

# JOINT BUDGET COMMITTEE



## INTERIM SUPPLEMENTAL BUDGET REQUESTS FY 2024-25

### JUDICIAL DEPARTMENT Office of Alternate Defense Counsel and Courts and Probation

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

PREPARED BY:  
ALFREDO KEMM, JBC STAFF  
SEPTEMBER 19, 2024

JOINT BUDGET COMMITTEE STAFF  
200 E. 14TH AVENUE, 3RD FLOOR • DENVER • COLORADO • 80203  
TELEPHONE: (303) 866-2061 • TDD: (303) 866-3472  
<https://leg.colorado.gov/agencies/joint-budget-committee>

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# INTERIM SUPPLEMENTAL REQUESTS

## OADC: BILLING SITE DEVELOPMENT

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$895,000</b>	<b>\$895,000</b>
FTE	0.0	0.0
General Fund	895,000	895,000
Cash Funds	0	0
Federal Funds	0	0

**Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?** [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.] **YES**

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?** [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.] **YES**

**Explanation:** JBC staff and the Agency agree that this request is the result of an unforeseen contingency.

**AGENCY REQUEST:** The Office of Alternate Defense Counsel (OADC) requests a total of \$895,000 General Fund for FY 2024-25, that includes \$845,000 for the development and implementation of a new billing system and \$50,000 for the hosting expense for FY 2024-25.

**STAFF RECOMMENDATION:** Staff recommends that the Committee approve the request.

### STAFF ANALYSIS:

The OADC's billing systems, the Court Appointed Attorney Payment System (CAAPS) and the Municipal Appointed Attorney Payment System (MAAPS), process approximately \$50 million annually and manage payments to about 1,100 independent contractors. Additionally, the OADC uses two contractor tracking systems, the Contractor Availability and Management Portal (CAMP) and the Expert Database. All four systems will be integrated in the single system funded by this request.

The OADC anticipated developing this project in FY 2025-26, and in September of 2023, the OADC contracted with BidLab to find a vendor that could design and create a new platform that would replace and incorporate the four systems into a single platform. An RFP was released in February 2024; 19 bids were received; five were considered through a final presentation process in May and June; and vendor, Watkyn was selected, based on design and proposed project cost.

While the original project would have been requested for funding for FY 2025-26, the two billing systems are currently managed by a self-employed individual vendor. The current vendor gave notice to the OADC after the Long Bill of the vendor's retirement in late 2025. This necessitates an acceleration of this project development and the need for the interim supplemental request.

The proposed system will consolidate the billing systems, CAMP, and the Expert Database into a secure, stable platform. The project will involve the development of a modular invoicing system, data migration, integration with existing systems, and the implementation of more robust security measures. The new platform will significantly enhance the OADC's ability to manage data, improve user experience, and ensure compliance with legal standards.

Staff recommends funding this item as requested; however, the project could be split into a total of \$723,000 General Fund for FY 2024-25, including \$673,000 in anticipated payments related to the development of the billing system and \$50,000 for the hosting expenses for FY 2024-25. This would require an additional project appropriation of \$172,000 for FY 2025-26. Additionally, it is anticipated that the OADC will submit an ongoing operating request for this system totaling \$136,000 General Fund beginning in FY 2025-26.

## C&P: VIRTUAL COURT MANAGEMENT SYSTEM

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>
FTE	0.0	0.0
General Fund	200,000	200,000
Cash Funds	0	0
Federal Funds	0	0

**Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?** [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.] **YES**

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?** [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.] **YES**

**Explanation:** JBC staff and the Agency agree that this request is the result of an unforeseen contingency.

**AGENCY REQUEST:** The State Courts and Probation (C&P or Courts) requests \$200,000 General Fund for FY 2024-25 to initiate the procurement process for a virtual court management system. (The request describes this request as a "digital court solution"; however, staff believes that this request is more specifically a system to provide virtual access to court proceedings for participants and the public that increases management control and public safety of the virtual platform by the state courts and judges.)

**STAFF RECOMMENDATION:** Staff recommends that the Committee approve the request.

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## STAFF ANALYSIS:

### **PROBLEM:**

The Courts state that they hold over 97,000 hearings per month, of which approximately 26.5 percent, around 25,000 proceedings, involve a virtual component to enable remote participation distributed over 475 virtual rooms, for both hybrid and fully virtual courtrooms.

In rapid adoption of virtual hearings during the pandemic, the Courts quickly adapted available meeting platform technology using the Webex virtual meeting solution. While the technology provides for virtual access, the Webex platform does not provide more robust and customized courtroom management features such as user identification and management, controls for managing audio and video in the virtual courtroom, and more rigorous information security controls.

Recently, the lack of virtual courtroom management tools is being exploited by individuals joining virtual court proceedings to display and speak content that is violent, racist, pornographic, vulgar, and inappropriate. While incidents have happened in the past, the scale and sophistication of the latest incidents are unprecedented and very recent: the first incident in an identifiable large wave of this activity having occurred on July 15<sup>th</sup>. This activity has continued over the 10 weeks since then, totaling approximately 30-50 incidents per day statewide.

The Courts communicated to staff that a FY 2025-26 budget request item for an updated virtual courtroom management system had been considered and tabled for a future budget year. However, the acuity and severity of this public safety problem for the Courts necessitated requesting immediate funding to work to a solution immediately.

### **SOLUTION AND STEPS:**

The Courts seek to adopt a modern virtual court management system that will provide:

- Higher levels of security and controls to allow judges and court staff the ability to manage the virtual courtroom to prevent disruptors from entering and occupying the virtual courtroom;
- A more dynamic, actively managed, and interactive experience for participants and the public;
- Increased ability to manage the efficiency of court proceedings;
- Enhanced use of newer technology developed for the needs of a virtual courtroom;
- Enhanced virtual proceedings tools for creating and ensuring a quality court record;
- Improved quality and control of livestreams;
- A scalable solution; and
- A product developed by a company intended to be continually improved based on evolving court process needs and technology.

### **COST:**

In addition to the \$200,000 procurement process cost included in this interim supplemental, the Courts identify a virtual court management system development cost of an additional \$2.5 million General Fund for FY 2024-25, to be requested as a regular supplemental in January; \$3.0 million General Fund and 2.0 FTE for the implementation cost of the virtual court management system in FY 2025-26, to be included in the FY 2025-26 budget request; and annualizing to \$2.8 million General Fund and 2.0 FTE in FY 2026-27 and future years.

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**JTC INVOLVEMENT:**

The Courts intend to proceed with the procurement process alongside presentation to and participation with the Joint Technology Committee (JTC) and its oversight processes in the coming months prior to January.

**STAFF CONSIDERATIONS FOR THE COMMITTEE:**

Due to the immediacy, acuity, and overall severity of the public safety issue, it appears that immediate work is necessary to begin the procurement process for a virtual court management system. On that basis, staff recommends that the Committee approve the request for \$200,000 General Fund for FY 2024-25.

The Courts have stated to staff that the cost estimates for the development, implementation, and ongoing operation of the system are current and accurate. The Courts commitment to seek oversight and support from the JTC provides assurance that the technical aspects and development process are consistent with legislative priorities regarding procurement and development of IT projects. While it is anticipated that the Committee will be committing to fund such a project into future years, this project will come with the guardrails related to IT oversight through the JTC. Costs submitted in a January supplemental request should be consistent with the requirements identified through the procurement and JTC processes in the coming months.

The costs of this system improvement are estimated to run approximately \$2.8 million General Fund per year beginning in FY 2024-25. Further, the system will not begin implementation until FY 2025-26, even with an accelerated procurement and development process. However, the need to ensure public safety and adequate system participation controls as soon as possible, suggest that this project request appears to be immediately necessary.

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