: *As detailed in a previous response, the Laboratory Information Management System (LIMS) does not specifically track time of cases in the CBI Lab by individual discipline. For this reason, it would be extremely difficult and labor intensive to provide comprehensive reports of individual discipline “turnaround time.” In addition, CBI believes that measures of individual discipline “turnaround time” would have limited value in the overall assessment of laboratory efficiency. Because the actual examination processes differ so greatly from one discipline to another, coupled with the fact that the nature of items of evidence submitted for examination will substantially impact how the analysis is done, specific discipline turnaround time can be even more misleading as it relates to how the lab is doing overall.*

It is also important to note that there are three other factors that impact the time evidence in any given case submitted to CBI, is in the process of laboratory analysis. Those three factors are:

- *Number of items submitted per case (ranges from 1 item to multiple items)*

- *Number of laboratory disciplines required for examination and analysis of the those various items of which separate items in the case may require analysis in separate disciplines within the lab*
- *Number of laboratory discipline requests on any one specific item (each discipline must be worked in tandem of the previous discipline)*

For these reasons, combined with the fact that LIMS tracks the total time that a case submittal is working its way from submission, through analysis, to reporting results to the agency, the calculation of time spent in any given forensic discipline has limited value as a measure of efficiency in CBI's Laboratory. The CBI, however, firmly believes that there is substantial value of monitoring the averages of overall case submission "turnaround time." As CBI sets goals related to make our overall laboratory system more efficient and responsive to our customers, those efficiencies will manifest in the overall averages of "turnaround time."

The CBI will continually work to identify efficiencies in each of the individual forensic disciplines (processes, technology, staffing, facilities, etc.). Having said this, the CBI also recognizes that while all of the elements that impact each discipline must continually be evaluated to identify strategies for efficiency, those efficiencies cannot impact the overall quality and integrity of the analysis and results. This is as true for DNA as it is for Chemistry, Latent Fingerprints, Firearms, Trace Evidence, or any other examination that the CBI Laboratory conducts. In each individual discipline there are elements of the processes that are unique to that discipline. The CBI is continually evaluating strategies and measures that it believes will achieve efficiencies, without sacrificing quality control and integrity of the examinations as well as the ability to successfully defend its conclusions in the various courts in which it testifies.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

QUESTIONS COMMON TO ALL DEPARTMENTS

1. What is the Department's entire Information Technology (IT) budget for FY 2011-12 and FY 2012-13? Does the Office of Information Technology (OIT) manage the Department's entire IT budget? If not, what IT activities is the Department managing separate from OIT and what percentage is that of the entire IT budget for the Department for FY 2011-12 and FY 2012-13? Of the IT activities the Department still manages outside of OIT, what could be moved to OIT?

RESPONSE: *Nearly all IT-related personnel appropriations have been consolidated into the Governor's Office of Information Technology. IT-related professional services and operating expense budgets continue to reside in departments' individual appropriations, and have not been consolidated into OIT. At this time, it is expected that budgets for IT professional services and operating expenses will remain in the departments' individual appropriations.*

However, during this fiscal year, all IT procurements will be centralized through the Office of Information Technology (the OIT Storefront). For FY 2012-13, the Executive Branch believes this represents the most efficient division of IT-related appropriations to ensure that departments maintain appropriate discretion in making technology and program decisions. The Executive Branch will consider further consolidation of IT appropriations in future fiscal years.

The Department has two IT-related line items that remain within the Department's budget. One line item is within the Colorado State Patrol (CSP) and one within the Colorado Bureau of Investigation (CBI). The total for both line items is \$4,209,372. The appropriation within the CSP provides funding for the replacement of the Computer-Aided Dispatch (CAD), Records Management System (RMS), and the Mobile Data Computer (MDC) hardware and software architectures. The appropriations also allow for the proper maintenance of ancillary systems to include voice recorders, communications consoles and communication centers' uninterruptable power supply (UPS) devices. The appropriation within the CBI provides funding for the maintenance of several critical systems. This includes the Colorado Crime Information Center (CCIC), COPLINK, and the Datacenter that provides 24-hour support to both CCIC and Automated Fingerprint Identification System (AFIS). The Department has a statutory obligation to manage and maintain these systems.

The U.S. Department of Justice, Federal Bureau of Investigation (FBI) requires that criminal justice agencies engaged in the exchange of criminal justice information provide a minimum set of security requirements for the access to FBI Criminal Justice Information Systems (CJIS) Division systems to protect and safeguard criminal justice information. Because the Office of Information Technology (OIT) is not a criminal justice agency, the CBI must maintain the authority, control and supervision of criminal justice information, to include criminal history record information as defined by 28 C.F.R. §20.3 (d) through (f) (2011).

Federal Regulation, 28 C.F.R. §20.3 (c), defines a Control Terminal Agency (CTA) to be the authorized state criminal justice agency with direct access to the National Crime Information Center (NCIC) computer system which provides statewide service to its criminal justice users with respect to the various systems managed by the FBI CJIS Division which includes, but is not limited to, the Interstate Identification Index (III). The III is the index, or gateway, to criminal history record information for every state across the country. In order to participate in the III System, each CTA and Federal Service Coordinator (FSC) shall execute a CJIS User Agreement with the Assistant Director in Charge of the FBI CJIS Division.

The most recent CJIS User Agreement with the CBI was signed on November 1, 2004. The CJIS User Agreement is regulated according to the FBI CJIS Security Policy, Version 5.0,

effective February 9, 2011. In this regulation, the FBI uses the acronym of CJIS Service agency or CSA in place of Control Terminal Agency and defines it as “a duly authorized state, federal, international, tribal or territorial criminal justice agency on the CJIS network providing statewide (or equivalent) service to its criminal justice users with respect to the CJIS data from various systems managed by the FBI CJIS Division. There shall be only one CSA per state or territory.”

In addition to federal statute and regulations, the CBI has authority under state statute at 24-33.5-412 C.R.S. (2011) et seq, for the following, but not limited to:

- the operation of the statewide uniform reporting program;*
- maintain a computerized data file of motor vehicle information received from the department of revenue accessible to law enforcement agencies through the telecommunications network operated by the bureau;*
- carry out duties concerning the national instant criminal background check system in connection with the transfer of firearms;*
- establish and maintain statewide telecommunications programs consistent with telecommunications programs and policies of the state telecommunications director;*
- to electronically forward all arrest, identification, and final charge dispositional information on persons arrested in Colorado for federal, state, or out-of-state criminal offenses to the judicial department through the integrated criminal justice information system program;*
- responsibility of implementing, administering, complying and serving as the state’s criminal history record repository; and*
- develop and maintain a computerized database for tracking gangs and gang members both within the state and among the various states.*

Based federal and state statute, federal regulation, and the CJIS User Agreement with the U.S. Department of Justice, Federal Bureau of Investigation, the CBI must continue to supervise, administer, operate and develop the information technology systems, and any ancillary system, containing or transmitting criminal justice information to ensure the protection, security and continuity of information to law enforcement agencies. Because these systems are critical to law enforcement and public safety, the management and maintenance of these systems should remain within the Department.

2. What hardware/software systems, if any, is the Department purchasing independently of the Office of Information Technology (OIT)? If the Department is making such purchases, explain why these purchases are being made outside of OIT?

RESPONSE: *All major hardware/software purchases are coordinated with OIT. Though, there have been some instances when the outer regional offices have made small purchases independently of OIT. For example, one troop office determined that it was more efficient for them to manage the unit's budget by using a software program designed specifically for that purpose. Because the software was under \$100, the office thought it was appropriate to purchase the software without permission from OIT. In this particular instance, the software does not require additional support from OIT and helped the business unit to be more efficient. Although, this may not necessarily be the best practice, the Department with the help of OIT, are collaboratively working together to define the processes for minor IT-related purchases.*

3. Please list and briefly describe any programs that the Department administers or services that the Department provides that directly benefit public schools (e.g., school based health clinics, educator preparation programs, interest-free cash flow loan program, etc.).

RESPONSE: *The Colorado School Safety Resource Center (CSSRC) was created in Senate Bill 08-001 and is housed within CDPS. The CSSRC provides consultation, resources, training, and technical assistance to foster safe and secure learning environments, positive school climates, and early intervention to prevent crisis situations. In collaboration with partners such as the Colorado Department of Education, the Colorado Attorney General's Office, the Center for the Study and Prevention of Violence at CU, and the Division of Behavioral Health, the CSSRC has provided training to school personnel, law enforcement, and emergency responders. These trainings focus on the four components of school safety: prevention and mitigation, preparedness; response; and recovery. The CSSRC maintains a comprehensive website of resources that are accessible to all of its customers. It issues a monthly e-newsletter highlighting school safety topics, including anti-bullying efforts, suicide prevention, and combating drug and alcohol abuse among students. Through the CSSRC's work, a Tool Kit for developing and testing school safety plans has been disseminated to Colorado Schools. The CSSRC also helps schools stay up to date on new legislative requirements enacted to improve the safety of our schools.*

The school construction and inspection program requires the Division of Fire Safety to adopt and enforce building and fire codes, issue building permits, perform construction inspections, issue certificates of occupancy, certify inspectors and plan reviewers, certify local jurisdictions interested in delegated authority, and conduct annual maintenance inspections when the local fire department does not have appropriately certified inspectors or does not desire to do them.

The School Safety Act requires the Division of Fire Safety to work with public schools on emergency planning and interoperable communications for emergency response to public school incidents. In addition, the Division of Fire Safety coordinates its activities with the School Safety Resource Center.