This PDF file contains two documents: A 3 page memo presented to the JBC at the time of Judicial Branch Figure Setting on March 1, 2018, followed by the Figure Setting Document.

MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Members of the JBC
FROM	Steve Allen, JBC Staff (303-866-4961)
DATE	March 1, 2018
SUBJECT	Recommended JBC Bill for Judicial Center Controlled Maintenance

JBC staff recommends that the Committee carry a bill to create a dedicated controlled maintenance cash fund to pay for controlled maintenance expenses of the Ralph L. Carr Judicial Center over the life of the building. The fund would be named the "Carr Center Controlled Maintenance Cash Fund." The bill would transfer $3,000,000 from the Justice Center Cash Fund into the new cash fund on July 1, 2018. The fund would be subject to annual appropriation by the General Assembly to pay the Carr Center's controlled maintenance expenses and other designated expenses that recur periodically. The list of covered expenses could potentially change over time. Annual appropriations into the fund would be made in the Long Bill from the Justice Center Cash Fund, which receives revenues from docket fees and lease payments made by building tenants. The first annual appropriation into the fund would be in FY 2019-20. The annual appropriations would be level but could periodically be increased to reflect the higher cost of controlled maintenance due to inflation. The Judicial Department's annual budget requests would identify controlled maintenance expenses for the upcoming fiscal year and the JBC would include a corresponding appropriation from the new cash fund in the Long Bill.

The Judicial Department requested this bill when it submitted its budget last November and proposed the initial $3 million transfer. At briefing, the JBC asked the Department to estimate the Carr Center's future controlled maintenance needs and submit them to the Committee. **The Department's architect, its property management company, and the Carr Center's building engineer jointly developed the list of controlled maintenance needs at the end of this memo.** The list was also based on consultation with vendors concerning asset costs and projected lives.

Commenting on this list, the state architect noted some omissions and the inclusion of at least two items (x-ray machines and metal detectors) that are not normally considered controlled maintenance because they are movable and are not part of the building. The omitted items were:

- Costs of maintaining the windows and caulking around windows.
- Interior paint and sealing.
- Pipes and plumbing. Some parts of the sprinkler system have standing water in them at all times and will eventually need replacement.
- Fire alarms, fire control, cameras, security devices, controlled access doors.

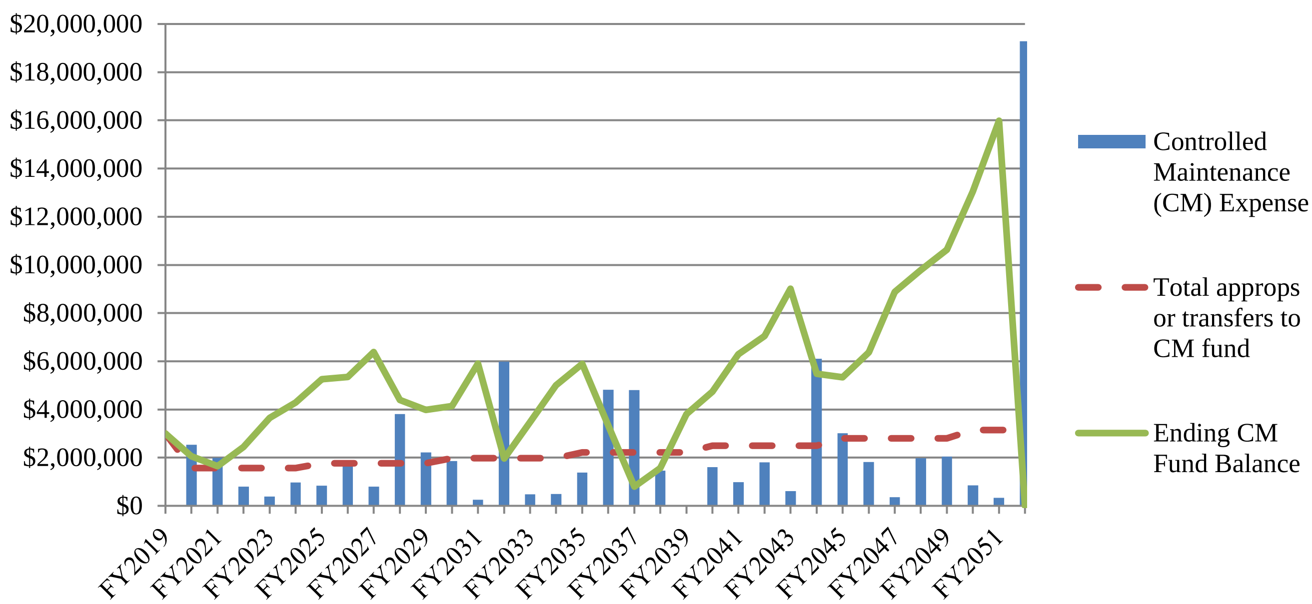
The Department is now looking at adding these items to the list. While x-ray equipment and metal detectors should technically be excluded, staff sees no harm in leaving them on the list. Any substantial periodic expense could be included in the funding plan as long as the Department and the JBC clearly understand what is included. If the Department uses the fund to pay expenses that are not on the list, the fund will be unable to pay all the anticipated costs that are on the list.

The Carr Center opened in 2013 so building assets with the shortest lives (7 years) are due for replacement in FY 2019-20. The two longest-lived assets (at the bottom of the table) last 40 years and together are the most expensive items on this list. Thus in 2052, 40 years after the building opened, all of the controlled maintenance assets in the Carr Center will have been replaced at least once. The next complete replacement cycle will conclude 40 years later in 2092.

Based on this list, the Department proposed a funding plan that staff refined. The staff plan, which is designed to pay controlled maintenance needs through 2052, is based on the following assumptions:

- Contributions to the fund will pay all controlled maintenance costs through 2052.
- The interest rate the Colorado Treasury pays to the fund will average 1%
- Inflation rates will average 2.35% annually, which approximates recent inflation. Controlled maintenance costs will rise at this rate.
- The annual appropriation into the cash fund will be adjusted upward once every 5 years to catch up with inflation.

Based on these assumptions staff determined that the first annual appropriation into the fund (in the year after the initial $3 million contribution) should equal $1,566,773, rising to $1,759,727 in 2025 and to $1,976,445 in 2030. The following chart shows the controlled maintenance expenses, the slowly rising annual contributions to the fund, and a fund balance that returns to 0 in 2052. **The Department finds these appropriations acceptable.**



The plan is flexible by design because needs will evolve. If in five years, the inflation forecast proves too low, or the cost on an item on the list differs significantly from the forecast, the plan can be recalculated and appropriations into the fund can be adjusted.

While experimenting with the spreadsheet that generated this chart, staff realized that inflation is a very important consideration. If the inflation rate is 2.35 percent, then prices will double every 28 years, so in 2046 replacement assets will cost twice as much as they do now. It will be important to increase appropriations periodically by that amount, which can only be done if Judicial revenue sources rise in step with inflation. Periodically the JBC may want to take the lead and sponsor bills that adjusts some judicial Department fees in step with inflation.

Ralph L. Carr Judicial Center Controlled Maintenance Needs Through FY 2030-31																
Project Title	Project Description	Life	Current Cost	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
Network Switches	Replace Network Switches.	7	314,600	0	0	329,560	0	0	0	0	0	0	387,748	0	0	0
Lighting Control	Upgrade Lighting Control Upgrade	7	31,460	0	0	32,956	0	0	0	0	0	0	38,775	0	0	0
WAP Replacement	Replace Wireless Access Point (WAPs)	8	943,800	0	0	988,680	0	0	0	0	0	0	0	1,190,580	0	0
Court's Exterior Lighting	Replace existing lighting.	7	180,895	0	0	189,497	0	0	0	0	0	0	222,955	0	0	0
X-Ray Replacement	Replace existing x-ray machines in lobbies	7	78,650	0	0	82,390	0	0	0	0	0	0	96,937	0	0	0
Core Switches	Replace and upgrade the Carr network switches	8	300,443	0	307,503	0	0	0	0	0	0	0	370,299	0	0	0
DAS	Replacement of Distribution Antenna System for cell phone	8	1,730,300	0	1,770,962	0	0	0	0	0	0	0	2,132,613	0	0	0
UPS Battery Replacement	Battery Replacement throughout Carr	4	94,380	0	96,598	0	0	0	106,003	0	0	0	116,324	0	0	0
AV Replacement	AV Replacement for Carr Public Areas	8	354,974	0	363,316	0	0	0	0	0	0	0	437,509	0	0	0
AV Replacement	AV Replacement for Carr Public Areas	8	354,974	0	0	371,853	0	0	0	0	0	0	0	447,790	0	0
AV Replacement	AV Replacement for Carr Public Areas	8	354,974	0	0	0	380,592	0	0	0	0	0	0	0	458,313	0
Tower Carpet Replacement	Replace Carpet in Office Tower (20% of floors)	10	346,060	0	0	0	371,035	0	0	0	0	0	0	0	0	0
Tower Carpet Replacement	Replace Carpet in Office Tower (20% of floors)	10	346,060	0	0	0	0	379,754	0	0	0	0	0	0	0	0
Tower Carpet Replacement	Replace Carpet in Office Tower (20% of floors)	10	346,060	0	0	0	0	0	388,679	0	0	0	0	0	0	0
Tower Carpet Replacement	Replace Carpet in Office Tower (20% of floors)	10	346,060	0	0	0	0	0	0	397,813	0	0	0	0	0	0
Tower Carpet Replacement	Replace Carpet in Office Tower (20% of floors)	10	346,060	0	0	0	0	0	0	0	407,161	0	0	0	0	0
Test Davits	Test of roof Davits	10	39,325	0	0	0	42,163	0	0	0	0	0	0	0	0	0
Courts Carpet Replacement	Replace carpet in the Courts portion of Carr (1/3)	12	222,842	0	0	0	0	0	250,285	0	0	0	0	0	0	0
Courts Carpet Replacement	Replace carpet in the Courts portion of Carr (1/3)	12	222,842	0	0	0	0	0	0	256,167	0	0	0	0	0	0
Courts Carpet Replacement	Replace carpet in the Courts portion of Carr (1/3)	12	222,842	0	0	0	0	0	0	0	262,187	0	0	0	0	0
Heat Trace	Partial replacement of existing Heat Trace System	12	196,625	0	0	0	0	0	220,840	0	0	0	0	0	0	0
Network Servers	Replace Building Network Servers	13	157,300	0	0	0	0	0	0	180,824	0	0	0	0	0	0
UPS / 300KVA	Replace existing units.	14	589,875	0	0	0	0	0	0	0	0	710,334	0	0	0	0
UPS / 300KVA	Replace existing units.	14	589,875	0	0	0	0	0	0	0	0	0	0	0	761,599	0
UPS / 160KVA	Replace existing unit.	14	487,630	0	0	0	0	0	0	0	573,727	0	0	0	0	0
CRAC Unit Replacement	Replace existing CRAC Units in Data Center	14	401,115	0	0	0	0	0	0	0	471,937	0	0	0	0	0
Courts Garage Door	Replace existing overhead door	15	66,066	0	0	0	0	0	0	0	0	79,557	0	0	0	0
Fire Alarm System	Retrofit Fire Detection System	17	267,410	0	0	0	0	0	0	0	0	0	0	337,331	0	0
Replace Boilers	Replace existing Boilers (Quantity 3)	18	188,760	0	0	0	0	0	0	0	0	0	0	238,116	0	0
Replace Boilers	Replace existing Boilers (Quantity 3)	18	188,760	0	0	0	0	0	0	0	0	0	0	0	243,712	0
Replace Boilers	Replace existing Boilers (Quantity 3)	18	188,760	0	0	0	0	0	0	0	0	0	0	0	0	249,439
Replace Boilers	Replace existing Boilers (Quantity 3)	18	188,760	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Handler - AHU chilled water coil	Replace AHU chilled water coil	18	75,504	0	0	0	0	0	0	0	0	0	0	0	97,485	0
Air Handler - AHU hot water coil	Replace AHU hot water coil	18	75,504	0	0	0	0	0	0	0	0	0	0	0	97,485	0
Replace Snow Melt Equipment	Replace Snow Melt mechanical equipment.	18	157,300	0	0	0	0	0	0	0	0	0	0	0	203,093	0
Replace Emergency Generators	Replace Emergency Generators for Carr Complex (Quantity 2)	20	1,559,283	0	0	0	0	0	0	0	0	0	0	0	0	0
Replace Cooling Tower	Replace Cooling Tower (4 Cells)	20	385,385	0	0	0	0	0	0	0	0	0	0	0	0	0
Replace Chillers	Replace Chillers (530 Ton - Quantity 2)	20	943,800	0	0	0	0	0	0	0	0	0	0	0	0	0
Replace Chillers	Replace Chillers (220 Ton - Quantity 2)	20	786,500	0	0	0	0	0	0	0	0	0	0	0	0	0
BAS Jaces	Replace existing Jaces	20	81,796	0	0	0	0	0	0	0	0	0	0	0	0	0
Automatic Transfer Switch	Replace existing transfer switch.	25	283,140	0	0	0	0	0	0	0	0	0	0	0	0	0
Gerator Paralleling Switchgear (GPS)	Replace existing GPS	25	201,344	0	0	0	0	0	0	0	0	0	0	0	0	0
AHU - Motor Banks	Replace motor banks in existing Air Handler Unit	25	418,418	0	0	0	0	0	0	0	0	0	0	0	0	0
Pumps - HVAC	Replace existing HVAC Pumps	25	153,368	0	0	0	0	0	0	0	0	0	0	0	0	0
Replace Roof	Replace existing roofing.	25	786,500	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Electrical Switch Gear	Replace Primary Switch Gear for Carr	40	528,528	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Station Switch Gear	Replace existing Sub-Station Switch Gear (Quantity 6)	40	1,812,096	0	0	0	0	0	0	0	0	0	0	0	0	0

This table assumes that the cost of controlled maintenance item rises 2.35 percent per year, which approximates recent inflation. Because of space constraints the table stops in FY 2030-31, before the last 12 assets on this list are replaced.

JOINT
BUDGET
COMMITTEE

STAFF FIGURE SETTING
FY 2018-19

JUDICIAL BRANCH

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

PREPARED BY:
STEVE ALLEN, JBC STAFF
MARCH 1, 2018

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HOW TO USE THIS DOCUMENT

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

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

JUDICIAL BRANCH OVERVIEW

One of three branches of Colorado state government, the Judicial Branch primarily interprets and administers the law and resolves disputes. The state court system consists of the Colorado Supreme Court, the Colorado Court of Appeals, district courts, the Denver probate and juvenile courts, and all county courts except the Denver county court. Municipal courts and Denver's county court are not part of the state court system, and they are funded by their respective local governments. The Judicial Branch also supervises juvenile and adult offenders who are sentenced to probation.

The Judicial Branch also includes the following independent agencies:

- The *Office of the State Public Defender* (OSPD) provides legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. The OSPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices. The OSPD employs about 780 individuals including attorneys, investigators, and support staff.
- The *Office of Alternate Defense Counsel* (OADC) oversees the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child's Representative* (OCR) oversees the provision of legal representation to children and youth involved in the court system, primarily due to abuse, neglect, or delinquency. Generally, the Office provides legal representation by contracting with licensed attorneys across the state.
- As of July 1, 2016, the *Office of the Respondent Parents' Counsel* (ORPC) oversees the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child Protection Ombudsman* (OCPO) serves as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system.
- The *Independent Ethics Commission* (IEC) hears complaints, issues findings, assesses penalties, and issues advisory opinions on ethics-related matters concerning public officers, state legislators, local government officials, or government employees.
- The *Office of Public Guardianship* (OPG), established by H.B. 17-1087, will provide legal guardianship services for incapacitated and indigent adults in the 2nd, 7th, and 16th judicial districts who have no other guardianship prospects. Funding for the programs will come from gifts, grants, and donations.

The Department's FY 2017-18 appropriation represents approximately 2.5 percent of statewide operating appropriations and 4.8 percent of statewide General Fund appropriations.

SUMMARY OF STAFF RECOMMENDATIONS

Judicial Department	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2017-18 Appropriation						
Other Legislation	$69,737	$69,737	$0	$0	$0	0.8
HB 18-1163 Judicial Suppl Bill	9,060,877	4,647,666	3,700,421	712,790	0	2.0
SB 17-254 (Long Bill)	710,314,244	512,932,613	157,894,176	35,062,455	4,425,000	4,647.5
TOTAL	**$719,444,858**	**$517,650,016**	**$161,594,597**	**$35,775,245**	**$4,425,000**	**4,650.3**
FY 2018-19 Recommended Appropriation						
FY 2017-18 Appropriation	$719,444,858	$517,650,016	$161,594,597	$35,775,245	$4,425,000	4,650.3
JUD R1 System Maintenance Study	2,858,691	2,782,916	75,775	0	0	0.0
JUD R2 Court Supervisors	0	0	0	0	0	0.0
JUD R3 Problem Solving Court Coordinators	500,682	500,682	0	0	0	7.0
JUD R4 Access to Justice	133,876	133,876	0	0	0	1.0
JUD R5 IT Project Management and Information Security Staff	840,015	840,015	0	0	0	7.0
JUD R6 Interstate Compact FTE Transfer	119,409	119,409	0	0	0	2.0
JUD R7 Courthouse Furnishing	3,153,360	2,653,360	500,000	0	0	0.0
JUD R8 Merchant and Courier Fees	33,473	33,473	0	0	0	0.0
JUD R9 E-filing/postage/mailing/processing	340,000	0	340,000	0	0	0.0
JUD R10 Restorative Justice Cash Fund Spending Authority	120,000	0	120,000	0	0	0.0
JUD R11 Compensation for Exonerated Persons	(110,124)	(110,124)	0	0	0	0.0
JUD BA9 Office of Public Guardianship	1,367,846	0	1,367,846	0	0	12.0
JUD BA10.1 Relocate funding for Correctional Treatment Board staff in Long Bill	0	0	0	0	0	0.0
JUD BA10.2 IT staff and pay adjustments	80,775	80,775	0	0	0	(2.0)
JUD BA10.3 Create "IT cost recoveries" line and transfer funding to it	0	0	0	0	0	0.0
JUD BA5 Courthouse Security	250,000	(125,000)	375,000	0	0	0.0
OSPD NP-BA1 Additional Grants	55,000	0	55,000	0	0	0.3
OCPO BA1 Additional staff for DYS investigations	0	0	0	0	0	1.0
OSPD R1 Workload and Caseload Increases	4,213,138	4,213,138	0	0	0	56.4
OSPD R2 IT Support, Security, and Development	870,620	870,620	0	0	0	4.0
OSPD R3 Interpreters	38,702	38,702	0	0	0	0.0
OADC R1 Caseload Increase	4,092,301	4,092,301	0	0	0	0.0
OADC R2 Administrative Support	49,981	49,981	0	0	0	1.0
OADC R3 Contractor rate increase	0	0	0	0	0	0.0
OCR R1 Caseload/Workload adjustment	(612,421)	(612,421)	0	0	0	0.0
OCR R2 Court-appointed counsel rate increases	0	0	0	0	0	0.0
OCR R3 Information Systems Manager Reclassification	18,889	18,889	0	0	0	0.0
OCR R4 Social Services Professional Coordinator	0	0	0	0	0	0.0
OCR R5 Reclassify staff positions	49,538	49,538	0	0	0	0.0
OCR R6 Increase administrative assistant position to full-time	20,896	20,896	0	0	0	0.5
OCR R7 Align common compensation plan positions	5,350	5,350	0	0	0	0.0
ORPC R1 Continuation of Social Worker Pilot Program	302,640	302,640	0	0	0	0.0

JUDICIAL DEPARTMENT	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
ORPC R2 Mandated Costs	191,999	191,999	0	0	0	0.0
ORPC R3 Increase in Contractor Hourly Rates	0	0	0	0	0	0.0
ORPC R4 Contract Statistician	20,000	20,000	0	0	0	0.0
ORPC R5 Operating Expenses	16,931	16,931	0	0	0	0.0
OCPO R1 Additional FTE and Associated Costs	92,139	92,139	0	0	0	1.0
CDAC R1 District Attorney Mandated Costs	74,543	74,543	0	0	0	0.0
NP1 Cybersecurity Liability Insurance Policy	26,827	26,827	0	0	0	0.0
NP2 Common Policy Provider Rate Increase	339,696	154,131	15,717	169,848	0	0.0
Centrally Appropriated Line Items	14,245,238	13,225,364	1,019,874	0	0	0.0
Annualize Prior Year Legislation	798,746	806,958	(8,212)	0	0	0.2
Annualize Prior Year Budget Actions	(8,170,312)	(4,539,409)	(3,630,903)	0	0	0.0
Other	402,340	(105,682)	832,221	105,682	0	0.0
TOTAL	**$746,275,642**	**$543,572,833**	**$162,227,034**	**$36,050,775**	**$4,425,000**	**4,741.7**
INCREASE/(DECREASE)	**$26,830,784**	**$25,922,817**	**$632,437**	**$275,530**	**$0**	**91.4**
Percentage Change	3.7%	5.0%	0.4%	0.8%	0.0%	2.0%
FY 2018-19 EXECUTIVE REQUEST	**$753,780,796**	**$551,984,661**	**$161,320,360**	**$36,050,775**	**$4,425,000**	**4,758.7**
Request Above/(Below) Recommendation	$7,505,154	$8,411,828	($906,674)	$0	$0	2.0

GENERAL NOTE: The numbering system in the above table indicate the source of the request. Specifically:

- "JUD" indicates a request submitted by the Chief Justice concerning courts or probation programs;
- "OSPD" indicates a request submitted by the Office of the State Public Defender;
- "OADC" indicates a request submitted by the Office of the Alternate Defense Counsel;
- "OCR" indicates a request submitted by the Office of the Child's Representative;
- "ORPC" indicates a request submitted by the Office of the Respondent Parents' Counsel;
- "OCPO" indicates a request submitted by the Office of the Child Protection Ombudsman;
- "OPG" indicates a request from the Office of Public Guardianship";
- "IEC" indicates a request submitted by the Independent Ethics Commission; and
- "CDAC" indicates a request submitted by the Colorado District Attorneys' Council.

Recommendations for the Judicial Department (Courts/Probation)

JUD R1 SYSTEM MAINTENANCE STUDY: The recommendation includes an increase of $2,858,691 total funds, including $2,782,916 General Fund, to pay salary survey adjustments that change the salary ranges for 54 job classes in the Judicial Department. The salary survey was performed by Segal Waters, a third-party compensation consulting company, which produced the Department's FY 2017-18 Annual Compensation Report. For most job classes, the adjustments work as they do in the Executive Branch. If an employee is below the bottom of the range after the range is adjusted upward by a salary survey, that employee receives just enough extra salary to move him or her up to the bottom of the range. If an employee is within the range after the ranges shifts, there is no raise. The exceptions are for two job classes for which the Judicial Department is experiencing high turnover. For individuals in these job classes, everyone is moved up enough to keep their same relative position within the salary range.

JUD R2 COURT SUPERVISORS: The recommendation is not to approve a request for $919,501 General Fund and 15.0 supervisor FTE to improve the staff-to-supervisor ratio for trial court staff.

JUD R3 PROBLEM SOLVING COURT COORDINATORS: The recommendation includes an increase of $500,682 General Fund to hire 7.0 FTE as Problem Solving Court Coordinators II.

JUD R4 ACCESS TO JUSTICE: The recommendation includes an increase of $133,876 General Fund and 1.0 FTE for an Access to Justice Coordinator to guide and coordinate resources to broaden access to civil justice for all litigants, including self-represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical disabilities.

JUD R5 IT PROJECT MANAGEMENT AND INFORMATION SECURITY STAFF: The recommendation includes an increase of $840,015 General Fund and 7.0 FTE to establish an IT Project Management Office and hire the additional information security staff necessary to provide adequate protection and regulatory compliance for the Branch's networks, systems, applications, and data. The recommendation includes $605,421 and 5.0 FTE to establish a Project Management Office and $240,744 and 2.0 FTE for additional information security staff.

JUD R6 INTERSTATE COMPACT FTE TRANSFER: The recommendation includes the transfer of 2.0 FTE from the Department of Corrections' (DOC) Parole Subprogram to the Judicial Department's Probation Division. These FTE do administrative work related to the Interstate Compact which controls the placement of probationers and parolees in other states. FY 2018-19 General Fund expenditures of the Department of Corrections will decline by $92,913. The entire DOC decline is in personal services. The FY 2018-19 General Fund appropriation of the Judicial Department will rise by $119,409 General Fund, comprised of $108,103 for personal services, $1,900 for ongoing operating costs, and $9,406 for one-time capital outlay. No people will move between departments; Judicial will hire or promote internally; DOC will move employees into other open positions. This request corresponds with request R7 submitted by the Department of Corrections.

JUD R7 COURTHOUSE FURNISHINGS AND INFRASTRUCTURE: The recommendation includes an increase of $3,153,360 General Fund to address required infrastructure and courthouse furnishing needs. Colorado counties provide and maintain courtrooms and other court facilities, while the State provides the furnishings, infrastructure, and court staffing. This recommendation is for infrastructure and courthouse furnishings for expanded, remodeled, or new facilities, as well as to replace or refurbish existing furniture that is no longer useable or will soon become unusable without repair.

JUD R8 MERCHANT AND COURIER FEES: The recommendation includes an increase of $33,473 General Fund to pay for (1) increased merchant fees on credit card transactions and (2) increased courier fees for armored transportation of court fines and fees collected at each court location. Merchant fees have increased substantially due to the growing use of credit cards to pay court fines and fees.

JUD R9 E-FILING/POSTAGE/MAILING/PROCESSING: The recommendation includes an increase of $340,000 cash funds from the Judicial Information Technology Cash Fund to pay for printing and postage costs associated with public access and e-filing. E-filing by one person can generate mailings to others who cannot be notified electronically. During the last two year, e-filing has been expanded to the criminal docket, which has generated additional mailings. The cash funds are from a fee that is assessed when an electronic filing is accepted by the court.

JUD R10 Restorative Justice Cash Fund Spending Authority: The recommendation includes an increase of $120,000 cash funds from the Restorative Justice Surcharge Cash Fund to support growth in existing funded Restorative Justice programs and to expand funding for new Restorative Justice programs. The Restorative Justice Cash Fund receives revenue from a $10 surcharge levied on persons convicted of a crime.

JUD R11 Compensation for Exonerated Persons: The recommendation eliminates of a $110,124 General Fund appropriation for compensation of exonerated persons. There are currently no individuals who qualify for these payments.

JUD BA5 Courthouse security: The recommendation increases spending from the Court Security Cash Fund by $375,000, using $250,000 to increase grants for courthouse security and using $125,000 to offset $125,000 of General Fund that is currently used to make courthouse security grants.

JUD BA9 Office of Public Guardianship: The recommendation provides an added $1,367,846 of spending authority for the Office of Public Guardianship to allow it to spend grants and donations that it receives.

JUD BA10.1 Relocate funding for Correctional Treatment Board staff in Long Bill: The recommendation moves the appropriation for a staff member who works for the Correctional Treatment Board to the line item that contains almost all of the appropriations from the Correctional Treatment Cash Fund.

JUD BA10.2 IT staff and pay adjustments: The recommendation seeks to address one of the problems the Judicial Department has encountered as it tries to retain IT employees. In the past couple of years, the Department has matched or partially matched offers its IT employees have received from other employers. The cost of this matching effort has forced the Department to hold other positions vacant for extended periods. The situation has become so acute, that the Department seeks $80,775 General Fund to fill the funding hole that has been created by the last 10 "successful" matching offers the Department has extended to IT employees. The Department offers in return 2.0 vacant FTE positions that it has little hope of filling.

JUD BA10.3 Create "IT cost recoveries" line and transfer funding to it: The recommendation creates a new line item called "IT cost recoveries" and transfer of $3,000,000 of cash fund appropriations related to e-filing from the General Courts Administration Program line to this new line in order to isolate program expenditures related to e-filing as well as any other data requests that are eligible for cash reimbursement.

Recommendations for the Office of the State Public Defender (OSPD)

OSPD R1 Workload and Caseload Increases: The recommendation includes an increase of $4,213,138 General Fund and 56.4 FTE for FY 2018-19, annualizing to $4,607,097 and 56.4 FTE and in FY 2019-20 to respond to the caseload and workload increase that the Office has experienced.

OSPD R2 IT SUPPORT, SECURITY, AND DEVELOPMENT: The recommendation includes an increase of $870,620 General Fund and 4.0 FTE to address the Office's information technology needs. This includes development of a Case Management System, provision of increased (and ongoing) IT support for the Public Defender's 21 regional offices, software licensure, hardware replacement, and security upgrades. In the second year expenditures decline to $472,407 and 4.0 FTE.

OSPD R3 INTERPRETERS: The recommendation includes an increase of $38,702 General Fund for the increased cost of contract non-Spanish language interpreters. The recommendation is in response to a translator rate increase enacted by the Judicial Department on July 1, 2017 as well as increased demand for non-Spanish language interpreters.

OSPD NP-BA1 Additional Grants: The recommendation includes an additional informational appropriation that reflects a grant that the OSPD is receiving.

<u>Recommendations for the Office of the Alternate Defense Counsel (OADC)</u>

OADC R1 CASELOAD INCREASE: The recommendation includes an increase of $4,092,301 General Fund for its increased caseload.

OADC R2 ADMINISTRATIVE SUPPORT: The recommendation includes an increase of $49,981 General Fund and 1.0 FTE to add an Administrative Specialist III. This will help alleviate the shortage of support staff that has resulted from the Office's caseload increase.

OADC R3 CONTRACTOR RATE INCREASE: The recommendation does not include funding for a requested increase of $2,306,291 General Fund for a 6.7% rate increase for OADC contractors.

<u>Recommendations for the Office of the Child's Representative (OCR)</u>

OCR R1 WORKLOAD AND CASELOAD ADJUSTMENT: The recommendation includes a $612,421 General Fund reduction to align the Office's Court-Appointed Counsel appropriation with its lower workload and caseload.

OCR R2 COURT-APPOINTED COUNSEL RATE INCREASES: The recommendation does not include the requested increase of $1,893,531 General Fund to raise the hourly rate paid to attorneys to $80, the hourly rate paid to social service professionals to $44, and the hourly rate paid to paralegals to $32. These are approximately 6.7% increases.

OCR R3 INFORMATION SYSTEMS MANAGER RECLASSIFICATION: The recommendation includes an increase of $18,889 General Fund for the reclassification of the Office's Information Systems (IS) Manager, whose salary is currently aligned with that of a Judicial Information Technology Systems Analyst II, as a Judicial Information Technology Systems Analyst III.

OCR R4 SOCIAL SERVICES PROFESSIONAL COORDINATOR: The recommendation does not include requested funding of $107,963 General Fund to pay for a 1.0 FTE Social Service Professional Coordinator.

OCR R5 RECLASSIFY STAFF POSITIONS: The recommendation includes an increase of $49,981 General Fund for the reclassification of several positions in the OCR's El Paso County Guardian Ad Litem office.

OCR R6 INCREASE ADMINISTRATIVE ASSISTANT POSITION TO FULL-TIME: The recommendation includes an increase of $20,896 to increase the Administrative Assistant position in the Denver Office of the Child's Representative from 0.5 FTE to 1.0 FTE.

OCR R7 ALIGN COMMON COMPENSATION PLAN POSITIONS: The recommendation includes an increase of $5,350 to align salaries for two of the Office's positions with similar positions within the State Court Administrator's Office (i.e. the main Judicial office).

<u>Recommendations for the Office of the Respondent Parents' Counsel (ORPC)</u>

ORPC R1 CONTINUATION OF SOCIAL WORKER PILOT PROGRAM: The recommendation includes $302,640 General Fund for the continuation for a second year of the Social Worker Pilot Program that the Committee approved last year. The program provides attorneys in two judicial districts who serve as respondent parents' counsel with access to contract social workers. The program, which began operation this fiscal year, is based on a multidisciplinary approach to parent representation developed in other states and is expected to improve outcomes for parents and children in Colorado.

ORPC R2 MANDATED COSTS: The recommendation includes an increase of $191,999 for increased Mandated Costs to pay for expert witnesses, transcripts, and other court costs. Recent changes in court rules have required the production of more court transcripts for appeals and experts are being used more frequently in Dependency and Neglect cases.

ORPC R3 INCREASE IN CONTRACTOR HOURLY RATES: The recommendation does not provide funding for an increase of $915,883 General Fund that would have paid for a requested 6.7% increase in the hourly contractor rates for attorneys, paralegals, investigators, and social workers.

ORPC R4 CONTRACT STATISTICIAN: The recommendation includes an increase of $20,000 General Fund to engage a contract statistician who will evaluate the effectiveness of the ORPC's Social Worker Pilot Program.

ORPC R5 OPERATING EXPENSES. The recommendation includes an increase of $16,931 in Operating Expenses to align the appropriation with the needs of the office and to complete scheduled replacements of computers and acquisition of software.

Recommendations for the Office of the Child Protection Ombudsman (OCPO)

OCPO R1 ADDITIONAL FTE AND ASSOCIATED COSTS: The recommendation includes an increase of $92,139 so that two OCPO employees who currently work half time can work full time. The recommendation also provides broadband internet access for the office.

OCPO BA1 ADDITIONAL STAFF FOR DYS INVESTIGATIONS: The recommendation does not include funding for a requested OCPO employee who would investigate individual complaints as well as broader systemic problems related to the Division of Youth Services.

Recommendations for the Colorado District Attorneys' Council

CDAC R1 DISTRICT ATTORNEY MANDATED COSTS: The recommendation includes an increase of $74,543 General Fund (3.0 percent) to reimburse district attorneys for some of the mandated costs that they incur.

Other Changes Recommended for Judicial Agencies

NP1 CYBERSECURITY LIABILITY INSURANCE POLICY: The recommendation includes an increase of $26,827 General Fund for an insurance policy to cover costs associated with cyber security breaches.

NP2 COMMON POLICY PROVIDER RATE INCREASE: The recommendation includes an increase of. $339,696 total funds ($154,131 General Fund) to increase the rates paid to probation providers by one percent.

CENTRALLY APPROPRIATED LINE ITEMS: The recommendation includes adjustments to central appropriations for Salary survey; Health, life, and dental; SAED; AED; Workers' compensation; CORE; Legal services; Vehicle lease payments; Leased space; Payments to OIT; Payment to risk management / property funds; Short-term disability; and Merit pay.

ANNUALIZE PRIOR YEAR LEGISLATION: The recommendation includes the following adjustments for annualization of prior year legislation:

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL	FTE
HB 17-1265 PERA Judicial Division Total Employer Contrib.	726,273	704,485	21,788	0	0	0.0
HB 17-1087 Office of Public Guardianship	107,176	107,176	0	0	0	0.0
SB 08-054 (Judicial Performance Evaluations) No public awareness poll this year per that bill	(30,000)	0	(30,000)	0	0	0.0
HB 17-1204 Juvenile delinquency record expungement	($4,703)	($4,703)	$0	$0	$0	0.2
TOTAL	**$798,746**	**$806,958**	**($8,212)**	**$0**	**$0**	**0.2**

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The recommendation annualizes prior year budget actions:

OTHER: The recommendation makes a fund source adjustment and an adjustment to the Correctional Treatment Cash Fund.

MAJOR DIFFERENCES FROM THE REQUEST

Staff's recommendations for FY 2018-19 are $7.4 million lower than the request (including $7.9 million General Fund). The following table shows the major requests that are not recommended:

REQUEST NOT FUNDED	COST	FTE
OADC R3 Contractor rate increase	$2,306,291	0
OCR R2 Court-appointed counsel rate increases	1,893,531	0
JUD R2 Court Supervisors	919,501	15.0
ORPC R3 Increase in Contractor Hourly Rates	915,883	0
OCR R4 Social Services Professional Coordinator	107,963	1.0
CPO BA1 Additional staff for DYS investigations	86,697	0

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

➔ JUD R1 SYSTEM MAINTENANCE STUDY

REQUEST: The request includes an increase of $4,138,738 total funds, including $3,974,756 General Fund, to pay salary survey adjustments that change the salary ranges for 54 job classes in the Judicial Department. The salary survey was performed by Segal Waters, a third-party compensation consulting company, which produced the Department's FY 2017-18 Annual Compensation Report.

RECOMMENDATION: The recommendation includes an increase of $2,858,691 total funds, including $2,782,916 General Fund, to pay salary survey adjustments that change the salary ranges for 54 job classes in the Judicial Department. For most job classes, the adjustments work as they do in the Executive Branch. If an employee is below the bottom of the range after the range is adjusted upward by a salary survey, that employee receives just enough extra salary to move him or her up to the bottom of the range. If an employee is within the range after the ranges shifts, there is no raise. The exceptions are for two job classes for which the Judicial Department is experiencing high turnover. For individuals in these job classes, everyone is moved up enough to keep their same relative position within the salary range.

The two job classes are *Court Judicial Assistant (CJA)* and *Support Services.* Support Services workers had the highest turnover rate in the Judicial Department in FY 2016-17 at 16.7%. Court Judicial Assistants had the second highest turnover rate at 16.6 percent. The overall turnover rate for the Department is 10.7 percent. Staff has watched Court Judicial Assistants in the courtroom. Their's is a challenging job.

➔ JUD R2 COURT SUPERVISOR FTE

REQUEST: The Department requests an increase of $919,501 General Fund and 15.0 supervisor FTE. The objective is to improve the staff-to-supervisor ratio for trial court staff. The Department states that the addition of these supervisor positions will ensure trial court staff have the support and training needed to provide quality customer service and assistance to court users while also allowing for leadership development and full engagement with data integrity efforts.

REQUEST: Staff recommends that the request not be approved. Staff is generally skeptical of proposals asserting that efficiency can be increased by adding additional managers. In this case, staff does not believe that the department has provided enough documentation of the inadequacies of its current staffing ratios to justify an expenditure of this magnitude. Nor has the Department proposed criteria for evaluating improved outcomes. How will the department know whether additional supervisors have improved outcomes? Will additional managers enhance the quantity of output or the quality or both? How will the department judge whether the improvements justify the additional cost?

➔ JUD BA10.1 RELOCATE FUNDING FOR CORRECTIONAL TREATMENT BOARD STAFF IN LONG BILL

REQUEST: The Judicial Department requests relocation in the Long Bill of funding for the Correctional Treatment Board staff member who works for the Correctional Treatment Board. The request would move the appropriation to a line item that contains almost all of the appropriations from the Correctional Treatment Cash Fund (CTCF).

RECOMMENDATION: Staff recommends approval of this request, believing that it will increase Long Bill transparency if more CTCF appropriations appear together. It will also make it easier for JBC staff to track expenditures from the CTCF.

➔ CORRECTIONAL TREATMENT CASH FUND ALLOCATION

BRIEF BACKGROUND INFORMATION: The Correctional Treatment Cash Fund (CTCF) funds the treatment of substance abuse and co-occurring disorders in adult and juvenile offenders. The moneys are expended by the Departments of Corrections, Human Services, and Public Safety, as well as by the Judicial Branch. The Correctional Treatment Board decides how to allocate the funds and the Board's allocation must be approved by the General Assembly.

Revenues of the CTCF derive from a surcharge paid by convicted drug offenders, from interest earned on the fund balance, and from annual General Fund and Marijuana Tax Cash Fund appropriations to the CTCF. Last year, the Committee decided that the appropriations to the Correctional Treatment Cash Fund from the General Fund and from the Marijuana Tax Cash Fund should be increased in step with the common policy provider rate increase because the CTCF is used to pay providers.

REQUESTED APPROPRIATIONS TO THE CORRECTIONAL TREATMENT CASH FUND: The Judicial Department requests that the General Fund and Marijuana Tax Cash Fund appropriations to the CTCF both be increased by the one percent provider rate increase requested by the Governor. This would increase the General Fund appropriation by $154,131 and increase the Marijuana Tax Cash Fund appropriation by $15,717 for a total cash funds appropriation increase of $169,848.

RECOMMENDED APPROPRIATIONS TO THE CORRECTIONAL TREATMENT CASH FUND: The staff recommendations for the General Fund and Marijuana Tax Cash Fund appropriations to the Correctional Treatment Cash Fund are pending the Committee's decision regarding a community provider rate increase. If there is no provider rate increase, staff recommends continuation of the current appropriation.

The following table summarizes the request and the pending recommendation:

	FY 2017-18 Appropriation	FY 2018-19 1% Increase	FY 2018-19 Appropriation
General Fund			
Request	$15,413,076	$154,131	$15,567,207
Recommendation	15,413,076	Pending	Pending
Marijuana Tax Cash Fund			
Request	$1,571,728	$15,717	$1,587,445

Recommendation	1,571,728	Pending	Pending

ANALYSIS: The requested General Fund appropriation to the CTCF is consistent with current law, which requires the General Assembly to appropriate at least $15,200,000 General Fund annually to the CTCF. The appropriation requested from the MTCF increases funding by one percent. This amount is transferred to the Department of Human Services for the Jail-based Behavioral Health Services Program. This source of funding was originally authorized through S.B. 14-215 with a $2,000,000 appropriation. The 2.0 million was reduced mid-year in FY 2014-15 to reflect actual allocations to sheriffs' offices. House Bill 15-1367 modified the format of this appropriation, requiring that the funding from the MTCF be appropriated to the CTCF.

REQUESTED APPROPRIATIONS FROM THE CORRECTIONAL TREATMENT CASH FUND: In November the Correctional Treatment Board submitted its annual funding plan for the CTCF, which proposes expenditures from the Correctional Treatment Cash Fund for FY 2018-19. The November plan contained some technical errors that led the Board to approve the following amended plan in February.

Correctional Treatment Board FY 18-19 Funding Plan

	FY 17-18 Appropriation	FY18-19 Board Plan with no increase	1% Provider rate increase **	FY18-19 Board Plan with 1% increase
Department of Corrections				
Drug & Alcohol Tx Subprogram	1,363,983	1,363,983	10,750	1,374,733
Parole Subprogram	2,141,708	2,141,708	16,879	2,158,587
	3,505,691	**3,505,691**	**27,629**	**3,533,320**
Department Human Services				
Substance Use Treatment and Prevention Offender Services	1,508,488	1,508,488	11,889	1,520,377
Treatment & Detox Contracts				
Short-Term Intensive Residential Remediation & Tx				
Integrated Behavioral Health Services				
Jail-Based Behavioral Health	5,256,185	5,256,185	41,425	5,297,610
	6,764,673	**6,764,673**	**53,313**	**6,817,986**
Department of Public Safety				
Administration				
Personal Services/Operating	89,609	89,609		89,609
Pots	14,664	14,664		14,664
Community Corrections				
Community Corrections Placement	2,680,931	2,680,931	21,129	2,702,060
Trtmtn. For Subs Abuse and Co-occuring Disorders	2,589,701	2,589,701	20,410	2,610,111
	5,374,905	**5,374,905**	**41,539**	**5,416,444**
Judicial Department Probation				
Probation & Related Services				
Offender Treatment & Services	6,010,228	6,010,228	47,367	6,057,595
Central Programs				
Pots	8,940	9,423		9,423
Adult Pre-Trial Diversion	77,000	77,000		77,000
Administration				
Personal Services	96,757	98,944		98,944
Indirects	168,232	168,232		168,232
	6,361,157	**6,363,827**	**47,367**	**6,411,194**
GRAND TOTAL	**22,006,426**	**22,009,096**	**169,848**	**22,178,944**

Cash Funds	5,021,622	5,024,292	0	5,024,292
Reappropriated Funds	16,984,804	16,984,804	169,848	17,154,652
Shaded figures are continuation and will be updated at figure-setting.				
****Proposed provider rate increase of 1% of total GF/MTCF***				

This funding plan proposes two alternative allocations of CTCF funding.

- The first allocation is in the middle column and is titled "FY18-19 Board Plan with no increase". It applies if FY 2018-19 appropriations from the General Fund and the Marijuana Tax Cash Fund to the CTCF are unchanged. This proposed allocation differs very little from the allocation in the FY 2017-18 Long Bill. The only change is adjustments to the salary and benefits of a Judicial Department staff member who is supported by the CTCF. The plan does not adjust the salary of the staff member in the Department of Public Safety who is supported the CTCF because the Board did not have access to that information. The total amount allocated would equal $22,009,096 cash funds.
- The second allocation is in the right column of the table and is titled "FY18-19 Board Plan with 1% increase." It applies if the Committee approves the one percent provider rate increase requested by the Governor. The Board's proposal would increase appropriations to the line items showing change by 0.79 percent. Staff understands this column is representative of the allocation of extra funds that the Board prefers. If the provider rate increase differs from one percent, the Board asks additional funds to be allocated proportionate to this column. The allocation makes the same staff-related adjustment that is contained in the other plan. Note that the Board does not propose allocating additional funds for diversions program (which are operated by DA's) because, given recent history, it does not believe that the extra money will be spent. The total amount allocated from the CTCF would equal $22,178,944.

Both of these plans continue a pilot program that began during FY 2017-18 that provides grants to local programs that treat substance abuse and co-occurring disorders. Programs in two judicial districts are expected to receive funding.

The Board's plan also includes salaries and benefits for two FTE who deal with administrative matters related the CTCF and are supported by the fund. One is in the Department of Public Safety and the other is in the Judicial Department. The plan proposes that appropriations for these FTE be adjusted to reflect the current salaries and benefits of these individuals as well as related common policy POTS for next year. The plan further proposes that the indirect cost assessment be set in accord with the Judicial Department indirect cost plan. Note that the indirect cost assessment is collected only from revenues of the CTCF that come from the Drug Offender Surcharge, a fee that varies $200 for a deferred sentence to $4,500 for a class 2 felony or level 1 drug conviction. The indirect cost assessment is not paid on CTCF monies that trace to the General Fund or the MTCF.

RECOMMENDED APPROPRIATIONS FROM THE CORRECTIONAL TREATMENT CASH FUND: Staff recommends that the Committee approve the funding plan submitted by the Correctional Treatment board and allow staff to compute Long Bill appropriations as directed by the plan. Specifically:

- If there is no community provider rate increase, appropriations will be as indicated in the column titled "FY18-19 Board Plan with no increase."

- If there is a provider rate increase, staff will make proportionate adjustments to the column titled "1% Provider rate increase," for example doubling it if the community provider rate increase is two percent rather than one.
- In both cases the personal services appropriations for the two FTE supported by the CTCF will set to $91,712 and $98,944 (their FY 2017-18 value) and POTS appropriations will reflect FY 2018-19 common policies. If the Committee selects a 3 percent Salary Survey adjustment, POTS will equal $15,752 and $9,423. The indirect cost assessment will be set in accord with the Judicial FY 2018-19 indirect cost plan.
- The appropriations to the Departments of Corrections, Human Services, and Public Safety will appear in their portion of the Long Bill as reappropriated funds transferred from the Judicial Department.
- Within the Judicial Department's portion of the Long Bill, the appropriations will appear as CF appropriations from the CTCF and, for dollars that trace to the General Fund or the MTCF, RF reappropriations from the CTCF. The CTCF appropriation and will include the transfers to the Departments of Corrections, Human Services, and Public Safety. Most of the Judicial Department appropriations will be included in the *Offender Treatment and Services* appropriation within the *Probation and Related Services Division*. The reappropriated funds appropriation will equal the appropriation to the CTCF from the General Fund and the MTCF. The Cash Funds appropriation will equal the amount appropriated from CTCF fund balance and from revenues of the CTCF, which come from drug offender surcharges.

RECOMMENDED FOOTNOTE: Staff recommends that the following new footnote be attached to the *Offender Treatment and Services* line item:

N JUDICIAL DEPARTMENT, PROBATION AND RELATED SERVICES, OFFENDER TREATMENT AND SERVICES – This appropriation includes the following transfers from the Correctional Treatment Cash Fund appropriation: $3,533,320 to the Department of Corrections, $5,297,610 to the Department of Human Services, and $6,411,194 to the Department of Public Safety.

It is challenging to follow the flow of Correctional Treatment Cash Funds in the Long Bill and staff believes that this footnote will increase transparency. Staff requests permission to adjust the footnote to reflect the transfers that result from yet-to-be-made Committee decisions.

DETAILED CTCF BACKGROUND INFORMATION:

State Funding for Substance Abuse Treatment for Offenders

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

Through H.B. 12-1310, the General Assembly consolidated the major sources of state funding for offender substance abuse treatment, and consolidated the associated oversight boards into a single Correctional Treatment Board. Specifically, H.B. 12-1310 continued to require the General Assembly to annually appropriate a minimum amount of General Fund related to the estimated savings that resulted from the enactment of S.B. 03-318 ($2.2 million) and H.B. 10-1352 ($9.5 million). These amounts are to be credited to the Correctional Treatment Cash Fund (CTCF). For FY 2013-14, the General Assembly was required to appropriate at least $11.7 million General Fund to the CTCF. Pursuant to S.B. 13-250, the General Assembly is required to appropriate an additional $3.5 million General Fund related to the estimated savings from S.B. 13-250. Thus, the General Assembly is required to appropriate at least $15.2 million General Fund annually to the CTCF[1].

In addition, the budget now includes an appropriation from the Marijuana Tax Cash Fund (MTCF) to the CTCF ($1,550,000 in FY 2015-16 and FY 2016-17, $1,571,728 in FY 2017-18 to reflect the provider rate increase) pursuant to S.B. 14-215 and H.B. 15-1367. These funds are transferred to the Department of Human Services to support jail-based behavioral health services.

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

Thus the Correctional Treatment Cash Fund consists of

- Annual appropriations from the General Fund to the CTCF,
- Annual appropriations from the Marijuana Tax Cash Fund to the CTCF,
- Drug offender surcharge revenues of the CTCF, and
- Interest income of the CTCF.

Moneys from the CTCF may be used for the following purposes:

- Alcohol and drug screening, assessment, and evaluation;
- Alcohol and drug testing;
- Substance abuse education and training;

[1] See Sections 18-19-103 (3.5)(b) and (c) and (4)(a), C.R.S.

- An annual statewide conference regarding substance abuse treatment;
- Treatment for assessed substance abuse and co-occurring disorders;
- Recovery support services; and
- Administrative support to the Correctional Treatment Board.

Money from the CTCF may be used to serve adults and juveniles who are:
- Abiding by a diversion contract in lieu of a sentence;
- Serving a probation sentence (including Denver county);
- On parole;
- Sentenced or transitioned to a community corrections program; or
- Serving a sentence in a county jail, on a work-release program supervised by the county jail, or receiving after-care treatment following release from jail if the offender participated in a jail treatment program.

The Correctional Treatment Board is charged with assessing the availability and effectiveness of adult and juvenile offender substance abuse services statewide. The Board is required to prepare an annual treatment funding plan that the Judicial Department includes in its annual budget request. This plan is included as an appendix to the JBC Staff Budget Briefing for the Judicial Branch. In February, 2018 the Board submitted an amended Treatment Funding Plan for Fiscal Year 2018-19 that is presented above.

Correctional Treatment Board

The Correctional Treatment Board consists of the seven members representing:
- The Department of Corrections,
- The Division of Probation in the Judicial Branch,
- The Office of the State Public Defender,
- The Department of Public Safety,
- The Department of Human Services,
- District attorneys, and
- County sheriffs[2].

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

Allocations from the Correctional Treatment Cash Fund

Currently, CTCF moneys are allocated among four state agencies.
- The *Judicial Branch* uses funds to provide substance use testing, and mental health and substance use treatment for offenders on probation and those participating in problem-solving courts. In

[2] See Section 18-19-103 (5) (b), C.R.S.

addition, funding is used to support adult pre-trial diversion programs administered by district attorneys' offices. The Judicial Department also uses funds to support 1.0 FTE that supports the Correction Treatment Board.

- The *Department of Public Safety (DPS)* allocates funds to local community corrections boards for intensive residential treatment (IRT), therapeutic community programs, and outpatient treatment vouchers. The DPS also uses funds to support 1.0 FTE in the Division of Criminal Justice responsible for research and training related to substance abuse and risk/need assessments.
- The *Department of Human Services* uses these funds for three purposes. First, the Department allocates funds to county sheriffs for the jail-based behavioral health services (JBBS) program. These programs screen for and provide care for adult inmates with a substance use disorder – both while in jail and following the inmate's release from jail. Second, funds are allocated to managed service organizations (MSOs) so support community-based outpatient substance abuse treatment services. Third, funds are used to support the Short-term Intensive Residential Remediation Treatment (STIRRT) program, which serves adult offenders who have been unsuccessful in community treatment for drug and alcohol abuse and continue to commit offenses.
- The *Department of Corrections* uses funds to support case management, substance use testing, and outpatient treatment for parole clients.

➔ Rate Increases for OADC, OCR, ORPC

Request: Three Judicial Branch agencies, the Office of the Alternate Defense Council, the Office of the Child's Representative, and the Office of the Respondent Parents Council, are requesting coordinated rate increases for the contract attorneys who provide legal representation for the clients that these agencies serve. The agencies are also requesting increases for the other professionals who support those attorneys, such as paralegals, social workers, and investigators. For most attorneys, they hourly rate would rise from $75 per hour to $80, which is a 6.6 percent increase. The cost of the requested increases are as follows:

Agency	Requested increase to pay higher rates
Office of the Alternate Defense Council	$2,306,291
Office of the Child's Representative	1,893,531
Office of the Respondent Parents Council	915,883
Total	$5,115,705

The last hourly rate increase was on July 1, 2014 when attorneys received a $10 per hour increase.

Recommendation: Staff recommends that the requested increases not be approved.

Analysis: During briefing, staff looked at the history of the rate that the Office of the Alternate Defense Counsel (OADC) has been paying since the year 1999. Staff showed that the rate paid to attorneys is now 9 percent higher than it was in 1999, when adjusted for inflation.

Staff also examined data on net income and billing rates that was gathered by the Colorado Bar association in 2008 and 2016 surveys. The staff analysis of that data suggested that OADC attorney contractors are currently in approximately the same position relative to other private sector attorneys that they were in 2008. The net income numbers for private Colorado attorneys show that even without an inflation adjustment, the income of criminal attorneys and family law attorneys has declined. The net income of solo law practitioners has also struggled to keep up with inflation. The years 2008 to 2016 were not kind to many attorneys.

Subsequently, staff looked at Colorado provider rate increases since the year 1999 and found that they have cumulatively raised payments to providers by 61 percent over this period. Over this same period the rate paid to OADCa attorneys rose 59.5%. Thus contract attorneys have seen their pay rise by very close to the same amount that providers have seen their payments from the state rise.

Staff concludes that the case for a rate increase is weak.

(1) SUPREME COURT/COURT OF APPEALS

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The Supreme Court is the court of last resort, and its decisions are binding on the Court of Appeals and all county and district courts. Requests to review decisions of the Court of Appeals constitute the majority of the Supreme Court's filings. The Supreme Court also has direct appellate jurisdiction over cases in which a statute has been held to be unconstitutional, cases involving the Public Utilities Commission, writs of habeas corpus,[3] cases involving adjudication of water rights, summary proceedings initiated under the Elections Code, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings. The Supreme Court also oversees the regulation of attorneys and the practice of law. The Supreme Court is composed of seven justices who serve renewable 10-year terms. The Chief Justice, selected by the justices of the Court, is the executive head of the Department.[4]

Created by statute, the Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Its determination of an appeal is final unless the Colorado Supreme Court agrees to review the matter. The Court of Appeals is currently composed of 22 judges who serve renewable 8-year terms[5].

Sources of cash funds include the Judicial Stabilization Cash Fund and various fees and cost recoveries.

Supreme Court And Court Of Appeals	Total Funds	General Fund	Cash Funds	Reappropriated Funds	FTE
FY 2017-18 Appropriation					
SB 17-254 (Long Bill)	$25,972,183	$14,418,399	$11,480,887	$72,897	216.5
TOTAL	**$25,972,183**	**$14,418,399**	**$11,480,887**	**$72,897**	**216.5**
FY 2018-19 Recommended Appropriation					
FY 2017-18 Appropriation	$25,972,183	$14,418,399	$11,480,887	$72,897	216.5
Annualize Prior Year Budget Actions	488,530	488,530	0	0	0.0
TOTAL	**$26,460,713**	**$14,906,929**	**$11,480,887**	**$72,897**	**216.5**
INCREASE/(DECREASE)	**$488,530**	**$488,530**	**$0**	**$0**	**0.0**
Percentage Change	1.9%	3.4%	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$26,460,713**	**$14,906,929**	**$11,480,887**	**$72,897**	**216.5**
Request Above/(Below) Recommendation	$0	$0	$0	$0	0.0

DECISION ITEMS – SUPREME COURT/ COURT OF APPEALS (NONE)

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

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

[5] See Section 13-4-101 et seq., C.R.S.

The Judicial Department did not submit any decision items for this division.

LINE ITEM DETAIL — SUPREME COURT/ COURT OF APPEALS

APPELLATE COURT PROGRAMS

This line item includes funding for both personal services and operating expenses. This line item also includes funding to purchase volumes of the *Colorado Reporter,* the official publication of opinions of the Colorado Supreme Court and Court of Appeals, for distribution to various state offices, including district and county judges' offices, county court law libraries, district attorneys' offices, and state libraries.

STATUTORY AUTHORITY: Article VI of the State Constitution [Vestment of judicial power]; Section 13-2-101 *et seq.*, C.R.S. [Supreme Court]; Section 13-2-125, C.R.S. [Colorado Reporter] Section 13-4-101 *et seq.*, C.R.S. [Court of Appeals]

REQUEST: The Department requests a total of $14,978,929, including $14,906,929 General Fund and $72,000 cash funds from various fees and cost recoveries, and 143.0 FTE.

RECOMMENDATION: **Staff recommends approving the request**, which simply reflects salary increases awarded in FY 2017-18 ($488,530 General Fund).

OFFICE OF ATTORNEY REGULATION COUNSEL

This informational line item reflects anticipated expenditures related to the regulation of the practice of law. These activities are supported by cash funds from attorney registration fees and law examination application fees. This line item is shown for informational purposes only, as these funds are continuously appropriated under the Judicial Branch's constitutional authority to regulate and control the practice of law. These expenditures support three types of activities:

- Administration of the Colorado bar exam by the State Board of Law Examiners administers.
- Administration of mandatory continuing legal education for attorneys and judicial officers by the Board of Continuing Legal and Judicial Education.
- Investigation of alleged attorney misconduct. A Client Protection Fund compensates persons who suffer certain monetary losses because of an attorney's dishonest conduct.

STATUTORY AUTHORITY: Section 1 of Article VI of the State Constitution [Vestment of judicial power]; Section 13-2-119, C.R.S. [Disposition of fees]

REQUEST: The request reflects $10,650,000 cash funds and 70.0 FTE.

RECOMMENDATION: **Staff recommends approval of the Department's informational appropriation request.**

LAW LIBRARY

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

STATUTORY AUTHORITY: Section 13-2-120, C.R.S. [Supreme Court Library Fund]

REQUEST: The Department requests a total of $572,897, including $500,000 cash funds from the Supreme Court Library Fund and 2.5 FTE, and $72,897 reappropriated funds transferred from the Department of Law and 1.0 FTE. There are no changes requested for FY 2016-17.

RECOMMENDATION: **Staff recommends approving the request**.

INDIRECT COST ASSESSMENT

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

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

REQUEST: The Department requests $258,887 cash funds.

RECOMMENDATION: **Staff recommends approving the request**. The amounts recommended for this line item and the other two Indirect Cost Assessment line items in this department are calculated based on the indirect cost assessment methodology that is described at the end of this document.

(2) COURTS ADMINISTRATION

The justices of the Supreme Court appoint the State Court Administrator to oversee the daily administration of the Department and provide technical and administrative support to the courts and probation offices.[6] The Courts Administration section of the budget is comprised of four subdivisions:

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

Courts Administration						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2017-18 Appropriation						
Other Legislation	$29,203	$29,203	$0	$0	$0	0.0
HB 18-1163 Judicial Suppl Bill	4,027,705	665,434	3,349,481	12,790	0	0.0
SB 17-254 (Long Bill)	203,992,964	106,565,724	85,915,668	11,511,572	0	442.1
TOTAL	**$208,049,872**	**$107,260,361**	**$89,265,149**	**$11,524,362**	**$0**	**442.1**
FY 2018-19 Recommended Appropriation						
FY 2017-18 Appropriation	$208,049,872	$107,260,361	$89,265,149	$11,524,362	$0	442.1
JUD R1 System Maintenance Study	2,858,691	2,782,916	75,775	0	0	0.0
JUD R2 Court Supervisors	0	0	0	0	0	0.0
JUD R3 Problem Solving Court Coordinators	500,682	500,682	0	0	0	7.0
JUD R4 Access to Justice	133,876	133,876	0	0	0	1.0
JUD R5 IT Project Management and Information Security Staff	840,015	840,015	0	0	0	7.0
JUD R6 Interstate Compact FTE Transfer	119,409	119,409	0	0	0	2.0
JUD R7 Courthouse Furnishing	3,153,360	2,653,360	500,000	0	0	0.0
JUD R9 E-filing/postage/mailing/processing	340,000	0	340,000	0	0	0.0
JUD BA10.2 IT staff and pay adjustments	80,775	80,775	0	0	0	(2.0)
JUD BA10.3 Create "IT cost recoveries" line and transfer funding to it	0	0	0	0	0	0.0
JUD BA10.1 Relocate funding for Correctional Treatment Board staff in Long Bill	(96,757)	0	(96,757)	0	0	(1.0)
JUD BA5 Courthouse Security	250,000	(125,000)	375,000	0	0	0.0
JUD R10 Restorative Justice Cash Fund Spending Authority	120,000	0	120,000	0	0	0.0
JUD R11 Compensation for Exonerated Persons	(110,124)	(110,124)	0	0	0	0.0
NP1 Cybersecurity Liability Insurance Policy	26,827	26,827	0	0	0	0.0

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

COURTS ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Centrally Appropriated Line Items	11,281,477	10,261,603	1,019,874	0	0	0.0
Annualize Prior Year Legislation	(34,703)	(4,703)	(30,000)	0	0	0.0
Annualize Prior Year Budget Actions	(12,547,103)	(8,639,891)	(3,907,212)	0	0	0.0
Fund Source Adjustment	(27,541)	(105,682)	(27,541)	105,682	0	0.0
TOTAL	**$214,938,756**	**$115,674,424**	**$87,634,288**	**$11,630,044**	**$0**	**456.1**
INCREASE/(DECREASE)	**$6,888,884**	**$8,414,063**	**($1,630,861)**	**$105,682**	**$0**	**14.0**
Percentage Change	3.3%	7.8%	(1.8%)	0.9%	0.0%	3.2%
FY 2018-19 EXECUTIVE REQUEST	**$216,399,348**	**$117,561,809**	**$87,207,495**	**$11,630,044**	**$0**	**456.1**
Request Above/(Below) Recommendation	$1,460,592	$1,887,385	($426,793)	$0	$0	(0.0)

DECISION ITEMS – COURTS ADMINISTRATION

➔ JUD R3 PROBLEM SOLVING COURT COORDINATORS

REQUEST: The request includes an increase of $500,682 General Fund to hire 7.0 FTE as Problem Solving Court Coordinators II.

RECOMMENDATION: Staff recommends approval of this request.

Problem Solving Courts continue are among the most researched community based alternatives for working with drug dependent individuals in the criminal justice system. Numerous research studies have consistently shown that drug court participants are less likely to commit new crimes and are more likely to attend and successfully complete substance abuse treatment. Drug court participants were found to be less likely to use illicit substances during and after program completion, more likely to be gainfully employed, more likely to be enrolled in school and less likely to have family conflict.

Problem solving courts in Colorado served over 8,000 people in the last fiscal year. In total, there are 79 problem solving courts in 20 of 22 judicial districts with another three courts in the planning process. Drug Court is cost-effective alternative to prison. Studies suggest that for every $1 invested in adult drug courts there is a return of $2 to $4 in benefits.

➔ JUD R4 ACCESS TO JUSTICE FTE

REQUEST: The Department requests an increase of $133,876 General Fund and 1.0 FTE for an Access to Justice Coordinator to guide and coordinate resources to broaden access to civil justice for all litigants, including self-represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical disabilities.

RECOMMENDATION: Staff recommends approval of this request.

The Colorado Judicial Department has developed several initiatives to promote a broad access to justice network in Colorado. Resources include:

- The Office of Language Access, which provides court users with interpreter services in more than 120 languages, and through translations and other bilingual resources
- Family Court Facilitators, who assist judicial officers with active case management in domestic relations and juvenile court cases; conduct status conferences; facilitate agreements; and provide high quality, legally specialized, case-specific attention to litigants.
- Sherlocks, who help unrepresented litigants navigate all types of civil cases within the Colorado Judicial system by providing one-on-one assistance in self-help centers throughout the State, conducting community outreach, and providing community education.

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According to the Department, States that have been the most successful in fostering strong access to justice capacities have some form of permanent staff. While Colorado has done remarkably well despite not having dedicated staff, it will be hamstrung in expanding its access to justice efforts further and will be unable to leverage the existing resources deployed to their fullest potential. The Access to Justice Coordinator would serve as the Judicial Department's primary administrative resource for assuring and improving public access to the Colorado court system.

➔ JUD R5 IT PROJECT MANAGEMENT AND INFORMATION SECURITY STAFF

REQUEST: The Department Requests an increase of $840,015 General Fund and 7.0 FTE to establish an IT Project Management Office and hire the additional information security staff necessary to provide adequate protection and regulatory compliance for the Branch's networks, systems, applications, and data. The recommendation includes $605,421 and 5.0 FTE to establish a Project Management Office and $240,744 and 2.0 FTE for additional information security staff.

RECOMMENDATION: Staff recommends approval of this request.

The Department has a total of 42 active projects and 64 inactive projects within its project portfolio. Currently, the project portfolio is managed by a combination of managers, supervisors, and employees. This structure is has caused problems and the Department believes it is not sustainable as it takes the staff away from their primary responsibilities, resulting in the Department's inability to develop strategic initiatives. Given the size and continual growth of the Department's IT initiatives and the increasing dependency on IT systems and applications, the Department states that a Project Management Office is critical

➔ JUD R6 INTERSTATE COMPACT FTE TRANSFER

ONLY affects Courts Administration ((A) Admin and Technology, (C) Central Admin Programs).

REQUEST: The Department's requests the transfer of 2.0 FTE from the Department of Corrections' (DOC) Parole Subprogram to the Judicial Department's Probation Division. These FTE do administrative work related to the Interstate Compact which controls the placement of probationers and parolees in other states. FY 2018-19 General Fund expenditures of the Department of Corrections will decline by $92,913. The entire DOC decline is in personal services. The FY 2018-19 General Fund appropriation of the Judicial Department will rise by $119,409 General Fund, comprised of $108,103 for personal services, $1,900 for ongoing operating costs, and $9,406 for one-time capital outlay. No people will move between departments; Judicial will hire or promote internally; DOC will move employees into other open positions. This request corresponds with request R7 submitted by the Department of Corrections.

RECOMMENDATION: Staff recommends approval of this request.

The Colorado Department of Corrections, Division of Parole, has 2.0 FTE (Administrative Assistants III) assigned to the Interstate Compact office who work closely with the Judicial Department's Division of Probation Services, Probation Compact Administrator. Because the work is managed by two separate agencies, it creates challenges and inefficiencies within the Compact Office, including:

- the inability of the Department of Corrections staff to adequately manage incoming and outgoing information within the transfer request process;
- the inability of the Department of Corrections to access the Probation Department databases;
- the Department of Corrections staff's lack of probation experience necessary to verify information; and
- differing internal rule and policies between the Division of Probation Services and Division of Parole.

With the proposed new bifurcated system, the Division of Parole will oversee parole, municipal, and Denver County cases, and the Division of Probation Services will oversee daily Interstate Compact (IC) activity for state probation cases. The result should be a more efficient and streamlined process.

➔ JUD R7 COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE

REQUEST: The Department requests a total of $3,153,360 for FY 2018-19 for the State's share of the costs for new, expanded, and remodeled courthouse facilities (including probation facilities). The Department requests that $1,269,530 of this amount be appropriated on the Information Technology Infrastructure line in Courts Administration and $1,883,830 be appropriated on the Courthouse Furnishings and Infrastructure Maintenance line in Centrally Administered Programs with all the cash funds appropriated on Information Technology Infrastructure line.

RECOMMENDATION: **Staff recommends appropriating a total of $3,153,360 (including $2,653,360 General Fund and $500,000 cash funds)**. The objective is to have cash funds bear some of the cost as they have in the past.

ANALYSIS:

The Department anticipates the following expenditures.

Court House Furnishings (Courthouse Furnishings and Infrastructure Maintenance)

District	Location	Project	Audio Visual	Furnishings	Technology	Total Project
02PA	Denver	Replace and redesign clerical/reception area on 5 & 6 to allow for better customer service and improve the		$35,550		**$35,550**
02TC	Denver	Finish one shelled courtroom (5E) for District Court.	$90,381	$48,500	$16,705	**$155,586**
05TC	Summitt	Replace the theater seating in Courtrooms 1 & 2 with oak bench seating from CCI.	$300	$24,000		**$24,300**
11TC	Fremont	Current space has been used as storage to be finished as a courtroom on the second floor.	$45,000	$33,500	$35,430	**$113,930**
12TC	Alamosa	New construction of courthouse facility.	$474,464	$712,100	$367,900	**$1,554,464**
	TOTAL:		**$610,145**	**$853,650**	**$420,035**	**$1,883,830**

IT Technology Infrastructure (Information Technology Infrastructure line)

District	Location	Project	Audio Visual	Furnishings	Technology	Total Project
01TC	Jefferson	Continue replacement of courtroom audio visual systems.	$138,000			**$138,000**
04TC	El Paso	Continue replacement of courtroom audio visual systems.	$226,380			**$226,380**
04TC	Teller	Continue replacement of courtroom audio visual systems.	$50,000		$10,000	**$60,000**
18TC	Arapahoe	New telephone system in probation office (Aurora).			$42,500	**$42,500**
18TC	Arapahoe	New telephone system in probation office (Littleton).			$42,500	**$42,500**
18PB	Arapahoe	New telephone system in courthouse (Littleton).			$167,000	**$167,000**
18PB	Arapahoe	New telephone system in courthouse (Centennial).			$315,000	**$315,000**
18TC	Douglas	New telphone system in courthouse.			$125,000	**$125,000**
18TC	Elbert	New telphone system in courthouse.			$42,000	**$42,000**
18TC	Lincoln	New telphone system in courthouse.			$42,000	**$42,000**
19TC	Weld	Replace courtroom audio visual system.	$30,000		$3,750	**$33,750**
19TC	Weld	Replace docket monitors in all court buildings.	$35,400			**$35,400**
	TOTAL:		**$479,780**		**$789,750**	**$1,269,530**

REQUEST TOTAL:	**$1,089,925**	**$853,650**	**$1,209,785**	**$3,153,360**

BACKGROUND INFORMATION – STATE ROLE RELATED TO COURTHOUSE FACILITIES

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

- Furnishings for new, expanded, and remodeled courthouse facilities (including probation facilities);
- Costs associated with the temporary relocation of a court;
- Costs associated with decision items that affect courthouses and probation offices;
- Phone and communication systems;
- Audiovisual systems; and
- Wired and wireless computer access.

In addition, the State Court Administrator's Office (SCAO) provides technical and informational support for Judicial Department managers and county officials with regard to the planning, design, and construction of new or remodeled court and probation facilities. SCAO staff is available to provide support throughout the design process including the selection of design professionals and contractors, space planning, conceptual design, schematic design, design development, and construction administration. SCAO staff also offers technical assistance and consultation regarding courthouse security issues, courtroom technology, furnishings, fixtures, and associated equipment.

Finally, the General Assembly provides state funding to assist some counties with facility-related expenditures through the Courthouse Security Grant Program and the Underfunded Courthouse Facilities Grant Program, which are appropriated elsewhere in the Judicial Department budget.

BACKGROUND INFORMATION - HISTORY OF STATE APPROPRIATIONS FOR COURTHOUSE FACILITIES

The annual appropriation for courthouse capital and infrastructure maintenance varies significantly depending on the number and size of county construction projects. Historically, General Fund moneys were appropriated for this purpose. From FY 2009-10 through FY 2013-14, the General Fund appropriation was temporarily replaced with cash funds from the Judicial Stabilization Fund. This financing was made possible by delaying the implementation of the last 15 district and county court judgeships authorized by H.B. 07-1054. The one-time cash funds savings resulting from this delay were allocated to meet the State's obligation to furnish new and remodeled courthouses.

Since FY 2015-16, the Department's budget request has included cash funds from the Judicial Department Information Technology Cash Fund to cover information technology-related components of the request.

The following table provides a history of recent expenditures, the FY 2017-18 appropriation (including the mid-year increase in H.B. 18-1163 for Montezuma County), and the staff recommendation for FY 2017-18.

RECENT EXPENDITURES AND APPROPRIATIONS FOR COURTHOUSE CAPITAL AND INFRASTRUCTURE MAINTENANCE			
FISCAL YEAR	GENERAL FUND	CASH FUNDS	TOTAL FUNDS 1/
2000-01 (Expenditure)	$5,808,916	$0	$5,808,916
2001-02	2,317,321	0	2,317,321
2002-03	317,302	0	317,302
2003-04	433,463	0	433,463
2004-05	1,027,533	0	1,027,533
2005-06	910,616	0	910,616
2006-07	1,103,359	0	1,103,359
2007-08	948,680	0	948,680
2008-09	1,000,000	0	1,000,000
2009-10	0	3,064,041	3,064,041
2010-11	80,791	2,351,276	2,432,067
2011-12	143,406	473,526	616,932
2012-13	0	1,621,173	1,621,173
2013-14	172,550	3,417,571	3,590,121
2014-15	2,194,603	24,212	2,218,815
2015-16	1,308,619	877,090	2,185,709
2016-17	1,291,646	1,358,183	2,649,829
Average Annual Expenditures			**$1,896,816**
FY 2017-18 Approp. *as amended by suppl*	2,639,800	808,256	3,448,056
FY 2018-19 *Recommendation*	2,034,326	0	2,034,326
1/ Since FY 2010-11, this line item has also included funds appropriated for capital outlay expenses associated with new staff for the State Court Administrator's Office, the courts, and probation programs. Prior to FY 2010-11, such funding appeared in a separate line item in each respective division.			

➔ JUD R9 E-FILING/POSTAGE/MAILING/PROCESSING

REQUEST: **The Department requests that its appropriations be increased by $340,000 cash funds from the Judicial Information Technology Cash Fund to pay for printing and postage costs associated with public access and e-filing.** During the last two years, e-filing has been expanded to the criminal docket, which has generated additional mailings.

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

As the Department has continued the expansion of E-Filing in more case types, costs have increased for both postage and printing. These costs are passed on to the court user, so the Department requests cash spending authority to correspond with the usage costs collected. During the last two years, e-filing has been expanded to the criminal docket, which has generated additional mailings. Without approval of this request, further expansion of the e-filing system will be hampered and possibly delayed.

➔ JUD R10 RESTORATIVE JUSTICE CASH FUND SPENDING AUTHORITY

REQUEST: The Judicial Department requests $230,000 in additional spending authority from the Restorative Justice Surcharge Cash Fund to support growth in existing funded Restorative Justice (RJ) programs and to expand funding for new RJ programs. The additional cash funds will also provide statewide RJ trainings, education, and technical assistance to key stakeholders in the criminal justice system.

RECOMMENDATION: **Staff recommends approving an additional appropriation of $120,000**

ANALYSIS:
In 2013 the General Assembly established a $10 surcharge on each person convicted of a crime and each juvenile adjudicated of a crime to provide revenue to support restorative justice programs [H.B. 13-1254][7]. Surcharge revenues are credited to the Restorative Justice Surcharge Fund and are appropriated annually to support restorative justice programs operated by judicial districts and to support the Restorative Justice Coordinating Council. The Council:

- Supports the development of restorative justice programs;
- Serves as a central repository for information on restorative justice programs; and
- Assists in the development and provision of relevant education, technical assistance, and training to entities engaged in or wishing to engage in restorative justice as resources permit.

Over the last two completed years, the surcharge has generated about $980,000 in annual revenues, and existing appropriations (including employee benefits and indirect costs) are very close to $1 million. The Restorative Justice Surcharge Fund has a balance of 0.82 million at the end of FY 2016-17. Hence with a $230,000 spending increase, fund balance may decline rather quickly. Thus staff recommends a $120,000 increase.

The Department's supplemental request (and continuation funding requested for FY 2017-18) is designed to utilize this fund balance to expand funding for local restorative justice programs and expand the availability of training and technical assistance for judicial districts. The Department currently supports restorative justice programs in six judicial districts, including:

- 6th (Archuleta, La Plata, and San Juan counties);
- 8th (Jackson and Larimer counties);
- 11th (Chaffee, Custer, Fremont, and Park counties);
- 12th (Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties);
- 19th (Weld county); and
- 20th (Boulder county).

The Department requests a $230,000 increase in spending authority for FY 2017-18, and continuing in FY 2018-19. Of this amount, $72,450 would be used to expand funding available to restorative justice programs in the 6th, 8th, and 11th judicial districts. The remaining $50,254 would be used for

[7] See Section 18-25-101 (3) (a), C.R.S. [Restorative justice surcharge] and Section 19-2-213, C.R.S [Restorative Justice Coordinating Council]. As defined in Section 18-1-901 (3) (o.5), C.R.S., "restorative justice practices" emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings attended voluntarily by the victim or victim's representatives, the victim's supporters, the offender, and the offender's supporters and may include community members. By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court.

the statewide restorative justice conference and for training and technical assistance in the following judicial districts:

- 1st (Gilpin and Jefferson counties);
- 6th. (Archuleta, La Plata, and San Juan counties);
- 9th (Garfield, Pitkin and Rio Blanco counties);
- 13th (Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma counties); and
- 16th (Bent, Crowley, and Otero counties).

The evaluation period (July 1, 2014 – June 30, 2016) of the funded RJ programs demonstrated that only 8% of youth who completed RJ programming recidivated, thus successfully diverting 92% of participating youth from the juvenile justice system. Satisfaction with restorative justice programs is high—95% of youth, 97% of victims and 98% of community members reported being satisfied or strongly satisfied with their RJ experience. The Department states that "Part of the General Assembly's intent with HB 13-1254 was to determine cost savings for the criminal justice system and the societal benefit of diverting youth through RJ programming. Until recently, a cost benefit analysis was not feasible, because the RJ programs had not been fully implemented. The RJ Council now has robust data on the programs and is positioned to initiate a cost effectiveness study in FY 2019."

Staff recommends approving the request to allow the Restorative Justice Coordinating Council to increase financial support for those programs that have been most recently approved, and to increase outreach efforts to educate and support the use of restorative justice practices among judges, prosecutors, and defense attorneys.

➔ JUD R11 Compensation for Exonerated Persons

Request: The recommendation seeks to eliminate a $110,124 General Fund appropriation for compensation of exonerated persons. There are currently no individuals who qualify for these payments.

Recommendation: **Staff recommends that the Committee approve this request.**

➔ JUD BA5 Court Security Cash Fund

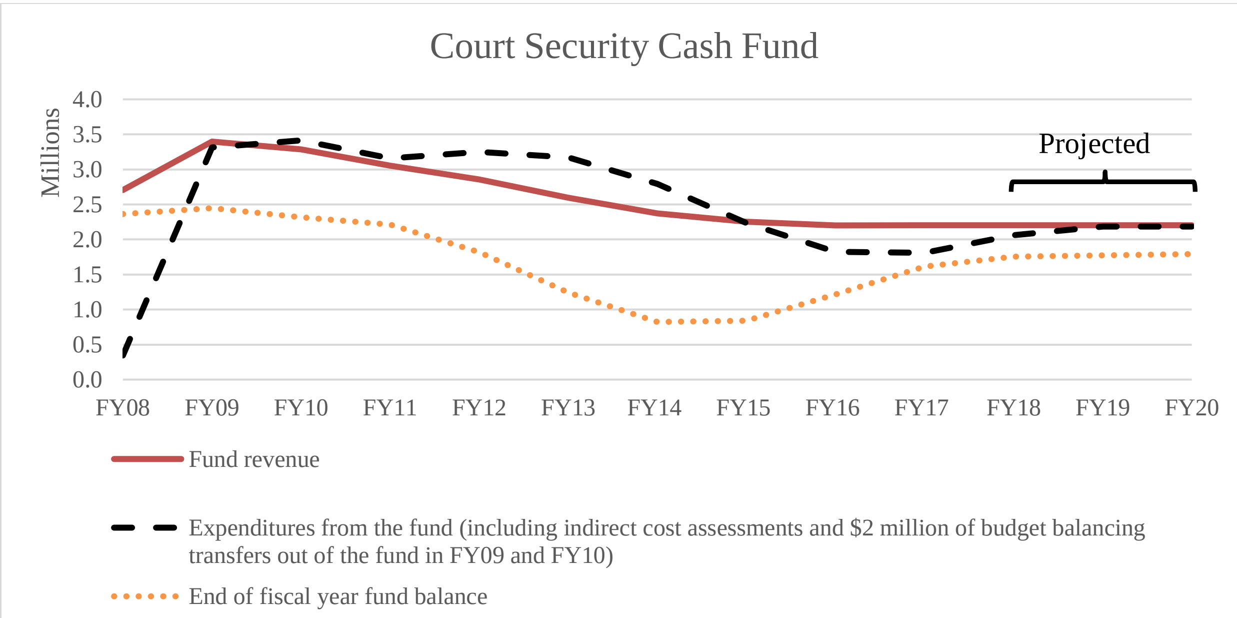
Request: **The Department requests that appropriations from the Court Security Cash Fund be increased by $250,000.**

Recommendation: **Staff recommends that the Committee increase spending from the Court Security Cash Fund by $375,000**, using $250,000 to increase grants for courthouse security and using $125,000 to offset $125,000 of General Fund that is currently used to make courthouse security grants.

The Courthouse Security Grant Program in Section 13-1-201 through 204, C.R.S., provides grants to counties to help them meet their security needs. The following chart shows key measures for the Court Security Cash Fund since its inception in FY 2007-08. Revenue (the solid line) peaked in FY

2008-09 and then steadily declined before leveling off in FY 2015-16 and FY 2016-17. Expenditures from the fund (the dashed line) declined more slowly, leading the fund balance (the dotted line) to dip below $1 million in FY 2013-14 and FY 2014-15, which led to expenditure reductions that may have been higher than necessary.

In January, the Committee approved an extra $250,000 of cash funds spending authority from the Court Security Cash Fund for FY 2017-18 for added Courthouse Security Grants. The Department has also submitted a budget amendment requesting a $250,000 increase for FY 2018-19. It is not requesting an increase for FY 2019-20.
The portion of the chart labeled "projected" shows what is likely to occur if this request is approved and revenues stay at their current level.



→ JUD BA10.2 IT STAFF AND PAY ADJUSTMENTS

REQUEST: The request seeks to address a problem the Judicial Department has encountered as it tries to retain IT employees. In the past couple of years, the Department has matched or partially matched offers its IT employees have received from other employers in an effort to keep them. The ongoing expenditure required when match offers are accepted has forced the Department to hold other positions vacant for extended periods. The situation has become so acute, that the Department seeks $80,775 General Fund to fill the funding hole that has been created by the last 10 "successful" matching offers the Department extended to its IT employees. The Department offers in return 2.0 vacant FTE positions that it has little hope of filling.

RECOMMENDATION: **Staff recommends that the Committee approve this request.** IT staff are important to keep, but hard to hold onto. Pay matching, which is allowed under state personnel rules, is a reasonable alternative under the circumstances.

→ JUD BA10.3 CREATE "IT COST RECOVERIES" LINE AND TRANSFER FUNDING TO IT

REQUEST: The Department requests the creation of a new line item called "IT cost recoveries" and the transfer of $3,000,000 of cash fund appending authority related to e-filing from the General Courts Administration Program line to this new line in order to isolate program expenditures related to e-filing as well as any other data requests that are eligible for cash reimbursement.

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

In staff's experience, Departments usually ask to combine Long Bill line items rather than split them. The usual argument for combination is increased flexibility; an agency can move its appropriation around more freely following combination. This request will split appropriations among two lines, reducing flexibility and probably enhancing transparency.

LINE ITEM DETAIL – COURTS ADMINISTRATION

(A) ADMINISTRATION AND TECHNOLOGY

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

GENERAL COURTS ADMINISTRATION

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

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

STATUTORY AUTHORITY: Section 13-3-101 *et seq.*, C.R.S. [Judicial Department]

REQUEST: As the following table shows, the Department requests a total of $25,208,111, including $19,558,702 General Fund for this line item. The appropriation is affected six budget requests and budget amendments.

RECOMMENDATION: **Staff recommends approving the request**.

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, GENERAL COURTS ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2017-18 APPROPRIATION						
SB 17-254 (Long Bill)	$26,342,258	$17,907,163	$5,748,414	$2,686,681	$0	243.8
HB 18-1163 Judicial Suppl Bill	$308,834	$0	$308,834	$0	$0	0.0
TOTAL	**$26,651,092**	**$17,907,163**	**$6,057,248**	**$2,686,681**	**$0**	**243.8**
FY 2018-19 RECOMMENDED APPROPRIATION						
FY 2017-18 Appropriation	$26,651,092	$17,907,163	$6,057,248	$2,686,681	$0	243.8
JUD R5 IT Project Management and Information Security Staff	807,094	807,094	0	0	0	7.0
Annualize Prior Year Budget Actions	526,731	524,494	2,237	0	0	0.0
JUD R4 Access to Justice	129,173	129,173	0	0	0	1.0
JUD R6 Interstate Compact FTE Transfer	110,003	110,003	0	0	0	2.0
JUD BA10.2 IT staff and pay adjustments	80,775	80,775	0	0	0	(2.0)
JUD BA10.3 Create "IT cost recoveries" line and transfer funding to it	(3,000,000)	0	(3,000,000)	0	0	0.0
JUD BA10.1 Relocate funding for Correctional Treatment Board staff in Long Bill	(96,757)	0	(96,757)	0	0	(1.0)
TOTAL	**$25,208,111**	**$19,558,702**	**$2,962,728**	**$2,686,681**	**$0**	**250.8**
INCREASE/(DECREASE)	**($1,442,981)**	**$1,651,539**	**($3,094,520)**	**$0**	**$0**	**7.0**
Percentage Change	(5.4%)	9.2%	(51.1%)	0.0%	0.0%	2.9%
FY 2018-19 EXECUTIVE REQUEST	**$25,208,111**	**$19,558,702**	**$2,962,728**	**$2,686,681**	**$0**	**250.8**
Request Above/(Below) Recommendation	$0	$0	$0	$0	$0	0.0

INFORMATION TECHNOLOGY INFRASTRUCTURE

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

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

STATUTORY AUTHORITY: Section 13-3-101 *et seq.*, C.R.S. [Judicial Department]; Section 13-32-114, C.R.S. [Judicial Department Information Technology Cash Fund]

REQUEST: As the following table shows, the Department requests a total of $10,525,798 for this line item, including $1,672,624 General Fund. The request reflects the impact of JUD R7 Courthouse Furnishing.

RECOMMENDATION: **Staff recommends approving the request**.

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, INFORMATION TECHNOLOGY INFRASTRUCTURE	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
FY 2017-18 APPROPRIATION				
SB 17-254 (Long Bill)	$9,256,268	$403,094	$8,853,174	0.0
HB 18-1163 Judicial Suppl Bill	$2,572,647	$0	$2,572,647	0.0
TOTAL	**$11,828,915**	**$403,094**	**$11,425,821**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION				
FY 2017-18 Appropriation	$11,828,915	$403,094	$11,425,821	0.0
JUD R7 Courthouse Furnishing	1,269,530	769,530	500,000	0.0
Annualize Prior Year Budget Actions	(2,572,647)	0	(2,572,647)	0.0
TOTAL	**$10,525,798**	**$1,172,624**	**$9,353,174**	**0.0**
INCREASE/(DECREASE)	**($1,303,117)**	**$769,530**	**($2,072,647)**	**0.0**
Percentage Change	(11.0%)	190.9%	(18.1%)	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$10,525,798**	**$1,672,624**	**$8,853,174**	**0.0**
Request Above/(Below) Recommendation	$0	$500,000	($500,000)	0.0

INFORMATION TECHNOLOGY COST RECOVERIES

This new line item seeks to isolate program expenditures related to e-filing and its related costs as well as any other data requests that are eligible for cash reimbursement. The idea is to isolate these expenditures in order to allow better tracking of expenses and revenues associated with e-filing.

REQUEST: The Department requests the creation of a new line item titled Information Technology Cost Recoveries and the transfer of $3,000,000 of cash fund appropriations from the General Courts Administration Program line to this new line. It also requests that the additional $340,000 cash funds appropriations associated with JUD R9 E-filing/postage/ mailing/processing be directed to this line.

RECOMMENDATION: **Staff recommends approval of this request**.

The $3,000,000 CF from the General Courts Administration Program line to the new IT Cost Recoveries appropriation.

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, INFORMATION TECHNOLOGY COST RECOVERIES	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
JUD BA10.3 Create "IT cost recoveries" line and transfer funding to it	$3,000,000	$0	$3,000,000	0.0
JUD R9 E-filing/postage/mailing/ processing	340,000	0	340,000	0.0
TOTAL	**$3,340,000**		**$3,340,000**	**0.0**

COURTS ADMINISTRATION, ADMINISTRATION AND TECHNOLOGY, INFORMATION TECHNOLOGY COST RECOVERIES	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
INCREASE/(DECREASE)	**$3,340,000**	**$0**	**$3,340,000**	**0.0**
Percentage Change	0.0%	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$3,340,000**	**$0**	**$3,340,000**	**0.0**
Request Above/(Below) Recommendation	$0		$0	0.0

INDIRECT COST ASSESSMENT

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

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

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

REQUEST: The Department requests $855,005, including $832,072 cash funds and $22,933 reappropriated funds.

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

(B) CENTRAL APPROPRIATIONS

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

HEALTH, LIFE AND DENTAL

This is the first of several line items that provide funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for state employees. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

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

REQUEST: The Department requests a total of $35,261,715, including $32,442,734 General Fund.

RECOMMENDATION: **Staff recommends approval of this request**, consistent with Committee policy.

SHORT-TERM DISABILITY

This is the first of several line items that provide funding for the employer's share of state employees' short-term disability insurance premiums. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff. Please note that the Department does not provide short-term disability for justices and judges, so the premium calculation excludes base salaries for judges and justices. It is staff's understanding that this is due to the constitutional prohibition on decreasing compensation for a judge or justice during their term of office.[8] If a judge or justice becomes disabled, he or she is either paid a full salary while on short-term leave or is paid under long-term disability provisions.

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

REQUEST: The Department requests a total of $331,559, including $298,405 General Fund. This calculation is based on applying a rate of 0.17 percent to base salaries plus requested salary survey increases. (The percentage is different for judicial officers.)

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

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

Pursuant to S.B. 04-257, this is the first of several line items that provide additional funding to increase the state contribution for Public Employees' Retirement Association (PERA). Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

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

[8] See Section 18 of Article VI of the State Constitution.

REQUEST: The Department requests $11,362,799, including $10,387,006 General Fund, based on applying a 5.0 percent rate for most staff. (Judicial officers have a different rate).

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

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

Pursuant to S.B. 06-235, this is the first of several line items that provide additional funding to increase the state contribution for PERA. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

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

REQUEST: The Department requests $11,154,455, including $10,179,925 General Fund, based on applying a blended rate of 5.0 percent for most staff. (Judicial officers have a different rate.)

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

SALARY SURVEY

The Department uses this line item to pay for annual salary increases. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

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

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey.

MERIT PAY

The Department uses this line item to pay for performance-related pay increases. Each of the independent agencies submits a separate budget request, and has the authority to employ and determine the compensation of their staff. Thus, each independent agency receives a separate appropriation to fund the salaries and the benefits for its employees. This line item provides funds for Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104 (1) (c), C.R.S.

REQUEST: The Department requests $0 General Fund for merit pay increases.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item.

WORKERS' COMPENSATION

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

STATUTORY AUTHORITY: Pursuant to Section 24-30-1510.7, C.R.S.

REQUEST: The Department requests $1,829,719 General Fund.

RECOMMENDATION: **Staff recommends an appropriation of $1,829,713 General Fund,** which corresponds with the Committee's common policy for this line item.

LEGAL SERVICES

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

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

STATUTORY AUTHORITY: Pursuant to 24-31-101 (1) (a), C.R.S., and defined in Section 24-75-112 (1) (i), C.R.S.

REQUEST: The Department requests a legal services appropriation of $250,557 General Fund.

RECOMMENDATION: **The staff recommendation is pending.**

PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS

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

STATUTORY AUTHORITY: Pursuant to Section 24-30-1510 and 24-30-1510.5, C.R.S.

REQUEST: The Department requests $944,272 General Fund.

RECOMMENDATION: **Staff recommends an appropriation of $956,795 General Fund,** which corresponds to the Committee's common policy for this line item.

VEHICLE LEASE PAYMENTS

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

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

REQUEST: The Department requests $102,203 General Fund.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item.

RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE

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

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

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S. [State Justice Center]

REQUEST: The Department requests $2,626,605 General Fund.

RECOMMENDATION: **Staff recommends approving the request**. The amounts are based on the actual leased space occupied by each agency and the applicable leased space rates for FY 2017-18. Please note that these rates include amounts paid to the Colorado State Patrol for security services.

PAYMENTS TO OIT

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

STATUTORY AUTHORITY: Section 24-37.5-104, C.R.S.

REQUEST: The Department requests a total of $5,357,708 General Fund.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item.

CORE OPERATIONS

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

STATUTORY AUTHORITY: Pursuant to Section 24-30-209, C.R.S.

REQUEST: The Department requests $970,599 General Fund.

RECOMMENDATION: **Staff's recommends an appropriation of $1,089,065** General Fund, which corresponds to the Committee's common policy for this line item.

LEASE PURCHASE

The Judicial Department manages phone systems across the state in most of its 83 locations (in a few locations, the county owns and operates the system and the court and/or probation office pay a monthly usage charge). This line item provides funding for the lease purchase of its telephone systems. This line item was eliminated in FY 2016-17.

STATUTORY AUTHORITY: Section 13-3-106, C.R.S. [Judicial Department operating budget]; Section 24-82-801, C.R.S. [Lease-purchase agreements]

(C) CENTRALLY ADMINISTERED PROGRAMS

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

VICTIM ASSISTANCE
VICTIM COMPENSATION

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

STATUTORY AUTHORITY: Articles 4.1 and 4.2 of Title 24, C.R.S.

REQUEST: The Department requests a continuation level of funding, including $16,375,000 cash funds for Victim Assistance and $13,400,000 cash funds for Victim Compensation.

RECOMMENDATION: **Staff recommends approving the requests for both line items.**

COLLECTIONS INVESTIGATORS

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

STATUTORY AUTHORITY: Section16-11-101.6, C.RS. [Collection of fines and fees]; Section 16-18.5-104, C.R.S. [Initial collections investigation]; Section 18-1.3-401 (1) (a) (III) (C), C.R.S. [Investigators in each judicial district]; Section 18-1.3-602, C.R.S. [Restitution]

REQUEST: The Department requests a total of $7,162,055, including $6,264,514 cash funds and $897,541 reappropriated funds, and 104.2 FTE.

RECOMMENDATION: **Staff recommends approving the request**, which reflects salary increases that were awarded in FY 2017-18 ($138,980 cash funds).

PROBLEM-SOLVING COURTS

This line item provides state funding for all adult drug treatment courts, mental health treatment courts, family dependency treatment courts, and veterans treatment courts that have been implemented by various judicial districts. This line item also provides funding for all DUI treatment courts except for the Denver County Sobriety Court. This line item appropriation is intended to encourage districts to implement and operate problem-solving courts in a manner that has been proven effective in reducing the need for jail and prison beds, reducing crime rates, increasing treatment participation and effectiveness, and increasing employment among offenders.

STATUTORY AUTHORITY: Article VI of the State Constitution [Vestment of judicial power]; Sections 13-3-101 (9) and 13-5-144, C.R.S. [Veterans treatment courts]; Section 13-5-101 et seq., C.R.S [District courts]; Section 13-6-101 et seq., C.R.S. [County courts]

REQUEST: The Department requests a total of $4,621,027, including $1,416,441 General Fund and $3,204,586 cash funds from the Judicial Stabilization Cash Fund, and 57.6 FTE. This includes a $467,761 General Fund increase for JUD R3 Problem Solving Court Coordinators.

RECOMMENDATION: **Staff recommends approving the request**.

LANGUAGE INTERPRETERS AND TRANSLATORS

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

This line item provides funding for foreign language interpreter services. This line item supports a total of 33.0 FTE, including: 2.0 FTE Court Programs Analysts that administer the program; 2.0 FTE Court Translators who provide direct translation of written text (i.e., forms, instructional documentation, signage, and communications of the court) from Spanish to English and vice versa, and coordinate requests for translations in languages other than Spanish as needed; and the following 29.0 FTE in judicial districts who provide interpreter services:

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

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

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

BACKGROUND INFORMATION – NEED FOR LANGUAGE INTERPRETER SERVICES
Language interpreter services are critical for a judge to understand a party's response, to hear a victim's concerns, and to be assured that the parties understand the terms and conditions of their sentence. Executive Order 13166 requires that all recipients of federal funding develop a plan for providing that access, and Colorado's plan for providing access to LEP persons is Chief Justice Directive 06-03.

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

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

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

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

STATUTORY AUTHORITY: Title VI of the federal Civil Rights Act of 1964 [prohibits recipients of federal financial assistance from discriminating based upon national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP)[9]]; Sections 13-90-113 and 114, C.R.S. [Payment of language interpreters]

REQUEST: The Department requests $5,404,744, including $5,354,744 General Fund and $50,000 cash funds, and 33.0 FTE. The source of requested cash funds is fees and cost recoveries.

RECOMMENDATION: **Staff recommends approving the request**.

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

COURTHOUSE SECURITY

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

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

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

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

STATUTORY AUTHORITY: Section 13-1-201, et seq., C.R.S.

REQUEST: The Department requests a total of $2,730,314, including $506,215 General Fund and $2,224,099 cash funds from the Court Security Cash Fund and 1.0 FTE. This request includes JUD BA5 Courthouse Security, which was discussed earlier.

RECOMMENDATION: **Staff recommends the same total appropriation of $2,730,314, but would reduce the amount of General Fund behind that total by $125,000 and increase the amount of funding from the Court Security Cash Fund by $375,000, thus shifting the program toward more reliance on cash funds and less reliance on the General Fund.**

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, COURTHOUSE SECURITY				
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
FY 2017-18 APPROPRIATION				
SB 17-254 (Long Bill)	$2,477,567	$503,468	$1,974,099	1.0
HB 18-1163 Judicial Suppl Bill	$250,000	$0	$250,000	0.0
TOTAL	**$2,727,567**	**$503,468**	**$2,224,099**	**1.0**
FY 2018-19 RECOMMENDED APPROPRIATION				
FY 2017-18 Appropriation	$2,727,567	$503,468	$2,224,099	1.0
JUD BA5 Courthouse Security	250,000	(125,000)	375,000	0.0
Annualize Prior Year Budget Actions	(247,253)	2,747	(250,000)	0.0
TOTAL	**$2,730,314**	**$381,215**	**$2,349,099**	**1.0**

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, COURTHOUSE SECURITY				
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
INCREASE/(DECREASE)	**$2,747**	**($122,253)**	**$125,000**	**0.0**
Percentage Change	0.1%	(24.3%)	5.6%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$2,730,314**	**$506,215**	**$2,224,099**	**1.0**
Request Above/(Below) Recommendation	$0	$125,000	($125,000)	0.0

APPROPRIATION TO THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND - AND - UNDERFUNDED COURTHOUSE FACILITIES GRANT PROGRAM

Established in 2014 (H.B. 14-1096), this program provides supplemental funding for courthouse facility projects in certain counties. The Underfunded Courthouse Facility Cash Fund Commission evaluates grant applications and makes grant award recommendations to the State Court Administrator. Grant funds must be used for master planning services, matching funds, leveraging grant funding opportunities, or addressing emergency needs due to the imminent closure of a court facility. In order to be considered for a grant award, a county must meet specified financial and demographic factors. The act included an appropriation of $700,000 General Fund to the newly created Underfunded Courthouse Facility Cash Fund, and also provided the authority for the Department to spend up to $700,000 from the cash fund to administer the program and provide grant awards. The Legislative Council Staff fiscal note for the act anticipated annual appropriations of $3.0 million General Fund to the Cash Fund to support the program. However, for the last two fiscal years the General Assembly appropriated $2.0 million General Fund to the cash fund.

STATUTORY AUTHORITY: Section 13-1-301 et seq., C.R.S.

REQUEST: The Department requests a $2,000,000 General Fund appropriation to the Underfunded Courthouse Facility Cash Fund, and a continuation of the $2,600,000 spending authority out of the cash fund and 1.0 FTE.

RECOMMENDATION: **Staff recommends approving the request for a $2,000,000 General Fund appropriation to the cash fund**. **Staff also recommends approving the request for authority to spend $2,600,000 out of the cash fund**, which allows the Department to spend the $2.0 million in new General Fund credited to the cash fund as well as $600,000 out of the fund balance. At the end of FY 2016-17, the fund balanced equaled $2,369,795.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, APPROPRIATION TO UNDERFUNDED COURTHOUSE FACILITY CASH FUND			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$2,000,000	$2,000,000	0.0
TOTAL	**$2,000,000**	**$2,000,000**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$2,000,000	$2,000,000	0.0
TOTAL	**$2,000,000**	**$2,000,000**	**0.0**
Percentage Change	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$2,000,000**	**$2,000,000**	**0.0**
Request Above/(Below) Recommendation	$0	$0	0.0

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, UNDERFUNDED COURTHOUSE FACILITIES GRANT PROGRAM					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FTE
FY 2017-18 APPROPRIATION					
SB 17-254 (Long Bill)	$2,600,000	$0	$600,000	$2,000,000	1.0
TOTAL	**$2,600,000**	**$0**	**$600,000**	**$2,000,000**	**1.0**
FY 2018-19 RECOMMENDED APPROPRIATION					
FY 2017-18 Appropriation	$2,600,000	$0	$600,000	$2,000,000	1.0
TOTAL	**$2,600,000**		**$600,000**	**$2,000,000**	**1.0**
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$2,600,000**	**$0**	**$600,000**	**$2,000,000**	**1.0**
Request Above/(Below) Recommendation	$0		$0	$0	0.0

COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE (FORMERLY: COURTHOUSE CAPITAL / INFRASTRUCTURE MAINTENANCE)

Statute requires each county to provide and maintain adequate courtrooms and other court facilities. However, the State is statutorily required pay for the "operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts." Pursuant to the latter provision, the General Assembly annually appropriates funds for courthouse facilities, including the following types of expenditures:

- furnishings for new, expanded, and remodeled courthouse facilities (including probation facilities);
- costs associated with the temporary relocation of a court;

- shelving;
- phone and communication systems;
- audiovisual systems; and
- wireless access.

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

STATUTORY AUTHORITY: Section 13-3-104, C.R.S. [State shall fund state courts]; Section 13-3-108, C.R.S. [Maintenance of court facilities]

REQUEST: The Department requests $2,034,326 General Fund from the Judicial Department Information Technology Cash Fund. The appropriation is influenced by 6 requests.

RECOMMENDATION: **Staff recommends appropriating a total of $1,963,781**, as detailed in the following table.

COURTS ADMINISTRATION, CENTRALLY ADMINISTERED PROGRAMS, COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
FY 2017-18 APPROPRIATION				
SB 17-254 (Long Bill)	$3,230,056	$2,639,800	$590,256	0.0
HB 18-1163 Judicial Suppl Bill	$218,000	$0	$218,000	0.0
TOTAL	**$3,448,056**	**$2,639,800**	**$808,256**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION				
FY 2017-18 Appropriation	$3,448,056	$2,639,800	$808,256	0.0
JUD R7 Courthouse Furnishing	1,883,830	1,883,830	0	0.0
JUD R3 Problem Solving Court Coordinators	32,921	32,921	0	0.0
JUD R5 IT Project Management and Information Security Staff	32,921	32,921	0	0.0
JUD R6 Interstate Compact FTE Transfer	9,406	9,406	0	0.0
JUD R4 Access to Justice	4,703	4,703	0	0.0
JUD R2 Court Supervisors	0	0	0	0.0
Annualize Prior Year Budget Actions	(3,448,056)	(2,639,800)	(808,256)	0.0
TOTAL	**$1,963,781**	**$1,963,781**	**$0**	**0.0**
INCREASE/(DECREASE)	**($1,484,275)**	**($676,019)**	**($808,256)**	**0.0**
Percentage Change	(43.0%)	(25.6%)	(100.0%)	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$2,034,326**	**$2,034,326**	**$0**	**0.0**
Request Above/(Below) Recommendation	$70,545	$70,545	$0	0.0

SENIOR JUDGE PROGRAM

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

A retired judge receives reimbursement for travel expenses for out-of-town assignments, and is compensated by receiving a retirement benefit increase equal to 20 percent of the current monthly salary of individuals serving in the same position as that held by the retiree at the time of retirement. The Judicial Branch is required to reimburse the PERA Judicial Division Trust Fund for the payment of retired judges' additional benefits during the previous fiscal year (i.e., costs incurred in FY 2016-17 will be reimbursed by the Branch in FY 2017-18). Travel expenditures are reimbursed in the fiscal year in which they are incurred.

STATUTORY AUTHORITY: Section 24-51-1105, C.R.S.

REQUEST: The Department requests a total of $1,681,769, including $381,769 General Fund and $1,300,000 cash funds from the Judicial Stabilization Cash Fund.

RECOMMENDATION: **Staff recommends approving the request**. This program is a cost-effective way of managing dockets and covering judges' leave time.

JUDICIAL EDUCATION AND TRAINING

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

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

- Voice – the ability to participate in the case by expressing one's viewpoint;
- Neutrality – consistently applied legal principles, unbiased decision makers, and a "transparency" about how decisions are made;

- Respectful treatment – individuals are treated with dignity and their rights are obviously protected; and
- Trustworthy authorities – authorities are benevolent, caring, and sincerely trying to help the litigants – this trust is garnered by listening to individuals and by explaining or justifying decisions that address the litigants' needs.

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

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

STATUTORY AUTHORITY: Section 13-3-102, C.R.S.

REQUEST: The Department requests a total of $1,464,342, including $12,348 General Fund and $1,451,994 cash funds, and 2.0 FTE. The requested increase simply reflects salary increases awarded in FY 2017-18 ($4,059).

RECOMMENDATION: **Staff recommends approving the request.**

OFFICE OF JUDICIAL PERFORMANCE EVALUATION

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

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

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

STATUTORY AUTHORITY: Section 13-5.5-101 et seq., C.R.S.

REQUEST: The Department requests a total of $805,379, including $314,500 General Fund and $490,879 cash funds, and 2.0 FTE.

RECOMMENDATION: **Staff recommends approving the request**.

FAMILY VIOLENCE JUSTICE GRANTS

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

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

STATUTORY AUTHORITY: Section 14-4-107, C.R.S.

REQUEST: The Department requests a total of $2,670,000, including $2,500,000 General Fund and $170,000 cash funds from the Family Violence Justice Fund.

RECOMMENDATION: **Staff recommends approving the request,** which is the same amount appropriated for FY 2017-18. The following table provides a recent history of appropriations for this program.

RECENT HISTORY OF STATE APPROPRIATIONS FOR FAMILY VIOLENCE JUSTICE GRANTS			
FISCAL YEAR	GENERAL FUND	CASH FUNDS	TOTAL
2002-03	$500,000	$0	500,000
2003-04	0	0	0
2004-05	0	0	0
2005-06	500,000	0	500,000
2006-07	500,000	0	500,000
2007-08	500,000	0	500,000
2008-09	750,000	0	750,000
2009-10	750,000	143,430	893,430
2010-11	750,000	143,430	893,430
2011-12	458,430	216,570	675,000
2012-13	458,430	170,000	628,439
2013-14	1,000,000	170,000	1,170,000
2014-15	2,000,000	170,000	2,170,000
2015-16	2,500,000	170,000	2,670,000
2016-17	2,500,000	170,000	2,670,000
2017-18	2,500,000	170,000	2,670,000
2018-19 Request	2,500,000	170,000	2,670,000

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

RESTORATIVE JUSTICE PROGRAMS

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

STATUTORY AUTHORITY: Section 18-25-101 (3) (a), C.R.S. [Restorative justice surcharge]; Section 19-2-213 [Restorative Justice Coordinating Council]

REQUEST: The Department requests $1,232,932 cash funds and 1.0 FTE. This line item is impacted by JUD R10 Restorative Justice Cash Fund Spending Authority, which is discussed at the beginning of this division.

RECOMMENDATION: **Staff recommends an appropriation of $1,122,932, which, as discussed earlier, staff believes to be more sustainable.** .

DISTRICT ATTORNEY ADULT PRETRIAL DIVERSION PROGRAMS

This line item provides funding for district attorneys' adult pretrial diversion programs. A five-member Diversion Funding Committee[11] is responsible for:

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

District attorneys that receive funding are required to collect data and provide a status report to the Judicial Department concerning its adult pretrial diversion program.

The act that created this program (H.B. 13-1156) provided funding for 0.5 FTE to develop guidelines and procedures for distribution of funding and to perform regular oversight activities associated with monitoring and expenditure of funds. This position continues to be supported through the "General Courts Administration" line item. In FY 2013-14, $387,223 General Fund was made available for grants. Since FY 2014-15, a total of $477,000 has been made available annually for grants through this line item.

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

STATUTORY AUTHORITY: Section 13-3-115, C.R.S. [Diversion Funding Committee]; Section 18-1.3-101, C.R.S. [Pretrial diversion programs, including requirements for district attorneys that receive state funds for such program]

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

RECOMMENDATION: **Staff recommends approving the request**.

ADDITIONAL INFORMATION – PRETRIAL SERVICES PROGRAMS

Please note that this program supports local adult diversion programs, which are different from local pretrial services programs. Pretrial services programs can allow a defendant to be released on bond with appropriate conditions that reasonably assure court appearance and public safety. Section 16-4-106, C.R.S., encourages counties to develop pretrial services programs "that support the work of the court and evidenced-based decision-making in determining the type of bond and conditions of release". This statutory provision outlines a process for establishing pretrial services programs through the involvement of the Chief Judge of a judicial district and a community advisory board, and specifies certain criteria that such programs must meet (screening procedures, risk assessment tools, etc.). Each pretrial services program that is established pursuant to this statutory provision is required to report annually to the Judicial Department, and the Department is required to submit an annual report to the House and Senate Judiciary Committees. The most recent report was submitted November 1, 2016. However, there is currently no state funding available to support pretrial services programs.

FAMILY FRIENDLY COURT PROGRAM

The Family-friendly Court Program provides funding for courts to create facilities or services designed to meet the needs of families navigating the court system. The program is funded with a $1.00 surcharge on traffic violations. The Judicial Department allocates money from the Family-friendly Court Program Cash Fund to judicial districts that apply for funding for the creation, operation, and enhancement of family-friendly court facilities. These programs primarily provide child care services for families attending court proceedings (either through on-site centers and waiting rooms located in courthouses or through vouchers for private child care services). Programs may also provide supervised parenting time and transfer of the physical custody of a child from one parent to another, as well as information and referral for relevant services (*e.g.*, youth mentoring, crime prevention, and dropout prevention; employment counseling and training; financial management; legal counseling; substance abuse programs; etc.).

STATUTORY AUTHORITY: Section 13-3-113, C.R.S.

REQUEST: The Department requests $225,943 cash funds and 0.5 FTE.

RECOMMENDATION: **Staff recommends approving the request**, which is the same amount that is appropriated for FY 2017-18.

COMPENSATION FOR EXONERATED PERSONS

This line item provides funding to compensate persons who are found actually innocent of felony crimes after serving time in jail, prison, or juvenile placement. If found actually innocent, the exonerated person is eligible to receive the following benefits:

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

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

The Committee considered an interim supplemental in September when the Judicial Department requested a $684,510 General Fund appropriation for Compensation for Exonerated Persons in order to make a one-time payment to the only person receiving payments from that line item. This individual had requested that the state pay him the entire remaining amount to which he was entitled as a single lump sum. The Committee approved a $658,844 General Fund appropriation, which differed from the request due to a technical correction. The state owes no more to this individual and there are no other individuals who have qualified for payments.

STATUTORY AUTHORITY: Sections 13-3-114 and 13-65-101, et seq., C.R.S.

REQUEST: The Department requests no appropriation for this line item.

RECOMMENDATION: **Staff recommends no appropriation.**

CHILD SUPPORT ENFORCEMENT

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

STATUTORY AUTHORITY: Section 13-5-140, C.R.S.

REQUEST: The Department requests $114,719 (including $39,005 General Fund and $75,714 federal funds) and 1.0 FTE.

RECOMMENDATION: **Staff recommends approving the request**, which is the same amount that is appropriated for FY 2017-18.

(D) RALPH L. CARR COLORADO JUDICIAL CENTER

This Long Bill subsection includes appropriations related to the operations of the Ralph L. Carr Colorado Judicial Center. The line items in this section are supported by the Justice Center Cash Fund, which consists of docket fees, tenant lease payments, and parking fees paid by employees and members of the public who utilize the Carr Center parking garage. In addition, the cash funds appropriation for Debt Service Payments includes the federal share of annual debt service payments associated with "Build America" certificates of participation.

Reappropriated funds reflect transfers of appropriations to the Department of Law and to the State Court Administrator's Office for leased space in the Carr Center. The remainder of the money from tenant lease payments is reflected as cash funds. For purposes of simplicity, the General Fund and reappropriated funds are only reflected in the Debt Service Payments line item.

The following table details staff's recommendation for this subsection.

RALPH L. CARR COLORADO JUDICIAL CENTER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2017-18 APPROPRIATION						
SB 17-254 (Long Bill)	$29,257,508	$4,704,365	$18,711,650	$5,841,493	$0	2.0
TOTAL	**$29,257,508**	**$4,704,365**	**$18,711,650**	**$5,841,493**	**$0**	**2.0**
FY 2018-19 RECOMMENDED APPROPRIATION						
FY 2017-18 Appropriation	$29,257,508	$4,704,365	$18,711,650	$5,841,493	$0	2.0
Annualize Prior Year Budget Actions	6,338	0	6,338	0	0	0.0
Fund Source Adjustment	(27,541)	(105,682)	(27,541)	105,682	0	0.0
TOTAL	**$29,236,305**	**$4,598,683**	**$18,690,447**	**$5,947,175**	**$0**	**2.0**
INCREASE/(DECREASE)	**($21,203)**	**($105,682)**	**($21,203)**	**$105,682**	**$0**	**0.0**
Percentage Change	(0.1%)	(2.2%)	(0.1%)	1.8%	0.0%	(2)
FY 2018-19 EXECUTIVE REQUEST	**$29,236,305**	**$4,598,683**	**$18,690,447**	**$5,947,175**	**$0**	**2.0**
Request Above/(Below) Recommendation	$0	$0	$0	$0	$0	0.0

BACKGROUND INFORMATION: In 2008 (S.B. 08-206) the General Assembly authorized the State to enter into lease-purchase agreements for the development and construction of a new history museum and a state justice center. The act established the following limits on these projects:

- Museum: Principal component of the lease-purchase agreements may not to exceed $85 million. The annual rental and lease-purchase payments may not exceed $4,998,000 and the associated term may not exceed 37 years.
- Justice Center: Principal component of the lease-purchase agreements may not exceed $275 million. The annual rental and lease-purchase payments may not exceed $19,000,000 and the associated term may not exceed 38 years.

In July 2009, project financing was secured through a single issuance for both projects totaling $338.8 million. This issuance included two components: $39.0 million in traditional tax-exempt certificates of participation (COPs); and $299.8 million in taxable "Build America" COPs, a new financing mechanism made available through the federal American Recovery and Reinvestment Act. Build America COPs offered lower costs to public entities because the federal government subsidizes about a third of the interest paid on the project. This financing resulted in debt payments of less than $19 million per year for 33 years (September 2012 through September 2045). Thus, total annual payments for both projects are more than $5 million lower than the caps established in SB 08-206, and these payments will be made for 33 years rather than the 37 and 38 year terms allowed by SB 08-206.

PERSONAL SERVICES

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

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

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requests a total of $1,619,081 cash funds from the Justice Center Cash Fund and 2.0 FTE.

RECOMMENDATION: **Staff recommends approving the request**, which reflects an increase of $147,224 for the increased cost of contracting with the Colorado State Patrol (CSP) to provide security services for the Carr Center.

OPERATING EXPENSES

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

- *Various Contract Services*. The Department contracts with Cushman Wakefield to act as the management company, providing contract engineering staff, first floor reception services in the office tower, and related administrative costs. The Department also contracts with Standard Parking to operate and maintain the parking garage, which is located between the ING building and the Colorado History Museum. Finally, the Department also contracts with a variety of

other private vendors for various services, including custodial, maintenance contracts and supplies, grounds maintenance, and the copy center.
- *Utilities.* This line item covers electricity, gas, water, and sewer expenditures, which are monitored and managed by the Building Manager.
- *Operating Expenses* for the 2.0 FTE Facility Staff.

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S

REQUEST: The Department requests a continuation level of funding, or $4,026,234 cash funds the Justice Center Cash Fund.

RECOMMENDATION: **Staff recommends approving the reques**t.

CONTROLLED MAINTENANCE

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

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requests a continuation level of funding, or $2,025,000 cash funds from the Justice Center Cash Fund.

RECOMMENDATION: **Staff recommends approving the request.**

DEBT SERVICE PAYMENTS

This line item was added to this section of the budget in FY 2015-16, when appropriations for lease purchase payments (certificates of participation) were moved from the capital construction section of the Long Bill to the operating section. Senate Bill 08-206 authorized the State to enter into lease-purchase agreements for the development and construction of a new museum and a state justice center. This line item appropriation covers the lease purchase payments that are due in September and March each fiscal year.

STATUTORY AUTHORITY: Section 13-32-101 (7), C.R.S.

REQUEST: The Department requests an appropriation of $21,565,990, including $4,598,683 General Fund, $11,020,132 cash funds from the Justice Center Cash Fund, and $5,947,175 reappropriated funds from the Justice Center Cash Fund. The cash funds appropriation includes federal revenues made available through the federal American Recovery and Reinvestment Act. These funds cover a portion of the interest costs associated with the project financing that was secured through taxable "Build America" certificates of participation. The reappropriated funds amount is categorized as reappropriated funds as it reflects appropriations to state agencies for Carr Center leased space that will be credited to the Justice Center Cash Fund, including payments from the Department of Law and payments from the Central Appropriations subsection above.

RECOMMENDATION: **Staff recommends approving the request**. The following tables, provided by the Department, detail the projected debt service payments through FY 2045-46, along with the associated sources of funds.

RALPH L. CARR COLORADO JUDICIAL CENTER: DEBT SERVICE PAYMENTS						
Fiscal Year	Debt Service Payment			Sources of Funds for Total Payment		
	Total Payment	Federal Subsidy	Net Payment	General Fund	Cash Funds	Reappropriated Funds
2016-17	$21,577,604	($5,899,159)	$15,678,445	$4,806,525	$11,031,746	$5,739,333
2017-18	21,593,531	(5,913,165)	15,680,366	4,704,365	11,047,673	5,841,493
2018-19	21,565,990	(5,925,946)	15,640,044	4,571,677	11,047,673	5,946,640
2019-10	21,840,338	(5,927,368)	15,912,970	4,571,677	11,214,982	6,053,679
2020-21	21,687,647	(5,828,426)	15,859,221	4,310,020	11,214,982	6,162,646
2021-22	20,811,564	(5,458,797)	15,352,767	3,323,009	11,214,982	6,273,573
2022-23	20,707,408	(5,354,093)	15,353,315	3,105,929	11,214,982	6,386,498
2023-24	20,592,716	(5,238,701)	15,354,015	2,876,280	11,214,982	6,501,455
2024-25	20,471,435	(5,117,502)	15,353,933	2,637,973	11,214,982	6,618,481
2025-26	20,342,505	(4,988,377)	15,354,129	2,389,911	11,214,982	6,737,613
2026-27	19,745,330	(4,690,116)	15,055,215	1,671,458	11,214,982	6,858,890
2027-28	19,603,826	(4,549,589)	15,054,237	1,406,495	11,214,982	6,982,350
2028-29	19,454,666	(4,401,133)	15,053,533	1,131,652	11,214,982	7,108,033
2029-30	19,299,603	(4,247,111)	15,052,492	848,644	11,214,982	7,235,977
2030-31	19,139,982	(4,086,244)	15,053,738	558,775	11,214,982	7,366,225
2031-32	18,653,659	(3,804,031)	14,849,628	0	11,154,842	7,498,817
2032-33	18,474,251	(3,625,738)	14,848,513	0	10,840,455	7,633,796
2033-34	18,290,026	(3,437,009)	14,853,017	0	10,518,822	7,771,204
2034-35	18,095,052	(3,242,768)	14,852,284	0	10,183,966	7,911,086
2035-36	17,890,517	(3,039,931)	14,850,586	0	9,837,032	8,053,485
2036-37	16,905,212	(2,556,824)	14,348,388	0	8,706,764	8,198,448
2037-38	16,682,208	(2,335,273)	14,346,935	0	8,336,188	8,346,020
2038-39	16,450,297	(2,103,604)	14,346,693	0	7,954,049	8,496,248
2039-40	15,491,570	(1,610,550)	13,881,021	0	6,842,389	8,649,181
2040-41	15,236,686	(1,356,840)	13,879,846	0	6,431,820	8,804,866
2041-42	14,965,869	(1,085,304)	13,880,565	0	6,002,516	8,963,354
2042-43	14,684,220	(802,977)	13,881,243	0	5,559,526	9,124,694
2043-44	14,389,742	(509,160)	13,880,582	0	5,100,804	9,288,939
2044-45	14,085,276	(203,096)	13,882,179	0	4,629,136	9,456,139
2045-46	4,902,771	(55,220)	4,847,551	0	0	4,902,771

(3) TRIAL COURTS

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

District courts preside over felony criminal matters, civil claims, juvenile matters, probate, mental health, and divorce proceedings. In addition, district courts handle appeals from municipal and county courts, and review decisions of administrative boards and agencies. The General Assembly establishes judicial districts and the number of judges for each district in statute; these judges serve renewable 6-year terms.[12]

The General Assembly established seven *water divisions* in the State based on the drainage patterns of major rivers in Colorado. Each water division is staffed by a division engineer, a district court judge who is designated as the water judge by the Colorado Supreme Court, a water referee appointed by the water judge, and a water clerk assigned by the district court. Water judges have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water.[13]

County courts have limited jurisdiction, handling civil actions involving no more than $15,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints. County courts also issue search warrants and protection orders in cases involving domestic violence. In addition, county courts handle appeals from municipal courts. The General Assembly establishes the number of judges for each county in statute; these judges serve renewable 4-year terms.[14]

The following table summarizes the staff recommendations for the Trial Courts. The only difference between staff's recommendation and the request is staff's recommended reduction of 1.0 FTE (supported by federal funds) per JUD BA4 (this request is discussed at the beginning of this document).

TRIAL COURTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2017-18 Appropriation						
Other Legislation	$40,534	$40,534	$0	$0	$0	0.8
HB 18-1163 Judicial Suppl Bill	1,003,260	303,260	0	700,000	0	0.0
SB 17-254 (Long Bill)	168,456,243	134,768,434	30,512,809	1,550,000	1,625,000	1,871.6
TOTAL	**$169,500,037**	**$135,112,228**	**$30,512,809**	**$2,250,000**	**$1,625,000**	**1,872.4**
FY 2018-19 RECOMMENDED APPROPRIATION						
FY 2017-18 Appropriation	$169,500,037	$135,112,228	$30,512,809	$2,250,000	$1,625,000	1,872.4
JUD R2 Court Supervisors	0	0	0	0	0	0.0
JUD R8 Merchant and Courier Fees	33,473	33,473	0	0	0	0.0
CDAC R1 District Attorney Mandated Costs	74,543	74,543	0	0	0	0.0
Annualize Prior Year Legislation	833,449	811,661	21,788	0	0	0.2
Annualize Prior Year Budget Actions	3,286,137	3,254,897	31,240	0	0	0.0

[12] See Article VI, Sections 9 through 12 of the Colorado Constitution; and Section 13-5-101 et seq., C.R.S.
[13] See Sections 37-92-203 and 204, C.R.S.
[14] See Article VI, Sections 16 and 17 of the Colorado Constitution; Section 13-6-101 et seq., C.R.S.

TRIAL COURTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	**$173,727,639**	**$139,286,802**	**$30,565,837**	**$2,250,000**	**$1,625,000**	**1,872.6**
INCREASE/(DECREASE)	**$4,227,602**	**$4,174,574**	**$53,028**	**$0**	**$0**	**0.2**
Percentage Change	2.5%	3.1%	0.2%	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$174,576,595**	**$140,135,758**	**$30,565,837**	**$2,250,000**	**$1,625,000**	**1,887.6**
Request Above/(Below) Recommendation	$848,956	$848,956	$0	$0	$0	15.0

DECISION ITEMS – TRIAL COURTS

➔ JUD R8 MERCHANT AND COURIER FEES

REQUEST: The Department requests an increase of $33,473 General Fund to pay for (1) increased merchant fees on credit card transactions and (2) increased courier fees for armored transportation of court fines and fees collected at each court location.

RECOMMENDATION: **Staff recommends approval of the request**. Based on FY 2016-17 expenditure, Merchant fees have increased substantially due to the growing use of credit cards to pay court fines and fees.

➔ CDAC R1 DISTRICT ATTORNEY MANDATED COSTS

REQUEST: The District Attorney Mandated Costs line item provides state funding to reimburse Colorado's district attorneys' offices (DAs) for costs incurred for prosecution of state matters, as required by state statute (e.g., expert witness fees and travel expenses, witness travel expenses, mailing subpoenas, service of process, and court reporter fees for transcripts). The Colorado District Attorneys' Council (CDAC) is responsible for allocating the available funding among DAs, and for submitting the budget request for this line item each year.

The CDAC requests $2,559,313, which represents a $74,543 (3 percent) increase compared to the FY 2017-18 appropriation.

RECOMMENDATION: **Staff recommends approving the request**. Based on FY 2016-17 expenditure data provided by the CDAC, DAs' mandated costs consist of the following:

- Witness fees and travel expenses ($603,748 – 27.2%)
- Expert witness fees and travel expenses ($557,760 – 25.1%)
- Mailing subpoenas[15] ($497,055 – 22.4%)
- Service of process[16] ($372,003 – 16.8%)
- Court reporter fees for transcripts ($189,839 – 8.5%)

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

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

The following table provides a history of appropriations and actual expenditures for this line item, as well as the request for FY 2017-18.

District Attorneys' Mandated Costs								
	Appropriation			Actual Expenditures				
Fiscal Year	General Fund	Cash Funds	Total	General Fund	Cash Funds	Total	Annual % Change	Over/ (Under) Budget
2000-01	$1,938,724	$0	$1,938,724	$1,889,687	$0	$1,889,687		($49,037)
2001-02	1,938,724	0	1,938,724	1,978,963	0	1,978,963	4.7%	40,239
2002-03	2,025,199	125,000	2,150,199	1,833,410	71,117	1,904,527	-3.8%	(245,672)
2003-04	2,025,199	125,000	2,150,199	1,847,369	59,334	1,906,703	0.1%	(243,496)
2004-05	1,911,899	0	1,911,899	1,911,970	0	1,911,970	0.3%	71
2005-06	1,911,899	0	1,911,899	1,772,849	106,325	1,879,174	-1.7%	(32,725)
2006-07	1,841,899	125,000	1,966,899	1,928,795	99,090	2,027,885	7.9%	60,986
2007-08	1,837,733	125,000	1,962,733	2,092,974	130,674	2,223,648	9.7%	260,915
2008-09	2,101,052	125,000	2,226,052	2,063,785	125,000	2,188,785	-1.6%	(37,267)
2009-10	2,101,052	125,000	2,226,052	2,101,050	125,000	2,226,050	1.7%	(2)
2010-11[a]	2,005,324	125,000	2,130,324	2,005,507	125,000	2,130,507	-4.3%	183
2011-12	2,073,494	125,000	2,198,494	2,061,883	125,000	2,186,883	2.6%	(11,611)
2012-13[b]	2,389,549	140,000	2,529,549	2,164,497	140,000	2,304,497	5.4%	(225,052)
2013-14[c]	2,491,916	160,000	2,651,916	2,152,067	160,000	2,312,067	0.3%	(339,849)
2014-15[d]	2,527,153	170,000	2,697,153	2,374,178	160,865	2,535,043	9.6%	(162,110)
2015-16[e]	2,322,350	170,000	2,492,350	2,177,581	170,000	2,347,581	-7.4%	(144,769)
2016-17	2,247,350	170,000	2,417,350	2,131,396	170,000	2,301,396	-2.0%	(115,954)
2017-18 Approp	2,314,770	170,000	2,484,770					
2018-19 Request	2,389,313	170,000	2,559,313					

a/ Appropriation reflects reduction of $17,300 pursuant to H.B. 10-1291.
b/ The appropriation included $265,100 to reimburse costs in the *Holmes* and *Sigg* cases; a total of $111,993 was spent.
c/ The appropriation included $353,500 specifically for the *Holmes* and *Sigg* cases; a total of $146,660 was spent.
d/ The appropriation included $300,000 specifically for the *Holmes* case; a total of $303,820 was spent.
e/ The appropriation included $75,000 specifically for the *Holmes* case; a total of $78,275 was spent.

Staff recommends the requested, believing that a 3 percent increase in the appropriation for FY 2018-19 is reasonable.

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

LINE ITEM DETAIL – TRIAL COURTS

Trial Court Programs

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

STATUTORY AUTHORITY: Article VI of the State Constitution [Vestment of judicial power]; Section 13-5-101 et seq., C.R.S [District courts]; Section 13-6-101 et seq., C.R.S. [County courts]

REQUEST: The Department requests $157,881,588, including $126,746,000 General Fund and 1,874.6 FTE. The request is effected by JUD R8 Merchant and Courier Fees.

RECOMMENDATION: **Staff recommends approving the request**, as detailed in the following table.

TRIAL COURTS, TRIAL COURT PROGRAMS					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FTE
FY 2017-18 APPROPRIATION					
SB 17-254 (Long Bill)	$151,942,955	$121,560,395	$29,132,560	$1,250,000	1,858.6
HB 18-1163 Judicial Suppl Bill	$1,003,260	$303,260	$0	$700,000	0.0
Other Legislation	$40,534	$40,534	$0	$0	0.8
TOTAL	**$152,986,749**	**$121,904,189**	**$29,132,560**	**$1,950,000**	**1,859.4**
FY 2018-19 RECOMMENDED APPROPRIATION					
FY 2017-18 Appropriation	$152,986,749	$121,904,189	$29,132,560	$1,950,000	1,859.4
Annualize Prior Year Budget Actions	3,286,137	3,254,897	31,240	0	0.0
Annualize Prior Year Legislation	726,273	704,485	21,788	0	0.2
JUD R8 Merchant and Courier Fees	33,473	33,473	0	0	0.0
JUD R2 Court Supervisors	0	0	0	0	0.0
TOTAL	**$157,032,632**	**$125,897,044**	**$29,185,588**	**$1,950,000**	**1,859.6**
INCREASE/(DECREASE)	**$4,045,883**	**$3,992,855**	**$53,028**	**$0**	**0.2**
Percentage Change	2.6%	3.3%	0.2%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$157,881,588**	**$126,746,000**	**$29,185,588**	**$1,950,000**	**1,874.6**
Request Above/(Below) Recommendation	$848,956	$848,956	$0	$0	15.0

COURT COSTS, JURY COSTS, AND COURT-APPOINTED COUNSEL

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

BACKGROUND INFORMATION – MANDATED COSTS APPROPRIATIONS
Prior to January of 2000, funding for mandated costs was appropriated through a single line item to the Judicial Department. A judge presiding over a case had the responsibility to approve expenditures by the defense and the prosecution, and to give both sides a fair hearing. There was a concern that this created an inherent conflict in which the judge, by his or her decision about expenditures, could compromise a case.

An ad hoc committee on mandated costs established by Chief Justice Vollack issued a report recommending that the responsibility for managing these costs of prosecution and defense be transferred to the entities responsible for incurring the costs. Thus, since FY 1999-00[17], the General Assembly has provided multiple appropriations for mandated costs.

Currently, the Long Bill includes six appropriations for mandated costs, including three to the Judicial Department, and individual appropriations to the Office of the State Public Defender, the Office of the Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel (first included in FY 2016-17).

STATUTORY AUTHORITY: Several provisions concerning court-appointed counsel, including: Titles 13 [Court procedures], 14 [Domestic relations],15 [Probate],19 [Children's Code], 22 [Education], 25 [Health], and 27 [Behavioral health]; Section 13-3-104, C.R.S. [State funding for courts]; Sections 13-71-125 through 13-71-131, C.R.S. [Juror compensation]; Section 16-18-101, C.R.S. [Costs in criminal cases paid by the State]; Section 18-1.3-701 (2), C.R.S. [Judgement for costs and fines]

REQUEST: The Department requests a total of $7,995,694, including $7,830,445 General Fund and $165,249 cash funds from various fees, cost recoveries, and grants.

RECOMMENDATION: **Staff recommends approving the request.**

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

DISTRICT ATTORNEY MANDATED COSTS

This is one of several line item appropriations for "mandated costs". This line item provides state funding to reimburse Colorado's district attorneys' offices (DAs) for costs incurred for prosecution of state matters, as required by state statute.

Based on FY 2016-17 expenditure data provided by the Colorado District Attorneys' Council (CDAC),[18] DAs' mandated costs consist of the following:

- Witness fees and travel expenses ($603,748 – 27.2%)
- Expert witness fees and travel expenses ($557,760 – 25.1%)
- Mailing subpoenas[19] ($497,055 – 22.4%)
- Service of process[20] ($372,003 – 16.8%)
- Court reporter fees for transcripts ($189,839 – 8.5%)

Prior to FY 2000-01, funding for DAs' mandated costs was included within the "Mandated Costs" line item appropriation to the Judicial Department. In 1999, an ad hoc committee on mandated costs released a report recommending that responsibility for managing court costs be transferred to the entities that incur them. Thus, beginning in FY 2000-01, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

The CDAC allocates funds among the 22 judicial districts (including those districts that are not members of the CDAC) based on historical spending. However, the CDAC excludes from this initial allocation: a portion of the appropriation to cover its costs of administering the allocation (5.0 percent of the appropriation); and another amount (typically $300,000) to cover any unanticipated district needs. District attorneys submit information quarterly concerning costs incurred, as well as projections of annual expenditures. The CDAC has a special process for requesting additional funds above the allocated amount. In order to limit state expenditures, the CDAC has limited expert witness fees to $1,500 per expert. Fees paid in excess of this limit are only reimbursed if funds remain available at the end of the fiscal year. In FY 2015-16, DAs' incurred $70,312 above this limit.

STATUTORY AUTHORITY: Section 13-3-104, C.R.S. [State funding for courts]; Section 16-18-101, C.R.S. [Costs in criminal cases paid by the State]; Section 18-1.3-701 (2), C.R.S. [Judgement for costs and fines].

REQUEST: The CDAC requests $2,559,313, which represents a $74,543 (3 percent) increase compared to the FY 2017-18 appropriation.

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

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

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

RECOMMENDATION: **Staff recommends approving the request.** For more information, see the narrative for CDAC R1, at the beginning of this division.

BACKGROUND INFORMATION CDAC'S ROLE:
Since FY 1999-00, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information (e.g., RFI #3 for FY 2016-17) indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

Two statutory provisions appear to provide statutory authority for CDAC to play this role. First, Section 20-1-110, C.R.S., authorizes DAs to participate in an intergovernmental cooperative relationship concerning criminal prosecution and to enter into contracts on behalf of his or her judicial district for cooperation with other DAs concerning such prosecution and prosecution-related services. Second, Section 20-1-111, C.R.S., authorizes DAs to cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting DAs, "including the sharing of costs and the administration and distribution of moneys received for mandated costs." This provision also authorizes DAs to "allocate up to five percent of the moneys received for mandated costs authorized by the general assembly for administrative expenses." Consistent with this provision, the CDAC annually receives 5.0 percent of the appropriation ($120,858 in FY 2016-17) to cover the administrative costs associated with allocating and managing this appropriation.

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

ACTION AND STATEWIDE DISCOVERY SHARING SYSTEMS

Pursuant to S.B. 14-190 (a JBC bill), the Colorado District Attorneys' Council (CDAC) is required to develop and maintain a statewide system that would enable the sharing and transfer of information electronically between law enforcement agencies, district attorneys' offices, and the defense. This statewide discovery sharing system (often called the "eDiscovery" system) is to be integrated with CDAC's existing ACTION system, a case management system that is maintained and operated by CDAC for district attorneys. Once eDiscovery is fully implemented, the defense will no longer be required to reimburse district attorneys for duplicating discoverable materials. This will allow existing General Fund appropriations for such reimbursements to be repurposed to support the ongoing operations of the eDiscovery and ACTION systems.

This line item provides funding for both the eDiscovery and ACTION systems. Fund sources include General Fund and cash fund revenues from a new criminal surcharge for persons who are represented by private counsel or appear without legal representation.

STATUTORY AUTHORITY: Section 16-9-701 et seq., C.R.S.

REQUEST: The Judicial Department, on behalf of the CDAC, requests $3,240,000 (including $3,170,000 General Fund and $70,000 cash funds from the Statewide Discovery Sharing Surcharge Fund). This line item is impacted by CDAC R2 eDiscovery and annualization of S.B. 14-190, which is discussed at the beginning of this packet.

RECOMMENDATION: **Staff recommends approving the request**.

FEDERAL FUNDS AND OTHER GRANTS

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

STATUTORY AUTHORITY: Section 13-3-101 (9), C.R.S.

REQUEST: The Department requests a continuation level of spending authority ($2,900,000 and 13.0 FTE), including $975,000 cash funds, $300,000 reappropriated funds, and $1,625,000 federal funds. The source of reappropriated funds is federal funds transferred from the Departments of Human Services and Public Safety.

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

(4) PROBATION AND RELATED SERVICES

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

Persons convicted of certain offenses are eligible to apply to the court for probation. If the court determines that "the ends of justice and the best interests of the public, as well as the defendant, will be served thereby," the court may grant the defendant probation[21]. The offender serves a sentence in the community under the supervision of a probation officer, subject to conditions imposed by the court. The length of probation is at the discretion of the court and it may exceed the maximum period of incarceration authorized for the offense of which the defendant is convicted, but it cannot exceed five years for any misdemeanor or petty offense. The conditions of probation should ensure that the defendant will lead a law-abiding life and assist the defendant in doing so. These conditions always include requirements that the defendant:

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

Managed by the Chief Probation Officer in each judicial district, 1,185 employees prepare assessments and provide pre-sentence investigation services to the courts, supervise offenders sentenced to community programs, and provide notification and support services to victims. The Chief Probation Officer is supervised by the Chief Judge in each district. Investigation and supervision services are provided based on priorities established by the Chief Justice and each offender's risk of re-offending. Adult and juvenile offenders are supervised in accordance with conditions imposed by the courts. A breach of any imposed condition may result in revocation or modification of probation, or incarceration of the offender.

The following table summarizes the staff recommendations for the Probation and Related Services.

Probation And Related Services						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2017-18 Appropriation						
SB 17-254 (Long Bill)	$146,117,036	$91,722,242	$29,724,812	$21,869,982	$2,800,000	1,247.7
TOTAL	**$146,117,036**	**$91,722,242**	**$29,724,812**	**$21,869,982**	**$2,800,000**	**1,247.7**
FY 2018-19 Recommended Appropriation						
FY 2017-18 Appropriation	$146,117,036	$91,722,242	$29,724,812	$21,869,982	$2,800,000	1,247.7

[21] See Section 18-1.3-202 (1), C.R.S.

Probation And Related Services	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
JUD BA10.1 Relocate funding for Correctional Treatment Board staff in Long Bill	96,757	0	96,757	0	0	1.0
CTCF Adjustment	429,881	0	429,881	0	0	0.0
NP2 Common Policy Provider Rate Increase	339,696	154,131	15,717	169,848	0	0.0
Annualize Prior Year Budget Actions	1,879,895	1,634,826	245,069	0	0	0.0
TOTAL	**$148,863,265**	**$93,511,199**	**$30,512,236**	**$22,039,830**	**$2,800,000**	**1,248.7**
INCREASE/(DECREASE)	**$2,746,229**	**$1,788,957**	**$787,424**	**$169,848**	**$0**	**1.0**
Percentage Change	1.9%	2.0%	2.6%	0.8%	0.0%	0.1%
FY 2018-19 EXECUTIVE REQUEST	**$148,433,384**	**$93,511,199**	**$30,082,355**	**$22,039,830**	**$2,800,000**	**1,248.7**
Request Above/(Below) Recommendation	($429,881)	$0	($429,881)	$0	$0	0.0

DECISION ITEMS – PROBATION AND RELATED SERVICES (NONE)

The Judicial Department did not submit any decision items that are uniquely for this division. However it did submit a decision item that was discussed earlier that affected this division.

LINE ITEM DETAIL – PROBATION AND RELATED SERVICES

Probation Programs

This line item provides funding for both personal services and operating expenses for probation programs in all judicial districts. Cash funds sources include: the Offender Services Fund, the Alcohol and Drug Driving Safety Program Fund, the Correctional Treatment Cash Fund (drug offender surcharge fee revenues), various fees and cost recoveries, and the Offender Identification Fund. The following table details the types of employees that are supported by this line item.
Statutory Authority: Sections 16-11-214 [Offender Services Fund]; 18-1.3-201 et seq., C.R.S. [Probation as a sentencing option]; Section 24-33.5-415.6 (1), C.R.S. [Offender ID Fund]; 42-4-1301.3, C.R.S.[Alcohol and Drug Driving Safety (ADDS) Program]

Request: The Department requests $86,423,825, including $77,019,115 General Fund and $9,404,710 cash funds, and 1,184.7 FTE.

Recommendation: **Staff recommends approving the request**. The only change to the appropriation is the transfer of money from the FY 2017-18 centrally appropriated line items for salary increases to be awarded in FY 2017-18. These amounts are identified as "Annualize prior year budget actions" in the table at the beginning of this division.

Offender Treatment and Services

This line item provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance abuse and co-occurring disorders for adult and juvenile offenders who are: on diversion;

on parole; sentenced or transitioned to a community corrections program; or serving a sentence in a county jail.

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

- Substance abuse treatment and testing;
- Sex offender assessment, treatment, and polygraphs;
- Domestic violence treatment;
- Mental health services;
- Electronic home monitoring;
- Emergency housing;
- Transportation assistance;
- Day reporting[22];
- Educational/vocational assistance;
- Global positioning satellite (GPS) tracking;
- Incentives;
- General medical assistance;
- Restorative justice; and
- Interpreter services.

The local allocation of funds depends on the availability of treatment and services and the particular needs of the local offender population. The Department annually reports on allocations and expenditures, by treatment and type of services. The Department is also using some existing funding for state-level initiatives, including researching evidence-based practices and building capacity in rural/under-served parts of the state.

The General Assembly has also included appropriations for two specific purposes. First, the appropriation includes $624,877 General Fund for the purpose of providing treatment and services for offenders participating in veterans trauma courts. In the FY 2017-18 Long Bill this intent was expressed through Long Bill footnote #54. Second, the appropriation includes $300,000 General Fund for day reporting services; however, if these funds are not required for day reporting services they may be used for other types of offender treatment and services.

Cash fund sources that support this line item in the FY 2017-18 Long Bill include the following:

- Offender Services Fund ($10,597,602, this fund receives the $50 monthly supervision fee paid by adult probationers);
- Correctional Treatment Cash Fund ($4,670,693 from drug offender surcharge fee revenues credited to the Correctional Treatment Cash Fund (CTCF) and from the CTCF balance),
- Sex Offender Surcharge Fund ($302,029); and
- Various fees and cost recoveries ($350,000).

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

Reappropriated funds include General Fund moneys that are appropriated to the Correctional Treatment Cash Fund (CTCF, $15,413,076), moneys from the Marijuana Tax Cash Fund that are appropriated to the CTCF ($1,571,728), and moneys transferred from the Department of Human Services out of the Persistent Drunk Driver Cash Fund to pay a portion of the costs for intervention and treatment services for persistent drunk drivers who are unable to pay ($888,341).

STATUTORY AUTHORITY: Sections 16-11-214 [Offender Services Fund]; Section 18-1.3-201 et seq., C.R.S. [Probation as a sentencing option]; Section 18-19-103, C.R.S. [Drug offender surcharge]; Section 18-21-103, C.R.S. [Sex offender surcharge]

REQUEST: The Department requests that the FY 2017-18 appropriation be increased by $169,848 reappropriated funds, reflecting the extra General Fund and Marijuana Tax Cash Fund appropriated into the CTCF as a consequence of the 1 percent provider increase. The Department also requests that the cash funds appropriation be increased by $96,757 to reflect JUD BA10.1 *Relocate funding for Correctional Treatment Board staff in Long Bill*. The result is a total appropriation of $34,984,604, including $924,877 General Fund, $16,016,734 cash funds, and $18,042,993 reappropriated funds, and 1.0 FTE due to the FTE transfer in BA 10.1.

RECOMMENDATION: **Staff recommends the appropriation in the following table,** which has the same values for General Fund and reappropriated funds but includes a cash funds appropriation that is $429,881 larger (=16,446,615 - 16,016,734). Since the Department does not present the components of its request, staff is not able to fully explain the discrepancy but suspects that the base cash funds appropriation from which the Department is working is incorrect and is about $350,000 too low.

CALCULATION OF OFFENDER TREATMENT AND SERVICES APPROPRIATION: FY 2018-19 (ASSUMING A 1% PROVIDER RATE INCREASE)				
Source of Funds/ Purpose	General Fund	Cash Funds	Reappropriated Funds	Total Funds
Existing Appropriations for FY 2016-17:				
GF appropriated to Correctional Treatment Cash Fund (CTCF)			15,567,207	15,567,207
Offender Services Fund		10,597,255		10,597,255
Drug offender surcharge revenues credited to the CTCF, interest earnings, and CTCF fund balance		5,197,331		5,197,331
Marijuana Tax Cash Fund appropriated to the CTCF			1,587,445	1,587,445
Transfer from the Department of Human Services' Persistent Drunk Driver Programs line item			888,341	888,341
Appropriation for treatment and services for offenders participating in veterans treatment courts	624,877			624,877
Various fees and cost recoveries		350,000		350,000
Sex Offender Surcharge Fund		302,029		302,029
Appropriation for day reporting services	300,000			300,000
Total Recommendation for FY 2018-19	**$924,877**	**$16,446,615**	**$18,042,993**	**35,414,485**

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

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

APPROPRIATION TO THE CORRECTIONAL TREATMENT CASH FUND

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

STATUTORY AUTHORITY: Sections 19-19-103 (3.5) (b) and (c) and (4) (a), C.R.S.

REQUEST: The Department requests $15,567,207 General Fund and $1,587,445 cash funds from the Marijuana Tax Cash Fund. These appropriations are 1 percent higher than last year and they reflect the provider rate increase, which the Committee decided to apply to contributions to the CTCF last year.

RECOMMENDATION: **The staff recommendation is pending Committee approval of a provider rate increase**. For more information, see the discussion of the CTCF allocation recommendation at the beginning of this document.

S.B. 91-094 JUVENILE SERVICES

The General Assembly annually appropriates General Fund moneys to the Department of Human Services' Division of Youth Services (DYS) for the provision of service alternatives to placing juveniles in the physical custody of the DYS. Generally, the types of services provided include individual and family therapy, substance abuse treatment, mental health treatment, education, vocational and life skills training, mentoring, electronic monitoring, community service programs, gang intervention, mediation services, and anger management classes.

The DYS annually contracts with the Judicial Department to provide some of these services, and this line item authorizes the Judicial Department to receive and spend these moneys. For example, for FY 2016-17, this line item authorized the Department to receive and spend up to $2,496,837 (17 percent) of the $15,000,172 that was appropriated to DYS. The total amount of S.B. 91-094 funding that the Judicial Department receives depends on a number of factors including: the number of available treatment providers, the structural organization of the districts' programs, and the level and types of treatment services required per district each year. When the amount of funding need is determined, each district submits its request directly to DHS. Once all district requests have been received, the Judicial Department and DYS execute the annual contract.

STATUTORY AUTHORITY: Section 19-2-310, C.R.S.

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

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

REIMBURSEMENTS TO LAW ENFORCEMENT AGENCIES FOR THE COSTS OF RETURNING A PROBATIONER

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

STATUTORY AUTHORITY: Section 18-1.3-204 (4) (b), C.R.S.

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

RECOMMENDATION: **Staff recommends approving the request**.

VICTIMS GRANTS

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

STATUTORY AUTHORITY: Section 24-4.2-105 (2.5), C.R.S.

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

RECOMMENDATION: **Staff recommends approving the request**.

FEDERAL FUNDS AND OTHER GRANTS

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

STATUTORY AUTHORITY: Section 18-1.3-202, C.R.S.

REQUEST: The Department requests a continuation level of spending authority ($5,600,000 and 32.0 FTE), including $1,950,000 cash funds, $850,000 reappropriated funds (funds transferred from other state agencies), and $2,800,000 federal funds.

RECOMMENDATION: **Staff recommends approving the request.**

INDIRECT COST ASSESSMENT

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

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

REQUEST: Department requests $935,966 cash funds.

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

(5) OFFICE OF THE STATE PUBLIC DEFENDER

The federal[23] and state[24] constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions. This constitutional right has been interpreted to mean that counsel will be provided at state expense for indigent persons in all cases in which actual incarceration is a likely penalty. The Office of the State Public Defender (OSPD) is established by Section 21-1-101, et seq., C.R.S., as an independent agency within the Judicial Branch for the purpose of providing legal representation for indigent defendants who are facing incarceration. This provision requires the OSPD to provide legal representation to indigent defendants "commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function." The OSPD provides representation through employees located around the state.

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

The OSPD is the largest independent agency within the Judicial Branch. The OSPD's central administrative office is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides a limited amount of administrative support, including: fiscal year-end transfers; workers' compensation and risk management; and a server room. With the exception of a small amount of cash funds from training registration fees and grants, the OSPD is supported by General Fund appropriations.

Office Of The State Public Defender	Total Funds	General Fund	Cash Funds	FTE
FY 2017-18 Appropriation				
HB 18-1163 Judicial Suppl Bill	$23,772	$23,772	$0	0.0
SB 17-254 (Long Bill)	89,699,687	89,549,687	150,000	811.1
TOTAL	**$89,723,459**	**$89,573,459**	**$150,000**	**811.1**
FY 2018-19 Recommended Appropriation				
FY 2017-18 Appropriation	$89,723,459	$89,573,459	$150,000	811.1
OSPD NP-BA1 Additional Grants	55,000	0	55,000	0.3
OSPD R1 Workload and Caseload Increases	4,213,138	4,213,138	0	56.4
OSPD R2 IT Support, Security, and Development	870,620	870,620	0	4.0
OSPD R3 Interpreters	38,702	38,702	0	0.0
Centrally Appropriated Line Items	2,717,581	2,717,581	0	0.0

[23] See Amendment VI of the U.S. Constitution (Rights of accused).

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

OFFICE OF THE STATE PUBLIC DEFENDER				
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
Annualize Prior Year Budget Actions	(168,387)	(168,387)	0	0.0
TOTAL	**$97,450,113**	**$97,245,113**	**$205,000**	**871.8**
INCREASE/(DECREASE)	**$7,726,654**	**$7,671,654**	**$55,000**	**60.7**
Percentage Change	8.6%	8.6%	36.7%	7.5%
FY 2018-19 EXECUTIVE REQUEST	**$97,450,113**	**$97,245,113**	**$205,000**	**871.8**
Request Above/(Below) Recommendation	$0	$0	$0	(0.0)

DECISION ITEMS – OFFICE OF THE STATE PUBLIC DEFENDER

➔ OSPD R1 WORKLOAD AND CASELOAD INCREASES

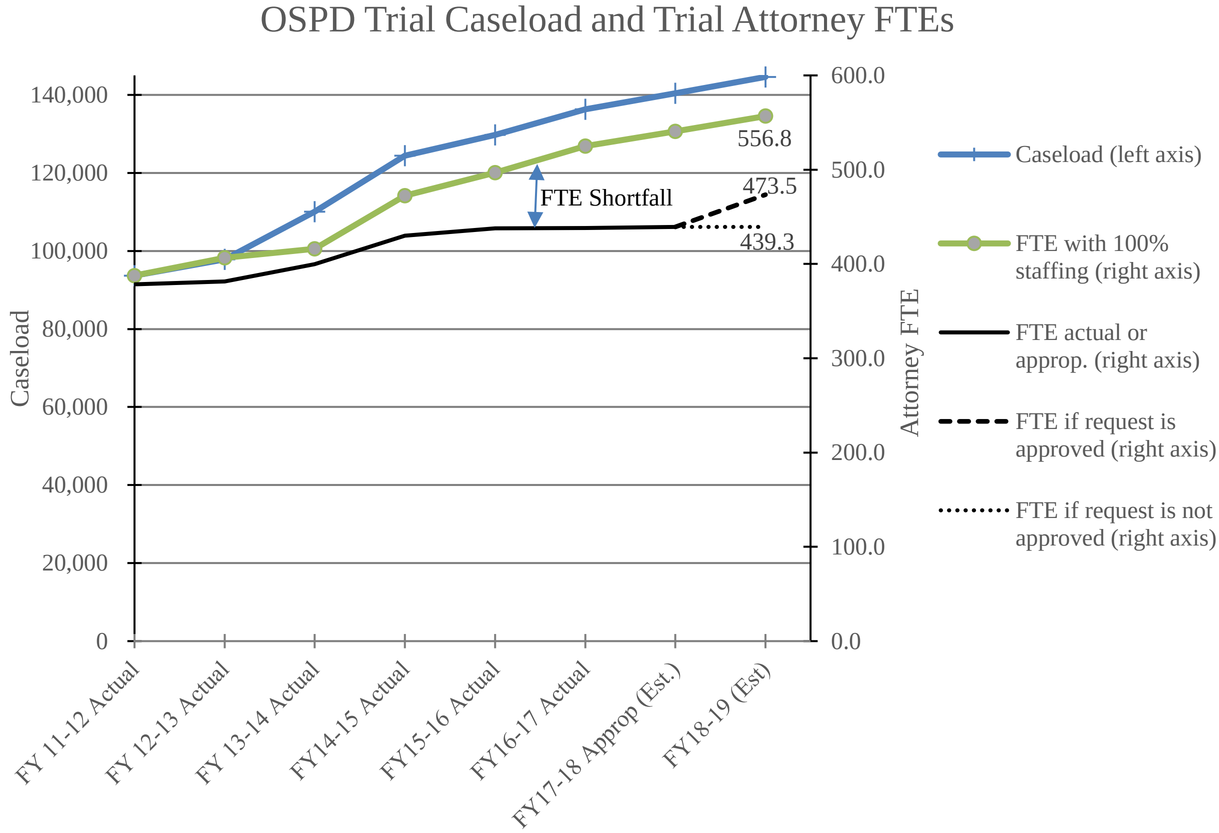
REQUEST: The Office of the State Public Defender requests 56.4 FTE and $4,213,138 General Fund spending authority for FY 2018-19, annualizing to 56.4 FTE and $4,607,097 for FY 2019-20, to address staffing and funding shortfalls for indigent defense. The request includes 34.2 trial attorney FTE, 11.3 investigator/paralegal FTE, 8.5 administrative staff FTE, and 2.4 FTE in the agency's centralized business operations office.

RECOMMENDATION: **Staff recommends approving the request.**

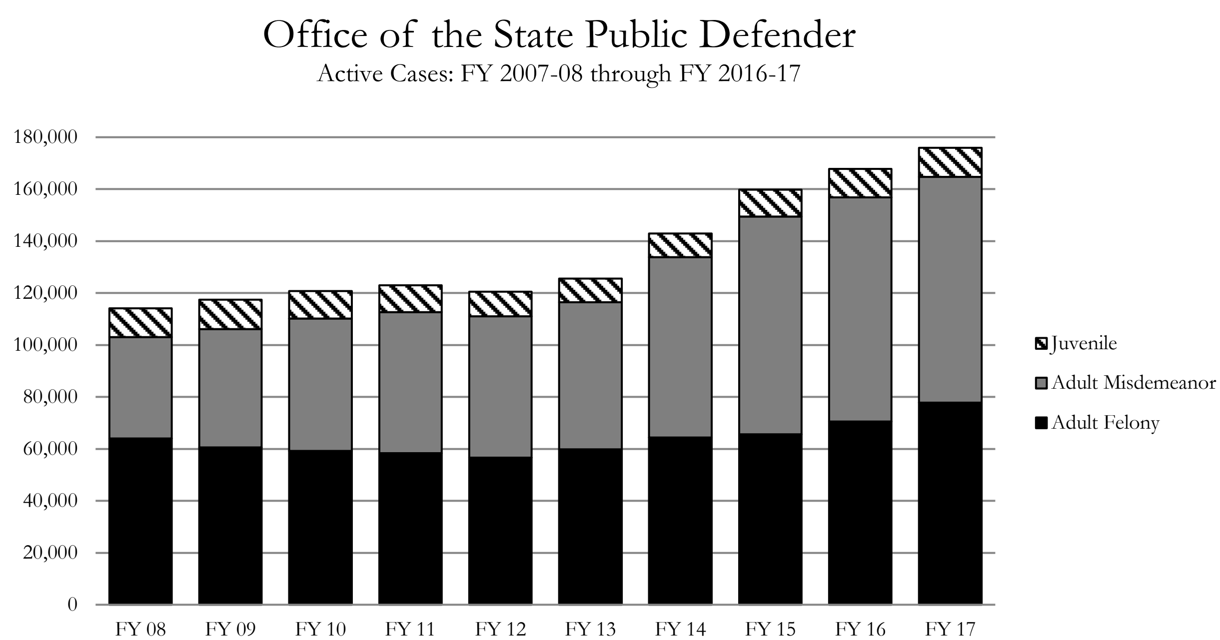
ANALYSIS: Section 21-1-101, C.R.S. requires the Office of the State Public Defender to "provide legal services to indigent persons accused of crime that are *commensurate with those available to non-indigents*, and conduct the office in accordance with the Colorado rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function." [Emphasis added.]

In FY 2011-12 the OSPD was staffed with 378 trial attorney FTE. That year it closed 93,692 cases and, based on a staffing model developed by an external contractor, it concluded that it had 97.6 percent of the attorneys it needed to handle its caseload. However, over the past 5 years the OSPD has experienced a significant increase in the number of cases, closing 136,321 cases in FY 2016-17, a 45 percent increase. Over that same period, attorney staffing rose to 438.2 positions, a 16 percent increase. As a result, the staffing level in FY 2016-17 dropped to 83.4 percent and is expected to decline to 81.2 percent this year and to 78.9 percent in FY 2018-19 if staffing remains unchanged. The Office states that this decline is making it increasingly difficult to ethically, responsibly and effectively meet its constitutionally mandated mission.

The top line of the following chart shows the shows the growth of OSPD caseload since FY 2011-12. The line beneath shows the number of attorney FTE the Office would have needed to maintain 100 percent staffing over this period. The bottom line shows the Office's actual attorney FTE's. The split to the right of the bottom line shows the 439.3 attorney FTEs that the Office will have if it does not receive an FTE increase and the 473.5 FTE that it will have if this request is approved. The average OSPD trial attorney is now handling an estimated 29 percent more cases than in FY 2011-12.



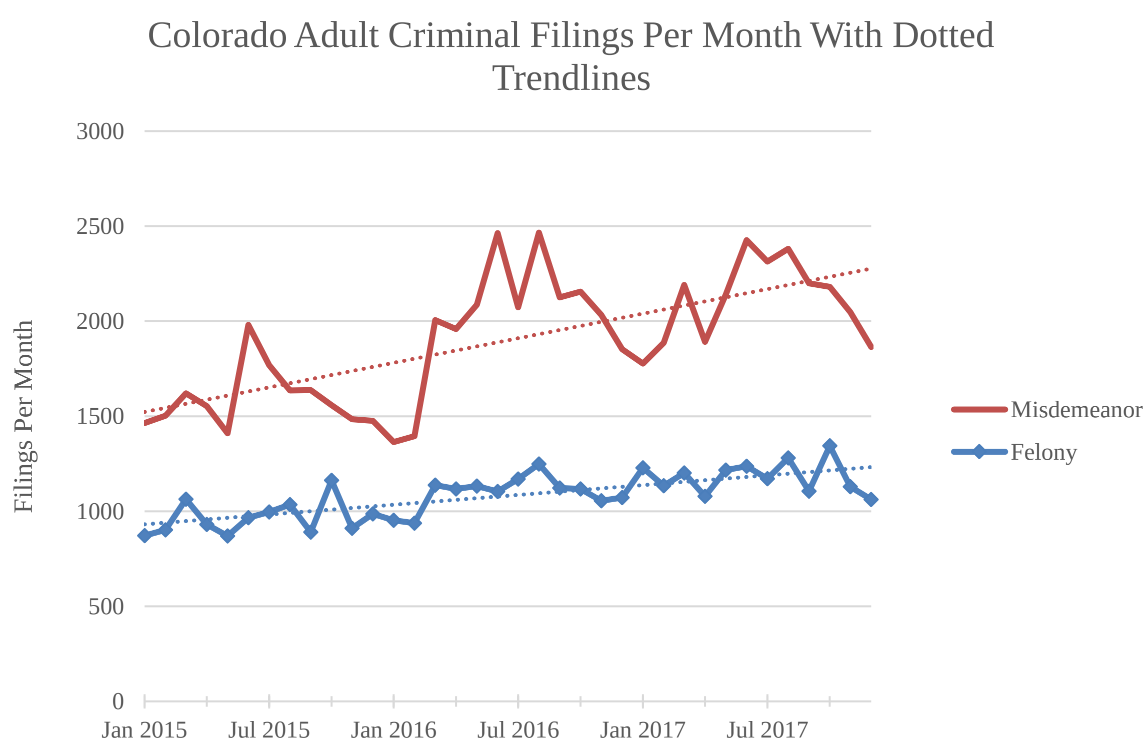
The following chart shows the growth and changing composition of the OSPD's caseload. Note that this chart shows the number of active cases in a given year, which differ from the number of closed cases used in the preceding chart.



The surge in misdemeanor cases beginning in FY 2013-14 is due to the U.S. Supreme Court's Rothgery[25] decision, which mandated the appointment of counsel at an earlier point in misdemeanor cases.

Staff has reviewed the OSPD's forecasting method and believes that it produces conservative caseload predictions that are more likely to under predict growth than to over predict. In the two most recently completed fiscal years (FY 2015-16 and FY 2016-17) the Department's caseload grew by 4.3 percent and 5.1 percent respectively. Despite this, the Office is forecasting caseload growth of 3.0% for FY 2017-18 and FY 2018-19.

The following caseload filing data from the Judicial Branch shows the number of monthly felony and misdemeanor cases that have been filed over the last three years, ending in December 2017.[26] Remember that the OSPD only represents indigent defendants, so it will not represent all of these individuals. Each month, over the last three years, there have been an average of 21.5 more misdemeanor filings and 6.2 more felony filings than there were the previous month. While it looks like filings may have taken a downward turn in the recent months, both series have a seasonal pattern that is especially evident with misdemeanors, for which the number of filings clearly decline during the winter. Hence recent declines may reflect nothing other than the time of year.

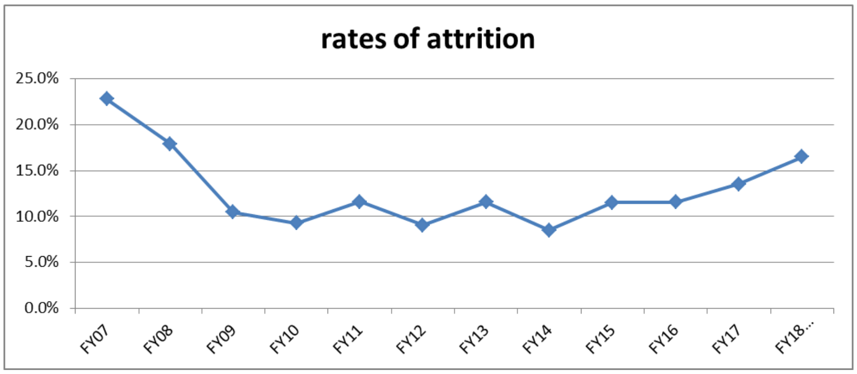


[25] Rothgery v. Gillespie County, 554 U.S. 191 (2008).
[26] Prosecutors frequently file multiple charges against an individual that reflect differing aspects of the same criminal act. When this occurs, or when multiple criminal acts are charged in the same filing only the most serious charge is counted. If the charges against an individual are subsequently amended, only the initial charge is counted. In addition the misdemeanor data does not reflect filing in Denver county court, which operates separately from other county courts and is funded by Denver.

Attrition

The OSPD's annual attorney attrition rate reached a high of 22 percent in FY 2006-07 when workloads were very high. This attrition rate subsequently dropped below 10 percent, but by FY 2016-17 has ticked back up to 13.5 percent.

Attorney	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18 projected **
rates of attrition	22.8%	17.9%	10.5%	9.3%	11.6%	9.1%	11.6%	8.5%	11.5%	11.6%	13.5%	16.5%
**	Based on first six months of FY18											



When interpreting this chart, it's helpful to remember that when the economic downturn began in 2008, there were fewer attorney jobs available elsewhere, which reduced attrition. In FY 2010-11, the Office received an additional 36.8 attorney FTE specifically to address workload, which appears to have helped to control the attrition rate. Attrition is projected to be almost twice as high in FY 2017-18 as it was in FY 2013-14.

➔ OSPD R2 IT Support, Security and Development

Request: The OSPD requests $870,620 General Fund and 4.0 FTE for FY 2018-19 (annualizing to $472,407 General Fund and 4.0 FTE in FY 2019-20) to address for the following information technology (IT) needs:

- Regional IT Support and Case Document Management System Development ($754,719 and 4.0 FTE in FY 2018-19; $356,506 and 4.0 FTE in FY 2019-20),
- Software Licensure and Hardware Replacement ($76,890 in FY 2018-19 and subsequent years)
- IT Security ($39,011 in FY 2018-19 and subsequent years).

Recommendation: **Staff recommends approving this request**.

Analysis

Regional IT Support: The Office relies heavily on IT. Examples include mandatory web applications from the Judicial Department and the Colorado District Attorney's Office for E-filing and E-discovery and video conferencing with clients from remote locations. Attorneys must deal with increasing varieties of evidence, such as body camera video, cell phone extracts, and the numerous varieties of video files from surveillance systems. Swift and accurate assistance from the IT help desk is vital for office efficiency. The OSPD currently has 9 IT staff members to support a staff of 800 FTE. Two of these FTE are assigned to the Office's help desk. The Office states that the industry standard is 1:175.

With this request the Office seeks to add two help desk FTE who will be located respectively in Pueblo and Grand Junction. They are expected to travel extensively as they support employees on the western slope and the southern portion of the state. The total cost for the two FTE is $150,713 in FY 2018-19.

Case & Document Management System: The Office's existing Case Management Database is fourteen years old. It is no longer up to the tasks that it is being asked to perform. It lacks flexibility, offers limited usability and access, is not able to adequately interact with systems such as the Judicial Department's E-filing system or the District Attorney E-discovery system, and has limited capabilities as the OSPD adapts to the new District Attorney charge codes. Over the years, IT staff have adapted the system to the Office's changing needs, but it has become increasingly difficult to do so. The Office has investigated off-the-shelf systems as an alternative to the current system, but has concluded that it would be more cost efficient to develop the system in-house. Estimates from vendors result in costs that range from $1.6 million to $2.5 million for development and maintenance over the first five years. In-house costs are under $1.4 million over the same timeframe. The office will develop the software with a combination of short-term contract staff and 2.0 hired FTE who will remain to support the system after development is complete. The Office estimates that the new database will substantially enhance efficiency.

Software Licensure, Hardware Replacement and Security: Primarily due to special bills, the OSPD received 153 new FTE over the past five years, without a corresponding budget to periodically purchase replacement software licenses or hardware. As of FY 2018-19, most of these FTE will have hardware and software that is at least four years old. For reference, the General Assembly's replacement cycle for laptops is 4 years. With this portion of the request, the Office seeks to establish a continuing source of funding for computer and software replacement on a four year cycle for those 153 employees.
To help protect staff and information, the Office also requests $24,487 to enhance security monitoring and detection and $14,524 for malware and data loss protection.

➔ OSPD R3 INTERPRETERS (MANDATED EXPENSES)

REQUEST: The OSPD requests a total of $38,702 General Fund for the increased costs of contracting with non-Spanish language interpreters. The request, which is ongoing in future years, would increase the Office's Mandated Costs appropriation.

RECOMMENDATION: **Staff recommends approving the request.**

ANALYSIS:
The Office has been experiencing a steady increase in the need for interpreters, particularly those who speak languages other than Spanish. The following table provides a history of OSPD mandated cost expenditures for interpreters of all types since FY 2011-12. Over this period, these

expenditures have risen by 27 percent. Over the same period, expenditures for non-Spanish interpreters have risen by 89 percent from $22,276 to $42,176.

OSPD Mandated Costs For All Interpreters					
Description	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17
Interpreters	126,459	128,349	147,371	164,975	160,465

Exacerbating this increase, but not showing in the above table (which ends on June 30, 2017), is the Judicial Department's 12 percent average increase in the hourly rates for certified and qualified non-Spanish interpreters, which raised hourly pay for Certified interpreters from $45 to $50 hourly and the rate for Qualified interpreters from $40 to $45 hourly.

LINE ITEM DETAIL – OFFICE OF THE STATE PUBLIC DEFENDER

Personal Services

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

Staffing Summary				
Office of the State Public Defender	16-17 Actual	17-18 Approp	18-19 Request	18-19 Recommend.
State Public Defender, General Counsel and Chief Deputies	3.5	3.0	3.0	3.0
Statewide Complex Case Management	9.1	7.0	7.0	7.0
Statewide Policy and Support		4.0	4.0	4.0
Finance/ Operations (inc. OSPD R1)	5.8	5.8	5.8	5.8
Human Resources (inc. OSPD R1)	4.0	4.0	4.0	4.0
Information Technology (inc. OSPD R2)	8.7	9.0	13.0	13.0
Training	3.8	4.0	4.0	4.0
Administrative and Executive Assistants	3.0	5.0	7.4	7.4
Total - Central Office	**37.9**	**41.8**	**48.2**	**48.2**
Appellate Attorneys	41.8	46.3	46.3	46.3
Office Head	1.0	1.0	1.0	1.0
Investigators/ Legal Assistants	7.4	9.0	9.0	9.0
Administrative Support Staff	5.8	7.0	7.0	7.0
Office Manager	1.0	1.0	1.0	1.0
Total - Appellate Office	**57.0**	**64.3**	**64.3**	**64.3**
Trial Attorneys (inc. OSPD R1)	403.2	417.9	452.1	452.1
Office Heads	20.6	21.0	21.0	21.0
Investigators/ Legal Assistants (inc. OSPD R1)	129.9	142.0	153.3	153.3
Social Workers	7.9	9.0	9.0	9.0
Administrative Support Staff (inc. OSPD R1)	83.3	92.1	100.6	100.6
Office Managers	21.0	21.0	21.0	21.0
Total - Regional Trial Offices	**665.9**	**703.0**	**757.0**	**757.0**
Total	**760.8**	**809.1**	**869.5**	**869.5**

Table excludes FTE supported by grants.

Statutory Authority: Section 21-1-101 et seq., C.R.S.

Request: The OSPD requests $67,258,601 General Fund and 869.5 FTE. The request includes OSPD R1 Workload and Caseload Increases and OSPD R2 IT Support, Security, and Development, which are discussed at the beginning of this division.

RECOMMENDATION: **Staff recommends approval of this request**.

OFFICE OF THE STATE PUBLIC DEFENDER, PERSONAL SERVICES	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$62,188,595	$62,188,595	809.1
TOTAL	**$62,188,595**	**$62,188,595**	**809.1**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$62,188,595	$62,188,595	809.1
OSPD R1 Workload and Caseload Increases	2,752,678	2,752,678	56.4
Annualize Prior Year Budget Actions	1,588,021	1,588,021	0.0
OSPD R2 IT Support, Security, and Development	729,307	729,307	4.0
TOTAL	**$67,258,601**	**$67,258,601**	**869.5**
INCREASE/(DECREASE)	**$5,070,006**	**$5,070,006**	**60.4**
Percentage Change	8.2%	8.2%	7.5%
FY 2018-19 EXECUTIVE REQUEST	**$67,258,601**	**$67,258,601**	**869.5**
Request Above/(Below) Recommendation	$0	$0	(0.0)

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OSPD employees.

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

REQUEST: The OSPD requests an appropriation of $7,657,623 General Fund.

RECOMMENDATION: **Staff recommends appropriating $7,657,623 General Fund**, which is consistent with Committee common policy.

SHORT-TERM DISABILITY

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

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

REQUEST: The OSPD requests $102,322 General Fund.

RECOMMENDATION: **Staff recommends appropriating $102,322 General Fund**, which is consistent with Committee common policy.

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

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OSPD staff.

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

REQUEST: The OSPD requests $3,009,481General Fund.

RECOMMENDATION: **Staff recommends appropriating $3,009,481 General Fund**, which is consistent with Committee common policy.

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

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

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

REQUEST: The OSPD requests $3,009,481 General Fund based on applying a rate of 5.0 percent.

RECOMMENDATION: **Staff recommends appropriating $3,009,481 General Fund, which is consistent with Committee common policy.**

SALARY SURVEY

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

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

REQUEST: The OSPD requests $1,876,280 General Fund for a 3.0 percent salary increases for all Branch employees.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item.

MERIT PAY

The OSPD uses this line item to pay for performance-related pay increases.

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

REQUEST: The OSPD requests no appropriation for merit pay increases.

RECOMMENDATION: **Staff's recommendation is** pending the Committee's common policy for this line item.

OPERATING EXPENSES

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

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

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

REQUEST: The OSPD requests a total of $1,832,513, including $1,802,513 General Fund and $30,000 cash funds from training fees. The request includes OSPD R1 Workload and Caseload Increases and OSPD R2 IT Support, Security, and Development.

RECOMMENDATION: **Staff recommends appropriating $1,832,513, including $1,802,513 General Fund and $30,000 cash fund**.

OFFICE OF THE STATE PUBLIC DEFENDER, OPERATING EXPENSES				
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
FY 2017-18 APPROPRIATION				
SB 17-254 (Long Bill)	$1,776,295	$1,746,295	$30,000	0.0
TOTAL	**$1,776,295**	**$1,746,295**	**$30,000**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION				
FY 2017-18 Appropriation	$1,776,295	$1,746,295	$30,000	0.0
OSPD R1 Workload and Caseload Increases	56,050	56,050	0	0.0
OSPD R2 IT Support, Security, and Development	6,600	6,600	0	0.0
Annualize Prior Year Budget Actions	(6,432)	(6,432)	0	0.0
TOTAL	**$1,832,513**	**$1,802,513**	**$30,000**	**0.0**
INCREASE/(DECREASE)	**$56,218**	**$56,218**	**$0**	**0.0**
Percentage Change	3.2%	3.2%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$1,832,513**	**$1,802,513**	**$30,000**	**0.0**
Request Above/(Below) Recommendation	$0	$0	$0	0.0

VEHICLE LEASE PAYMENTS

This line item provides funding for annual payments to the Department of Personnel and Administration for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles. The FY 2017-18 appropriation covers costs associated with 26 existing vehicles and 4 new vehicles that are expected to be delivered in March. The added vehicles were approved by the Committee during figure setting a year ago. The OSPD reimburses employees for mileage when using their own vehicles to conduct official business. The vehicles are used: by regional office staff for daily business (e.g., driving to a courthouse, visiting clients in jail, interviewing witnesses, etc.); by an investigator who does not have a physical office and whose responsibilities require him to drive statewide throughout the year; and by staff in the central administrative office for statewide support functions (e.g., information technology, audit, facility review, inventory).

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

REQUEST: The OSPD requests $125,428 General Fund.

RECOMMENDATION: **The staff recommendation for this line item is pending** the Committee's common policy for vehicle lease payments.

CAPITAL OUTLAY

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

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

REQUEST: The OSPD requests $ 296,289 General Fund. This line item is impacted by OSPD R1, Workload and Caseload Increases, and OSPD R2, IT Support, Security, and Development which are discussed at the beginning of this division.

RECOMMENDATION: **Staff recommends appropriating $296,289 General Fund**.

OFFICE OF THE STATE PUBLIC DEFENDER, CAPITAL OUTLAY	Total Funds	General Fund	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$118,775	$118,775	0.0
TOTAL	**$118,775**	**$118,775**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$118,775	$118,775	0.0
OSPD R1 Workload and Caseload Increases	277,477	277,477	0.0
OSPD R2 IT Support, Security, and Development	18,812	18,812	0.0
Annualize Prior Year Budget Actions	(118,775)	(118,775)	0.0
TOTAL	**$296,289**	**$296,289**	**0.0**
INCREASE/(DECREASE)	**$177,514**	**$177,514**	**0.0**
Percentage Change	149.5%	149.5%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$296,289**	**$296,289**	**0.0**
Request Above/(Below) Recommendation	$0	$0	0.0

LEASED SPACE/ UTILITIES

This line item currently funds a full 12 months of lease payments for leased space in 22 locations statewide. This line item covers all OSPD leases except those associated with the OSPD's central administrative and appellate offices, which are located at the Ralph L. Carr Colorado Judicial Center. All Carr Center leased space costs for judicial agencies are included in the line item appropriation in the Courts Administration section of the budget.

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

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

REQUEST: The OSPD requests $6,966,417 General Fund.

RECOMMENDATION: **Staff recommends approval of the OSPD's request.**

AUTOMATION PLAN

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

- Phone systems;
- Data circuits for electronic data transmission;
- Multifunction scanner/copier/fax/printers;
- Desktop computers, laptop/tablet computers, docking stations, and screens;
- Software licenses (includes Adobe Professional and specialized courtroom and case analysis software);
- Servers and network equipment (routers, switches, racks, etc.); and
- Presentation, analysis, and recording equipment (cameras, projectors, digital voice recorders, etc.).

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

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

REQUEST: The OSPD requests $1,580,023 General Fund. This line item is impacted by OSPD R2 IT Support, Security, and Development, which is discussed at the beginning of this division.

RECOMMENDATION: **Staff recommends approving the request**.

Office Of The State Public Defender, Automation Plan	Total Funds	General Fund	FTE
FY 2017-18 Appropriation			
SB 17-254 (Long Bill)	$1,580,023	$1,580,023	0.0
TOTAL	**$1,580,023**	**$1,580,023**	**0.0**
FY 2018-19 Recommended Appropriation			
FY 2017-18 Appropriation	$1,580,023	$1,580,023	0.0
OSPD R2 IT Support, Security, and Development	115,901	115,901	0.0
Annualize Prior Year Budget Actions	(116,246)	(116,246)	0.0
TOTAL	**$1,579,678**	**$1,579,678**	**0.0**
INCREASE/(DECREASE)	**($345)**	**($345)**	**0.0**
Percentage Change	(0.0%)	(0.0%)	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$1,579,678**	**$1,579,678**	**0.0**
Request Above/(Below) Recommendation	$0	$0	0.0

Attorney Registration

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

Statutory Authority: Section 21-1-101 et seq., C.R.S.

Request: The OSPD requests $146,944.

Recommendation: **Staff recommend appropriating $146,944 General Fund**.

Contract Services

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

Statutory Authority: Section 21-1-101 et seq., C.R.S.

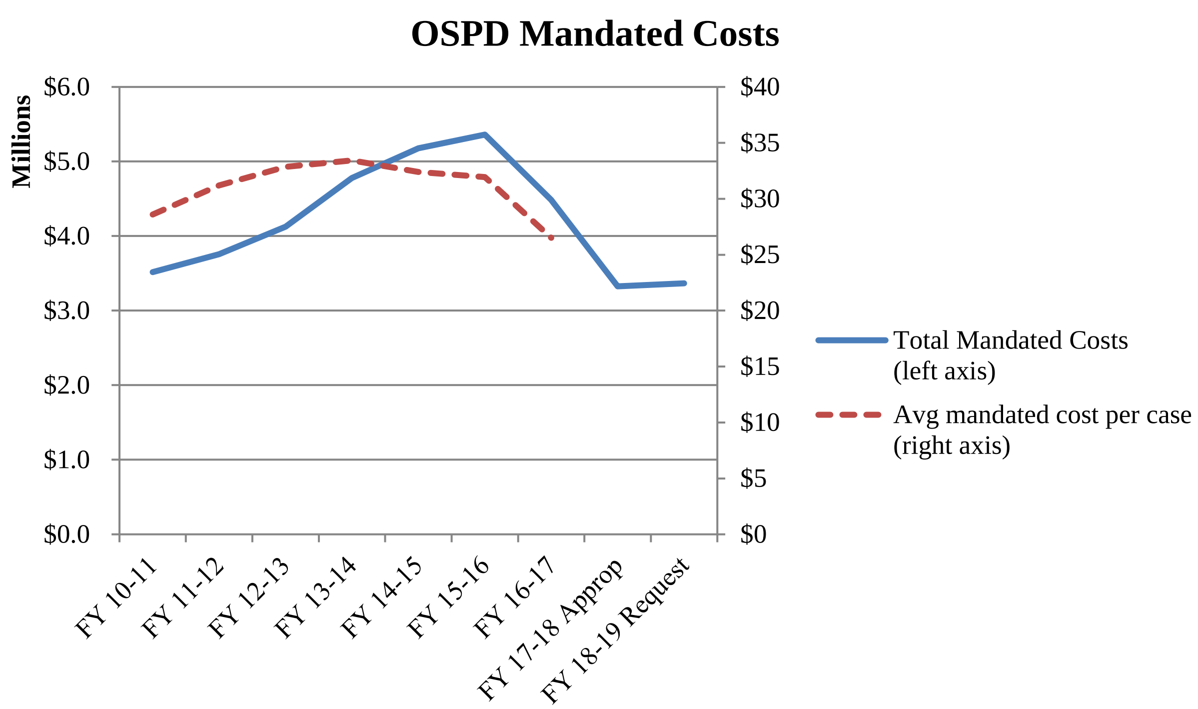
Request: The OSPD requests a continuation level of funding ($49,395 General Fund).

Recommendation: **Staff recommends approving the request**.

Mandated Costs

This is one of several line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OSPD, these costs primarily include reimbursing district attorney offices for duplicating discoverable materials and obtaining transcripts. The OSPD also incurs costs for expert witnesses, interpreter services (for activities outside the courtroom), and travel (both for witnesses and for public defender staff to conduct out-of-state investigations). The following table and chart provide a history of OSPD mandated cost expenditures since FY 2010-11 and the FY 17-18 appropriation. Note the sharp decline in recent years due to E-Discovery.

OSPD Mandated Costs								
Description	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18 Approp
Transcripts	$1,343,846	$1,408,864	$1,320,864	$1,416,697	$1,556,613	$1,659,337	$1,662,968	
Discovery	1,514,957	1,623,452	1,751,829	1,932,652	2,103,438	2,299,822	1,317,912	
Experts	474,661	485,145	785,941	1,054,820	1,209,391	1,010,174	1,076,575	
Travel	74,700	65,471	119,749	214,709	142,972	195,280	232,183	
Interpreters	93,239	117,828	126,459	128,349	147,371	164,975	160,465	
Misc.	14,976	57,871	21,646	30,660	17,931	31,003	36,139	
Total	**$3,516,379**	**$3,758,631**	**$4,126,488**	**$4,777,888**	**$5,177,716**	**$5,360,590**	**$4,486,242**	**$3,325,959**
Annual % change	*13.7%*	*6.9%*	*9.8%*	*15.8%*	*8.4%*	*3.5%*	*-16.3%*	
Active cases	122,949	120,498	125,606	142,907	159,814	167,814	175,873	
Avg mandated cost per case	$28.60	$31.19	$32.85	$33.43	$32.40	$31.94	$26.51	
Annual % change	*11.7%*	*9.1%*	*5.3%*	*1.8%*	*-3.1%*	*-1.4%*	*-20.1%*	



Statutory Authority: Section 21-1-101 et seq., C.R.S.

Request: OSPD requests $3,364,661 General Fund. The increase relative to the FY 2017-18 appropriation reflects OSPD R3 Interpreters.

Recommendation: **Staff recommends approval of this request.**

Office Of The State Public Defender, Mandated Costs

	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$3,325,959	$3,325,959	0.0
TOTAL	**$3,325,959**	**$3,325,959**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$3,325,959	$3,325,959	0.0
OSPD R3 Interpreters	38,702	38,702	0.0
TOTAL	**$3,364,661**	**$3,364,661**	**0.0**
INCREASE/(DECREASE)	**$38,702**	**$38,702**	**0.0**
Percentage Change	1.2%	1.2%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$3,364,661**	**$3,364,661**	**0.0**
Request Above/(Below) Recommendation	$0	$0	0.0

GRANTS

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

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

REQUEST: The OSPD requests an additional $55,000 of cash funds spending authority, reflecting an additional grant that it hopes to receive. The grant is from the City and County of Denver and is to provide representation in a new criminal courtroom that Denver is opening. The grant ends on June 30, 2019.

RECOMMENDATION: **Staff recommends approving the request**.

OFFICE OF THE STATE PUBLIC DEFENDER, GRANTS				
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
FY 2017-18 APPROPRIATION				
SB 17-254 (Long Bill)	$120,000	$0	$120,000	2.0
TOTAL	**$120,000**	**$0**	**$120,000**	**2.0**
FY 2018-19 RECOMMENDED APPROPRIATION				
FY 2017-18 Appropriation	$120,000	$0	$120,000	2.0
OSPD NP-BA1 Additional Grants	55,000	0	55,000	0.3
TOTAL	**$175,000**		**$175,000**	**2.3**
INCREASE/(DECREASE)	**$55,000**	**$0**	**$55,000**	**0.3**
Percentage Change	45.8%	0.0%	45.8%	15.0%
FY 2018-19 EXECUTIVE REQUEST	**$175,000**	**$0**	**$175,000**	**2.3**
Request Above/(Below) Recommendation	$0		$0	(0.0)

(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL

The Office of the Alternate Defense Counsel (OADC) provides legal representation for indigent defendants in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) is precluded from doing so because of an ethical conflict of interest[27]. Common types of conflicts include cases in which the OSPD represents co-defendants or represents both a witness and a defendant in the same case. Section 21-2-103, C.R.S., specifically states that case overload, lack of resources, and other similar circumstances shall not constitute a conflict of interest.

The OADC provides legal representation by contracting with licensed attorneys and investigators. Such contracts must provide for reasonable compensation (based on either a fixed fee or hourly rates) and reimbursement for expenses necessarily incurred (e.g., expert witnesses, investigators, legal assistants, and interpreters). The OADC is to establish a list of qualified attorneys for use by the court in making appointments in conflict cases[28].

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

The OADC is an independent agency within the Judicial Branch that employs 12.0 FTE. The OADC's office is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the OADC, including: fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. With the exception of a small amount of cash funds from training registration fees and DVD sales, the OADC is supported by General Fund appropriations.

Office Of The Alternate Defense Counsel	Total Funds	General Fund	Cash Funds	FTE
FY 2017-18 Appropriation				
HB 18-1163 Judicial Suppl Bill	$3,655,200	$3,655,200	$0	0.0
SB 17-254 (Long Bill)	31,738,129	31,658,129	80,000	12.0
TOTAL	**$35,393,329**	**$35,313,329**	**$80,000**	**12.0**
FY 2018-19 Recommended Appropriation				
FY 2017-18 Appropriation	$35,393,329	$35,313,329	$80,000	12.0
OADC R1 Caseload Increase	4,092,301	4,092,301	0	0.0

[27] See Section 21-2-101 *et seq.*, C.R.S.

[28] The court has judicial discretion to appoint a private attorney who is not on the approved OADC list. However, the OADC is not required to pay for such representation.

Office Of The Alternate Defense Counsel	Total Funds	General Fund	Cash Funds	FTE
OADC R2 Administrative Support	49,981	49,981	0	1.0
OADC R3 Contractor rate increase	0	0	0	0.0
Centrally Appropriated Line Items	56,245	56,245	0	0.0
Annualize Prior Year Budget Actions	0	0	0	0.0
TOTAL	**$39,591,856**	**$39,511,856**	**$80,000**	**13.0**
INCREASE/(DECREASE)	**$4,198,527**	**$4,198,527**	**$0**	**1.0**
Percentage Change	11.9%	11.9%	0.0%	8.3%
FY 2018-19 EXECUTIVE REQUEST	**$41,928,147**	**$41,848,147**	**$80,000**	**13.0**
Request Above/(Below) Recommendation	$2,336,291	$2,336,291	$0	0.0

DECISION ITEMS – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

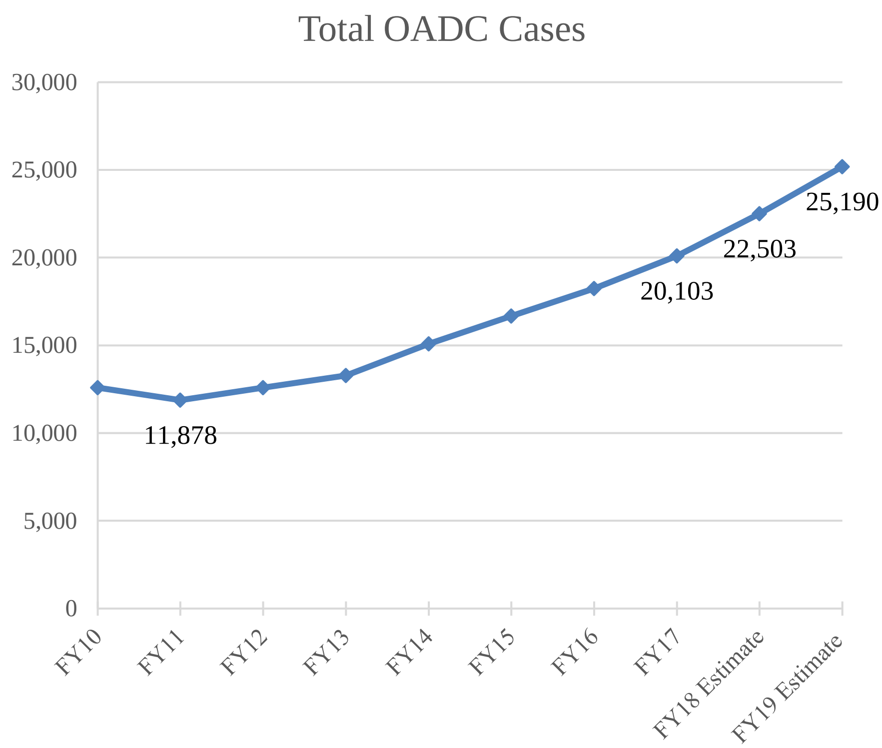
➔ OADC R1 OADC CASELOAD INCREASE

REQUEST: The Office of the Alternate Defense Counsel (OADC) requests $4,092,301 General Fund to cover the cost of the increasing number of cases requiring an OADC contract attorney to provide legal representation for indigent criminal defendants and juveniles. Of this request, $3,814,119 is for the *Conflict-of-interest Contracts* appropriation and $278,182 is for the *Mandated Costs* appropriation.

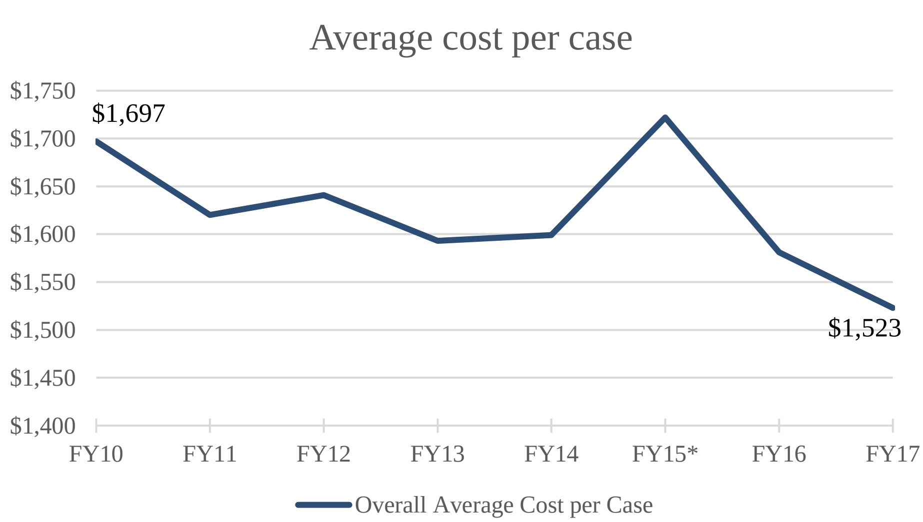
RECOMMENDATION: **Staff recommends approval of this request based on the increase of OADC caseload that has been occurring.** The Committee approved a supplemental in January that also addressed the increase.

ANALYSIS: The following chart shows the increase of the total number of OADC cases in recent years. Between FY 2010-11 and FY 2016-17, caseload grew 69.2 percent, which corresponds to an average growth rate of 9.2 percent per year.

To forecast caseload for FY 2017-18, the Office started with the cumulative number of cases from July through December of 2017. It then utilized actual caseload data from FY 2014-15 through FY 2016-17 to calculate the average monthly increase in cases for January through June of those fiscal years. Those monthly average increases were used to estimate the caseload for the remaining six months of FY 2017-18 and for FY 2018-19. The Office turned projected caseload increase into a dollar increase by multiplying it by the actual average cost per case for FY 2016-17, which equaled $1,523.



As the next chart shows, average cost per case has been trending downward, with a jump in FY 2015-16 due to an 8 percent increase in the rate paid to attorneys. This means that increases of the appropriation to the OADC in recent years have generally not been due to increasing average cost per case.



➔ OADC R2 Administrative support

Request: The OADC requests $79,981 General Fund and 1.0 FTE to add an Administrative Specialist III to its staff.

RECOMMENDATION: Staff recommends an appropriation of $49,981 General Fund and 1.0 FTE to add an Administrative Specialist III to the OADC staff. The OADC has been hiring part time temporary contractors to perform some of the work that the requested new employee will perform and the approximately $30,000 that they have paid to those temporaries can be used to pay part of the new employee's salary.

ANALYSIS: This request is a consequence of the continuing increase of OADC caseload. The Office states that as its caseload has increased, the workload has increased in nearly every facet of the agency and much of that increase has fallen on administrative staff. As caseload rose 69 percent between FY 2010-11 and FY 2016-17, the number of transactions processed by staff rose 83 percent. As the number of contractors and cases continues to increase, other staff need more assistance with administrative and clerical tasks. Additional administrative support is also needed to assist in providing information to contractors and coordinating day-to-day operations such as contract renewals, contractor applications, auditing Westlaw, Data Access, and Colorado Courts E-Filing. The OADC adds that the increased number of cases has also increased the number of appointments needing review and approval. The individual who currently does this cannot keep up with the volume of cases. An Administrative Specialist III would also assist with the Agency's appointment process which saw 15,486 new cases last year, an increase of 1,482 or 10.58% from the previous fiscal year. Training sessions for contractors are an integral part of OADC activities and conducting a training session requires significant administrative assistance; the Agency is not able to do this with its current staffing.

➔ OADC R3 CONTRACTOR RATE INCREASE

REQUEST: **The OADC requests that the hourly rate for contract attorneys be increased from $75 to $80 at a total cost of $2,306,291.**

RECOMMENDATION: **Staff recommends that this request not be approved.** For further analysis see the section of this document titled "Rate increases for OADC, OCR, ORPC" in the portion of this document titled "Decision Items Affecting Multiple Divisions".

LINE ITEM DETAIL – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

PERSONAL SERVICES

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

Staffing Summary					
Office of the Alternate Defense Counsel	15-16 Actual	16-17 Actual	17-18 Actual	18-19 Request	18-19 Recommend
Alternate Defense Counsel (Director of Office)	1.0	1.0	1.0	1.0	1.0
Deputy Director	1.0	1.0	1.0	1.0	1.0
Attorney Oversight/ Training	1.0	1.0	1.0	1.0	1.0
Legal Resource and Technology Coordinator	1.0	1.0	1.0	1.0	1.0
Juvenile Law Coordinator	1.0	1.0	1.0	1.0	1.0
Budget Manager/ Controller/ Accountant	2.0	2.0	2.0	2.0	2.0

Staffing Summary					
Office of the Alternate Defense Counsel	15-16 Actual	16-17 Actual	17-18 Actual	18-19 Request	18-19 Recommend
Social Worker Coordinator	0.0	1.0	1.0	1.0	1.0
Appellate Post-conviction Coordinator	1.0	1.0	1.0	1.0	1.0
Billing/ Administrative Support	2.9	3.0	3.0	4.0	4.0
Total	**10.9**	**12.0**	**12.0**	**13.0**	**13.0**

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests $1,404,459 General Fund and 13.0 FTE. The request includes an increase of $55,368 General Fund for OADC R2 Administrative Support.

RECOMMENDATION: **Staff recommends appropriating $1,374,459 General Fund and 13.0 FTE.** Staff also requests permission to adjust this line item, if necessary, to maintain the alignment of the salary for the Alternate Defense Counsel with that of a district court judge.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, PERSONAL SERVICES			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$1,220,657	$1,220,657	12.0
TOTAL	**$1,220,657**	**$1,220,657**	**12.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$1,220,657	$1,220,657	12.0
Annualize Prior Year Budget Actions	128,434	128,434	0.0
OADC R2 Administrative Support	25,368	25,368	1.0
TOTAL	**$1,374,459**	**$1,374,459**	**13.0**
INCREASE/(DECREASE)	**$153,802**	**$153,802**	**1.0**
Percentage Change	12.6%	12.6%	8.3%
FY 2018-19 EXECUTIVE REQUEST	**$1,404,459**	**$1,404,459**	**13.0**
Request Above/(Below) Recommendation	$30,000	$30,000	0.0

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OADC staff.

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

REQUEST: The OADC requests $185,370 General Fund.

RECOMMENDATION: **Staff recommends appropriating $185,370 General Fund,** consistent with Committee policy with respect to employer contribution rates. This includes funding for OADC R2 Administrative Support.

SHORT-TERM DISABILITY

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

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

REQUEST: The OADC requests $2,195 General Fund based on applying a rate of 0.17 percent.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay. Staff's recommendation will include OADC R2 Administrative Support.

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

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OADC staff.

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

REQUEST: The OADC requests $64,513 General Fund based on applying a rate of 5.0 percent.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay. Staff's recommendation will include OADC R2 Administrative Support.

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

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

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

REQUEST: The OADC requests $64,513 General Fund based on applying a rate of 5.0 percent.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay. Staff's recommendation will include OADC R2 Administrative Support.

SALARY SURVEY

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

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

REQUEST: The OADC requests $40,141 General Fund for salary increases for FY 2018-19.

RECOMMENDATION: **Staff's recommendation for this line item is pending the Committee's common policy for Salary Survey.** In addition, staff requests permission to adjust this line item to maintain the alignment of the salary for the Executive Director with that of a District Court Judge.

MERIT PAY

The OADC uses this line item to pay for longevity or performance-related pay increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104 (1) (c), C.R.S.

REQUEST: The OADC requests $0 General Fund for merit pay increases.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item.

OPERATING EXPENSES

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

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests $113,197 General Fund, which reflects the impact of OADC R2 Administrative Support.

RECOMMENDATION: **Staff recommends appropriating $113,197 General Fund,** which includes $2,180 for OADC R2 Administrative Support.

CAPITAL OUTLAY

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

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests $3,473 General Fund, which includes $3,473 for OADC R2 Administrative Support.

RECOMMENDATION: **Staff recommends approving the request**.

TRAINING AND CONFERENCES

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

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests a continuation appropriation of $100,000, including $20,000 General Fund and $80,000 cash funds. The source of cash funds is registration fees and DVD sales.

RECOMMENDATION: **Staff recommends approving the request** to allow the OADC to meet the training needs of contractors.

CONFLICT OF INTEREST CONTRACTS

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

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests $37,391,362 General Fund, which includes $3,814,119 for OADC R1 Caseload Increase and $2,306,291 for OADC R3 Contractor rate increase.

RECOMMENDATION: **Staff recommends an appropriation of $35,085,071**, which excludes the $2,306,291 for OADC R3 Contractor rate increase requested by the Office.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, CONFLICT-OF-INTEREST CONTRACTS			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$27,864,221	$27,864,221	0.0
HB 18-1163 Judicial Suppl Bill	$3,406,731	$3,406,731	0.0
TOTAL	**$31,270,952**	**$31,270,952**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$31,270,952	$31,270,952	0.0
OADC R1 Caseload Increase	3,814,119	3,814,119	0.0
OADC R3 Contractor rate increase	0	0	0.0
TOTAL	**$35,085,071**	**$35,085,071**	**0.0**
INCREASE/(DECREASE)	**$3,814,119**	**$3,814,119**	**0.0**
Percentage Change	12.2%	12.2%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$37,391,362**	**$37,391,362**	**0.0**
Request Above/(Below) Recommendation	$2,306,291	$2,306,291	0.0

MANDATED COSTS

This is one of several line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OADC, these costs include the following:

- expert witnesses;
- reimbursement of district attorney offices for discovery costs/ electronic replication grand jury proceedings;
- transcripts;
- interpreters - out of court;
- PERA contributions for contractors with PERA benefits; and
- expert witness travel reimbursement.

The following table provides a history of OADC mandated cost expenditures since FY 2009-10.

OADC - Mandated Costs								
	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17
Transcripts	$377,435	$307,472	$290,268	$305,227	$343,090	$424,992	$396,190	$474,701
Discovery*	635,061	599,872	626,180	648,392	729,605	778,445	720,954	387,284
Experts	415,134	443,237	476,272	691,889	757,738	978,372	972,940	1,118,823
Travel	28,488	39,618	37,927	67,216	68,969	10,518	24,242	58,284
Interpreters	42,219	24,842	29,364	21,058	25,886	23,339	28,562	23,077
Misc.	15,245	14,833	9,934	30,820	12,994	23,036	55,417	78,712
OADC Total	**$1,513,582**	**$1,429,874**	**$1,469,945**	**$1,764,602**	**$1,938,282**	**$2,238,702**	**$2,198,305**	**$2,140,881**
Annual Percent Change	*-4.80%*	*-5.50%*	*2.80%*	*20.00%*	*9.80%*	*15.50%*	*-1.80%*	*-2.61%*

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests $2,558,924 General Fund.

RECOMMENDATION: **Staff recommends appropriating approval of this request**.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL, MANDATED COSTS			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$2,032,273	$2,032,273	0.0
HB 18-1163 Judicial Suppl Bill	$248,469	$248,469	0.0
TOTAL	**$2,280,742**	**$2,280,742**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			

Office Of The Alternate Defense Counsel, Mandated Costs			
	Total Funds	General Fund	FTE
FY 2017-18 Appropriation	$2,280,742	$2,280,742	0.0
OADC R1 Caseload Increase	278,182	278,182	0.0
TOTAL	**$2,558,924**	**$2,558,924**	**0.0**
INCREASE/(DECREASE)	**$278,182**	**$278,182**	**0.0**
Percentage Change	12.2%	12.2%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$2,558,924**	**$2,558,924**	**0.0**
Request Above/(Below) Recommendation	$0	$0	0.0

(7) OFFICE OF THE CHILD'S REPRESENTATIVE

The Office of the Child's Representative (OCR) is responsible for "ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings in Colorado"[29]. The OCR's responsibility to enhance the legal representation of children includes:

- enhancing the provision of services by attorneys who are appointed by the court to act in the best interests of the child involved in certain proceedings (known as *guardians ad-litem* or GALs);
- enhancing the provision of services by attorneys appointed to serve as a *child's legal representative* in matters involving parental responsibility when the parties are found to be indigent; and
- enhancing the *court-appointed special advocate* (CASA) program in Colorado.

The OCR provides legal representation for children involved in the court system due to dependency and neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters[30]. The OCR was established as an agency of the Judicial Department by the General Assembly, effective July 1, 2000. Previously, these services were provided by the Judicial Department and supported by appropriations for trial courts and mandated costs.

In most judicial districts, OCR provides legal representation through contract attorneys. The OCR is required to maintain and provide to the courts, on an ongoing basis, a list of qualified attorneys to whom appointments may be given. In the 4th Judicial District (El Paso county only), the OCR employs attorneys and other staff to provide services through a centralized office rather than through contracted services. This office was established in response to S.B. 99-215, which directed the Judicial Department to pilot alternative methods of providing GAL services.

In addition, since January 2011 the OCR has contracted with three multi-disciplinary law offices in Denver and Arapahoe counties. These offices were awarded contracts following a request for proposal process. Two of these offices provide GAL services in new dependency and neglect (D&N) cases in all three divisions of Denver's Juvenile Court, and the remaining office provides GAL services in new D&N cases and juvenile delinquency cases in Arapahoe County. The OCR keeps a limited number of independent contractors in Denver and Arapahoe counties (as they do in El Paso) to handle any conflict cases and cases as necessary when the primary attorneys reach their caseload maximums.

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[29] See Section 13-91-104 (1), C.R.S.

[30] Pursuant to Section 19-1-111, C.R.S., the court is <u>required</u> to appoint a GAL for a child in all dependency and neglect cases (including a child who is a victim of abuse or neglect, or who is affected by an adoption proceeding or paternity action), and the court <u>may</u> appoint a GAL for a child involved in: (a) a delinquency proceeding (if no parent appears at hearings, the court finds a conflict of interest exists between the child and the parent, or the court finds it in the best interests of the child); and (b) truancy proceedings. The court <u>may</u> appoint a GAL for a minor involved in certain probate or trust matters, mental health proceedings, or an involuntary commitment due to alcohol or drug abuse, or for a pregnant minor who elects not to allow parental notification concerning an abortion (see Chief Justice Directive 04-06). Finally, the court <u>may</u> appoint an attorney to serve as a child's legal representative in a domestic relations proceeding that involves allocation of parental responsibilities [Section 14-10-116 (1), C.R.S.].

The OCR is governed by the Child's Representative Board, which is comprised of nine members appointed by the Colorado Supreme Court. Board members serve on a voluntary basis and receive no compensation for their time. The Board appoints the OCR Director, provides fiscal oversight, participates in funding decisions related to the provision of OCR services, and assists with OCR training for GALs and court-appointed special advocates (CASAs). The Board currently meets every other month. The Director's compensation is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment. The OCR is supported entirely by General Fund appropriations.

The OCR is an independent agency within the Judicial Branch that employs 29.1 FTE. The OCR's central administrative office is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the OCR, including: fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. With the exception of a small amount of federal grant funding that is transferred from the Department of Human Services, the OCR is supported entirely by General Fund appropriations.

Office Of The Child's Representative				
	Total Funds	General Fund	Reappropriated Funds	FTE
FY 2017-18 Appropriation				
SB 17-254 (Long Bill)	$26,976,491	$26,949,582	$26,909	29.5
TOTAL	**$26,976,491**	**$26,949,582**	**$26,909**	**29.5**
FY 2018-19 Recommended Appropriation				
FY 2017-18 Appropriation	$26,976,491	$26,949,582	$26,909	29.5
OCR R1 Caseload/Workload adjustment	(612,421)	(612,421)	0	0.0
OCR R2 Court-appointed counsel rate increases	0	0	0	0.0
OCR R3 Information Systems Manager Reclassification	18,889	18,889	0	0.0
OCR R4 Social Services Professional Coordinator	0	0	0	0.0
OCR R5 Reclassify staff positions	49,538	49,538	0	0.0
OCR R6 Increase administrative assistant position to full-time	20,896	20,896	0	0.5
OCR R7 Align common compensation plan positions	5,350	5,350	0	0.0
Centrally Appropriated Line Items	133,427	133,427	0	0.0
Annualize Prior Year Budget Actions	(832,864)	(832,864)	0	0.0
TOTAL	**$25,759,306**	**$25,732,397**	**$26,909**	**30.0**
INCREASE/(DECREASE)	**($1,217,185)**	**($1,217,185)**	**$0**	**0.5**
Percentage Change	(4.5%)	(4.5%)	0.0%	1.7%
FY 2018-19 EXECUTIVE REQUEST	**$27,753,121**	**$27,726,212**	**$26,909**	**31.0**
Request Above/(Below) Recommendation	$1,993,815	$1,993,815	$0	1.0

DECISION ITEMS – OFFICE OF THE CHILD'S REPRESENTATIVE

➔ OCR R1 Workload and caseload adjustment

Request: The OCR requests a decrease of $612,421 General Fund to align its Court-Appointed Counsel (CAC) appropriation with its projected workload and caseload.

RECOMMENDATION: **Staff recommends approving the request**.

ANALYSIS:
The OCR is responsible for "ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings in Colorado"[31]. The OCR provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters[32].

The OCR's most recent caseload and expenditure projections are based on extrapolations of actual caseload and expenditures in FY 2016-17 and earlier year. The following three tables provides a recent history for each case type of the number of court appointments, the associated expenditures, and the average cost per case. Each table also includes OCR's projections for FY 2017-18 and FY 2018-19.

OCR Court-appointed Counsel TABLE 1: Annual Number of Appointments Paid							
CASE TYPE	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18 PROJECTED	FY 18-19 PROJECTED
Dependency & Neglect	7,890	7,750	7,347	7,814	7,904	9,313	8,159
Domestic Relations	631	575	540	500	243	222	243
Juvenile Delinquency	4,118	4,783	5,241	5,458	5,492	5,513	5,558
Paternity	187	213	199	239	251	249	277
Probate	62	55	75	126	140	167	173
Truancy	697	856	995	1,076	922	912	922
All Other Case Types	193	239	256	257	341	171	600
Total	**13,778**	**14,471**	**14,653**	**15,470**	**15,293**	**16,547**	**15,932**
annual percent change	*6.10%*	*5.00%*	*1.30%*	*5.60%*	*-1.14%*	*8.20%*	*-3.72%*

OCR Court-appointed Counsel TABLE 2: Average Cost Per Case, by Type							
Case Type	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18 PROJECTED	FY 18-19 PROJECTED
Dependency & Neglect	$1,627	$1,811	$2,008	$1,881	$2,031	$1,840	$2,031
Domestic Relations	759	670	875	683	817	714	817
Juvenile Delinquency	533	535	582	558	569	633	569
Paternity	674	653	713	789	926	900	926
Probate	496	714	873	775	737	660	737
Truancy	316	342	323	277	269	365	269
All Other Case Types	679	722	774	811	851	1381	851
Total	**$1,162**	**$1,218**	**$1,297**	**$1,220**	**$1324**	**$1311**	**$1323**
annual percent change	*2.10%*	*4.80%*	*6.50%*	*-5.90%*	*8.6%*	*-1.0%*	*0.9%*

[31] See Section 13-91-104 (1), C.R.S.

[32] Pursuant to Section 19-1-111, C.R.S., the court is required to appoint a guardian ad litem (GAL) for a child in all dependency and neglect cases (including a child who is a victim of abuse or neglect, or who is affected by an adoption proceeding or paternity action), and the court may appoint a GAL for a child involved in: (a) a delinquency proceeding (if no parent appears at hearings, the court finds a conflict of interest exists between the child and the parent, or the court finds it in the best interests of the child); and (b) truancy proceedings. The court may appoint a GAL for a minor involved in certain probate or trust matters, mental health proceedings, or an involuntary commitment due to alcohol or drug abuse, or for a pregnant minor who elects not to allow parental notification concerning an abortion (see Chief Justice Directive 04-06). Finally, the court may appoint an attorney to serve as a child's legal representative in a domestic relations proceeding that involves allocation of parental responsibilities [Section 14-10-116 (1), C.R.S.].

OCR Court-appointed Counsel TABLE 3: Expenditures by Case Type							
Case Type	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18 Projected	FY 18-19 Projected
Dependency & Neglect	$12,836,142	$14,038,393	$14,751,647	$14,698,141	$16,053,071	$17,133,935	$16,570,929
Domestic Relations	478,766	385,422	472,495	341,641	198,436	158,456	198,531
Juvenile Delinquency	2,192,888	2,557,264	3,051,975	3,046,658	3,127,460	3,491,114	3,162,502
Paternity	125,998	139,028	141,799	188,492	232,426	224,078	256,502
Probate	30,730	39,272	65,472	97,617	103,117	110,173	127,501
Truancy	220,342	293,163	321,818	297,915	248,356	333,174	248,018
All Other Case Types	131,090	172,475	198,260	208,355	290,078	236,074	510,600
Total	**$16,015,956**	**$17,625,017**	**$19,003,466**	**$18,878,819**	**$20,252,944**	**$21,687,004**	**$21,074,583**
annual percent change		*10.00%*	*7.80%*	*-0.70%*	*7.3%*	*7.1%*	*-2.8%*

To forecast total expenditure for Court-appointed Counsel, the Office looks at annual caseload and cost-per-case data at the level of detail shown in the above tables. The Office separately forecasts caseload and cost per case for each case type. These forecasts are for the most part extrapolations of recent trends. The combined cost for all case types is the total expenditure forecast for next year. Note that Dependency and Neglect cases, which are both the most expensive and the most numerous cases, account for approximately 80 percent of the overall cost.

As table 1 shows, the OCR is projecting an increase in total cases in the current fiscal year followed by a decrease in FY 2017-18. Table 2 shows cost per case, which declined in FY 2015-16 but has otherwise increased since FY 2012-13. The OCR expects cost per case to dip this year but increase in FY 2018-19. Thus the OCR is forecasting that total caseload and cost per case will move in opposite directions this year and then reverse and move in opposite directions next year. Table 3 is the product of the number of cases in Table 1 and cost per case in Table 2. The overall result is a projected increase of expenditures this year and a decline of $612,421 next year. Staff believes that there is substantial uncertainty in this forecast but cannot improve upon the OCR projection. Thus staff recommends approving the OCR request for FY 2018-19 and cautions that a supplemental is possible next year.

➔ OCR R2 Court Appointed Counsel Rate Adjustment

Request: OCR requests $1,893,531 General Fund to increase the hourly rate paid to attorneys from $75 to $80, the hourly rate paid to social service professionals from $30 to $44, and the hourly rate paid to paralegals from $30 to $32.

Recommendation: **Staff does not recommend approval of this request.** For further analysis see the section of this document titled "Rate increases for OADC, OCR, ORPC" in the portion of this document titled "Decision Items Affecting Multiple Divisions".

➔ OCR R3 IT Position Reclassification

Request: The OCR requests $18,889 General Fund to reclassify the single IT professional on its staff from Information Technology Systems (ITS) Analyst II to Information Technology Systems Analyst III. These position titles are based on the Judicial Department's job classification system, which specifies the duties associated with each position and the salary range.

RECOMMENDATION: **Staff recommends approving the request**. The OCR has provided staff with a description of the duties and responsibilities of the Office's IT Analyst and staff concludes that reclassification of this individual is warranted.

➔ OCR R4 FTE SOCIAL SERVICE PROFESSIONAL COORDINATOR

REQUEST: OCR requests $107,963 General Fund to fund a new FTE position, Social Service Professional (SSP) Coordinator.

RECOMMENDATION: **Staff recommends that the committee not approve this request**.

ANALYSIS: The OCR makes a good case for the value of social workers in dependency and neglect cases (D&N cases) and other court proceedings involving children. There is reason to believe that social workers can improve outcomes, though staff is less convinced that social workers can be justified on a cost-benefit basis. The key reason why staff does not recommend this request is the ongoing project ORPC R1, *Continuation of Social Worker Pilot Program,* which is being undertaken by the Office of the Respondent Parent's Counsel. In the fall of 2019, the evaluation report for that project will give the Committee useful information on the value of social workers in Colorado D&N cases. Later in this document, Staff recommends renewal of the ORPC pilot program at a cost of $302,640 for FY 2018-19 and recommends $20,000 for a statistical evaluation that will continue into FY 2019-20. That study should give the Committee data on the effectiveness of social worker in D&N cases, including their cost-benefit effectiveness. If social workers prove effective, it may be time to consider expanding their use at the OCR.

➔ OCR R5 RECLASSIFY STAFF POSITIONS

REQUEST: The OCR requests $41,859 General Fund for six promotions in its El Paso County *Guardian Ad Litem* office. Two mid-level attorneys with 11 years of experience would be promoted to senior attorney. An entry level attorney with two years of experience would be promoted to mid-level. Two entry level caseworkers with 4 and 5 years of experience would be promoted to mid-level caseworkers, and a mid-level caseworker with 11 years of experience would be promoted to senior caseworker.

RECOMMENDATION: **Staff recommends an appropriation of $49,538, which** corrects technical errors in the request.

ANALYSIS: In all areas of the state except Colorado Springs, the Office of the Child's Representative contracts with attorneys who then provide legal services for children. Attorneys in the El Paso office work for the state and provide the services themselves. Twelve attorneys in the El Paso office work with four state-employed caseworkers. The caseworkers make about 75 percent as much as attorneys with similar years of service. The Office has had difficulty retaining entry level attorneys, who start at $54,000 annually. It recently lost several to the El Paso County Attorney's office, which pays substantially more.

Staff has reviewed the increases, comparing the new attorney salaries with those of attorneys with comparable years of experience in the Office of the Public Defender and believes that they are reasonable. Staff was less successful finding caseworker salaries, but based on more limited comparables believes the caseworkers increases are reasonable.

➔ OCR R6 INCREASE ADMINISTRATIVE ASSISTANT POSITION TO FULL TIME

REQUEST: The OCR requests $20,896 to increase the Administrative Assistant position in the OCR's Denver office from 0.5 FTE to 1.0 FTE.

RECOMMENDATION: **Staff recommends approving the request.**

ANALYSIS: The OCR has ten staff in the Denver office who oversee approximately 250 contract attorneys and 15,000 appointments throughout the state. The Denver office performs its oversight, payment, and programming functions with the support of a 0.5 FTE administrative assistant. This Administrative Assistant receives and monitors the status of all complaints, serves as the primary contact for all inquiries, and is an integral part of the OCR's annual contract process. Additionally, the Administrative Assistant ensures the contractor database is current, coordinates all board of director meetings, uploads materials to OCR's website, and maintains attorney files.

Staff believes that the OCR's administrative-support needs exceed the capacity of a part-time employee.

➔ OCR R7 ALIGN COMMON COMPENSATION PLAN POSITIONS

REQUEST: The OCR requests $5,350 to align two of its positions with similar positions within the State Court Administrator's Office (SCAO).

RECOMMENDATION: **Staff recommends approving this request.**

ANALYSIS: During the 2017-18 Judicial briefing, JBC staff recommended that the Office of the Alternate Defense Counsel, the Office of Respondent Parents' Counsel, and the OCR analyzed their various positions and align the duties and salaries with comparable positions within the State Court Administrator's Office and the Executive Branch. The FY 2017-18 budget reflected the alignment of approximately a dozen OCR positions, one of which required an appropriation to bring the incumbent up to the new range minimum. Upon further analysis, the OCR determined its Staff Accountant position should have been aligned with the Judicial Department's Accountant III position and discovered that the salary of the OCR's Administrative Assistant had fallen below the range minimum.

JBC staff believes that these are reasonable adjustments and agrees that OCR duties and salaries should be aligned with those of similar jobs in the Executive and the Judicial Branches.

LINE ITEM DETAIL – OFFICE OF THE CHILD'S REPRESENTATIVE

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver and the El Paso county office, which provides Guardian Ad Litem services

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests $2,709,547 General Fund and 31.0 FTE. This includes the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

RECOMMENDATION: **Staff recommends an appropriation of $2,629,984 General Fund**.

OFFICE OF THE CHILD'S REPRESENTATIVE, PERSONAL SERVICES	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$3,275,521	$3,275,521	29.5
TOTAL	**$3,275,521**	**$3,275,521**	**29.5**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$3,275,521	$3,275,521	29.5
OCR R5 Reclassify staff positions	45,400	45,400	0.0
OCR R6 Increase administrative assistant position to full-time	19,151	19,151	0.5
OCR R3 Information Systems Manager Reclassification	17,311	17,311	0.0
OCR R7 Align common compensation plan positions	4,902	4,902	0.0
OCR R4 Social Services Professional Coordinator	0	0	0.0
Annualize Prior Year Budget Actions	(732,301)	(732,301)	0.0
TOTAL	**$2,629,984**	**$2,629,984**	**30.0**
INCREASE/(DECREASE)	**($645,537)**	**($645,537)**	**0.5**
Percentage Change	(19.7%)	(19.7%)	1.7%
FY 2018-19 EXECUTIVE REQUEST	**$2,709,547**	**$2,709,547**	**31.0**
Request Above/(Below) Recommendation	$79,563	$79,563	1.0

HEALTH LIFE AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OCR staff.

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

REQUEST: The OCR requests $254,276 General Fund.

RECOMMENDATION: **Staff recommends appropriating $242,399 General Fund**, which is consistent with Committee policy with respect to employer contribution.

SHORT-TERM DISABILITY

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

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

REQUEST: The OCR requests $4,135 General Fund based on applying a rate of 0.17 percent. This includes the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay. The recommendation will include the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

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

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OCR staff.

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

REQUEST: The OCR requests $122,596 General Fund based on applying a rate of 5.0 percent. This includes the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay. The recommendation will include the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

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

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

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

REQUEST: The OCR requests $122,596 General Fund based on applying a rate of 5.0 percent. This includes the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay. The recommendation will include the effect of OCR R3 Information Systems Manager Reclassification, OCR R5 Reclassify staff positions, OCR R6 Increase administrative assistant position to full-time, and OCR R7 Align common compensation plan positions.

SALARY SURVEY

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

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

REQUEST: The OCR requests $74,854 General Fund for a 3 percent across-the-board salary increase for all employees based on existing salaries (including the Executive Director).

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item. Staff requests permission to adjust this line item to maintain the alignment of the salary for the Executive Director with that of a District Court Judge.

MERIT PAY

The OCR uses this line item to pay for performance-related pay increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104 (1) (c), C.R.S.

REQUEST: The OCR requests $0 General Fund for merit pay increases for FY 2016-17.

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item.

OPERATING EXPENSES

This line item provides funding for operating expenses and information technology asset maintenance in both the Denver and El Paso offices, and for reimbursement of actual and necessary expenses incurred by Child's Representative Board members.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests $223,142 General Fund. This line item is affected by OCR R4 Social Services Professional Coordinator. This request is discussed at the beginning of this division.

RECOMMENDATION: **Staff recommends an appropriation of $221,549.**

OFFICE OF THE CHILD'S REPRESENTATIVE, OPERATING EXPENSES	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$252,046	$252,046	0.0
TOTAL	**$252,046**	**$252,046**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$252,046	$252,046	0.0
Centrally Appropriated Line Items	7,367	7,367	0.0
OCR R4 Social Services Professional Coordinator	0	0	0.0
Annualize Prior Year Budget Actions	(37,864)	(37,864)	0.0
TOTAL	**$221,549**	**$221,549**	**0.0**
INCREASE/(DECREASE)	**($30,497)**	**($30,497)**	**0.0**
Percentage Change	(12.1%)	(12.1%)	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$223,142**	**$223,142**	**0.0**
Request Above/(Below) Recommendation	$1,593	$1,593	0.0

CAPITAL OUTLAY

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

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests no appropriation.

RECOMMENDATION: **Staff recommends approving the request**.

LEASED SPACE

This line item currently funds lease payments for OCR's the Colorado Springs office.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests $128,952 General Fund, which includes a 29,448 lease expense adjustment for the lease on the El Paso County office, which moved to a new location in July 2017. As part of the move, the OCR received approximately 3 months free rent. This adjustment annualizes the rent payments for FY 2018-19.

RECOMMENDATION: **Staff recommends approving the request**.

CASA CONTRACTS

This line item provides funding for grants to Colorado CASA, the nonprofit organization of court-appointed special advocate (CASA) volunteers. This funding is used to pay both personnel and operating costs. Prior to FY 2008-09, the General Assembly appropriated $20,000 General Fund annually for this line item; this funding was distributed to Colorado CASA. The Joint Budget Committee initiated increases of $500,000 in FY 2008-09 and another $500,000 in FY 2013-14. Since FY 2008-09, Colorado CASA has continued to retain a portion of the funding for general operating costs, but the remainder has been allocated to local CASA Programs.

Background Information. Court-appointed special advocates (CASA) are trained volunteers who may be appointed to enhance the quality of representation for children[33]. Pursuant to Section 19-1-202, C.R.S., CASA programs may be established in each judicial district pursuant to a memorandum of understanding between the district's chief judge and a community-based CASA program. A CASA volunteer may: conduct an independent investigation regarding the best interests of the child; and determine if an appropriate treatment plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner. A CASA volunteer may also make recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services. The Judicial Department may contract with a nonprofit entity for the coordination and support of CASA activities in Colorado.

The OCR is charged with enhancing the CASA program in Colorado by cooperating with and serving as a resource to the contract entity to:

- ensure the development of local programs statewide;
- seek to enhance existing funding sources and developing private-public partnership funding for the provision of high-quality, volunteer local CASA programs;
- study the availability of or developing new funding sources for CASA programs;
- allocate moneys appropriated for CASA programs to local CASA programs based upon recommendations made by the contract entity;
- work cooperatively with the contract entity to ensure the provision and availability of high-quality, accessible training for CASA volunteers and for judges and magistrates; and
- accept grants, gifts, donations, and other governmental contributions to be used to fund the work of the OCR relating to CASA programs[34].

STATUTORY AUTHORITY: Section 13-91-105, C.R.S.

REQUEST: The OCR requests a continuation level of funding ($1,050,000 General Fund).

RECOMMENDATION: **Staff recommends approving the request**.

TRAINING

[33] Pursuant to Section 19-1-206 (1), C.R.S., a judge or magistrate may appoint a CASA volunteer in any domestic, probate, or truancy matter when a child affected by the matter may require services that a CASA volunteer can provide.

[34] Such funds are to be credited to the Court-appointed Special Advocate (CASA) Fund. This fund is subject to annual appropriation to the OCR for purposes of funding local CASA programs and the work of the OCR relating to the enhancement of CASA programs.

The OCR is charged with "ensuring the provision and availability of high-quality, accessible training" for GALs, judges and magistrates who regularly hear matters involving children and families, CASA volunteers, and attorneys who are appointed to serve as a child's legal representative or a child and family investigator. The OCR is also charged with making recommendations to the Chief Justice concerning minimum practice standards for GALs and overseeing the practice of GALs to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures. In addition to the individuals noted above, the OCR invites respondent parent counsel, county attorneys and social workers, foster parents, and law enforcement to their training programs.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests a continuation level of funding ($38,000 General Fund).

RECOMMENDATION: **Staff recommends approving the request**.

COURT-APPOINTED COUNSEL

This line item pays for contract attorneys appointed by the court to serve as Guardians ad Litem (GALs) and child legal representatives in dependency and neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. The OCR is charged with enhancing the provision of GAL services by "establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload limitations place on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem".

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests $22,968,114 General Fund for FY 2018-19. The request includes a $612,421 reduction for OCR R1 Caseload/Workload adjustment and a $1,893,531 increase for OCR R2 Court-appointed counsel rate increases.

RECOMMENDATION: **Staff recommends $21,074,583 General Fund, which excludes** OCR R2 Court-appointed counsel rate increases**.** For more detail see the discussion of OCR R1 and R2 at the beginning of this division.

OFFICE OF THE CHILD'S REPRESENTATIVE, COURT-APPOINTED COUNSEL			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$21,687,004	$21,687,004	0.0
TOTAL	**$21,687,004**	**$21,687,004**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$21,687,004	$21,687,004	0.0
OCR R2 Court-appointed counsel rate increases	0	0	0.0
OCR R1 Caseload/Workload adjustment	(612,421)	(612,421)	0.0
TOTAL	**$21,074,583**	**$21,074,583**	**0.0**

OFFICE OF THE CHILD'S REPRESENTATIVE, COURT-APPOINTED COUNSEL			
	TOTAL FUNDS	GENERAL FUND	FTE
INCREASE/(DECREASE)	**($612,421)**	**($612,421)**	**0.0**
Percentage Change	(2.8%)	(2.8%)	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$22,968,114**	**$22,968,114**	**0.0**
Request Above/(Below) Recommendation	$1,893,531	$1,893,531	0.0

MANDATED COSTS

This is one of several line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the OCR, these costs include the following:

- reimbursement to other entities such as hospitals and county departments of human services for discovery;
- expert witnesses;
- interpreters - out of court;
- transcripts; and
- process servers and other miscellaneous expenses.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests $30,000 General Fund, which is the same amount appropriated for FY 2017-18.

RECOMMENDATION: **Staff recommends appropriating $30,000 for FY 2018-19**.

GRANTS

This line item reflects anticipated expenditures from a federal Title IV-E training grant. This line item is included in the Long Bill for informational purposes only and is not intended to limit the OCR's expenditures of these federal funds. While these moneys originate as federal funds, they are transferred to the OCR from the Department of Human Services and are thus reflected as reappropriated funds.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR request includes $26,909 reappropriated funds based on the amount anticipated to be available for FY 2018-19.

RECOMMENDATION: **Staff recommends approval of the Department's informational appropriation request.**

(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

Senate Bill 14-203 and H.B. 15-1149 established the Office of the Respondent Parents' Counsel (ORPC) as a new independent agency within the Judicial Branch, as of January 1, 2016. The ORPC is charged with ensuring the provision and availability of high-quality legal representation for respondent parents involved in dependency and neglect proceedings. All existing and new state paid respondent parent counsel appointments were transferred from the State Court Administrator's Office (SCAO) to the ORPC by July 1, 2016.

The ORPC is governed by the nine-member Respondent Parents' Counsel Governing Commission, whose members are appointed by the Supreme Court. Commission members serve on a voluntary basis and receive no compensation for their time. The Commission appoints an individual to serve as the Executive Director of the Office. The compensation for this individual is fixed by the General Assembly (through a Long Bill footnote) and may not be reduced during his or her five-year term of appointment.

The ORPC is an independent agency within the Judicial Branch that employs 10.0 FTE. The ORPC is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the ORPC, including: procurement; fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. With the exception of a small amount of cash funds from training-related fees and federal grant funding that is transferred from the Department of Human Services, the ORPC is supported by General Fund appropriations.

Office Of The Respondent Parents Counsel	Total Funds	General Fund	Cash Funds	Reappropriated Funds	FTE
FY 2017-18 Appropriation					
HB 18-1163 Judicial Suppl Bill	$0	$0	$0	$0	0.0
SB 17-254 (Long Bill)	16,230,423	16,169,328	30,000	31,095	10.0
TOTAL	**$16,230,423**	**$16,169,328**	**$30,000**	**$31,095**	**10.0**
FY 2018-19 Recommended Appropriation					
FY 2017-18 Appropriation	$16,230,423	$16,169,328	$30,000	$31,095	10.0
ORPC R1 Continuation of Social Worker Pilot Program	302,640	302,640	0	0	0.0
ORPC R2 Mandated Costs	191,999	191,999	0	0	0.0
ORPC R3 Increase in Contractor Hourly Rates	0	0	0	0	0.0
ORPC R4 Contract Statistician	20,000	20,000	0	0	0.0
ORPC R5 Operating Expenses	16,931	16,931	0	0	0.0
Centrally Appropriated Line Items	29,892	29,892	0	0	0.0
Annualize Prior Year Budget Actions	(276,520)	(276,520)	0	0	0.0
TOTAL	**$16,515,365**	**$16,454,270**	**$30,000**	**$31,095**	**10.0**
INCREASE/(DECREASE)	**$284,942**	**$284,942**	**$0**	**$0**	**0.0**
Percentage Change	1.8%	1.8%	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$17,631,248**	**$17,570,153**	**$30,000**	**$31,095**	**10.0**
Request Above/(Below) Recommendation	$1,115,883	$1,115,883	$0	$0	0.0

DECISION ITEMS – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

➔ ORPC R1 CONTINUATION OF SOCIAL WORKER PILOT PROGRAM

REQUEST: The ORPC requests $302,640 General Fund for FY 2018-19 to continue a Social Worker Pilot Program that was approved and funded last year.

RECOMMENDATION: **Staff recommends approving the request**. **Staff further recommends continuation of the program in the FY 2019-20 Long Bill** (at the same cost) and inclusion in the FY 2019-20 Long Bill of a Request for Information (RFI) that asks the Office to submit an evaluation of the pilot program on November 1, 2019. Staff recommends that the JBC review the report during briefing in November 2019 and use the report to decide whether to continue the program or end it. The decision to end the program could be made during supplementals in 2020 with an appropriation reduction that leaves enough funding in place for a graceful program wind-down during FY 2019-20. The wind-down would not deprive families already in the program of social worker support and would probably be complete by the end of FY 2019-20.

ANALYSIS:

Last year, the ORPC requested and received $301,033 General Fund to implement a Social Worker Pilot Program that has been operating since July in three judicial districts: the 4th (El Paso and Teller Counties), the 17th (Adams and Broomfield Counties), and the 21st (Mesa County). The program is based on a multidisciplinary approach to parent representation and is expected to improve outcomes for parents and children involved in dependency and neglect proceedings. The ORPC contracts with a small number of social workers in the participating judicial districts. These social workers are referred at the onset of select cases and conduct an independent evaluation and assessment to determine what services are necessary for the parent and child to achieve reunification. This assessment helps to inform the ORPC attorney's advocacy during court hearings and during meetings with the County Department of Human Services, so that a treatment plan is developed that is individually tailored, manageable, and appropriate for the parent and child.

The pilot program focuses only on "expedited permanency planning" (EPP) cases, which involve children who are under the age of six. Because of their youth, such children are particularly vulnerable. These children must be placed in a permanent home within 12 months of removal. In its request, the ORPC cited research in New York showing that this model of representation produced outcomes that are substantially better that the traditional model of attorney representation. The New York program also saved the state money by promoting safe reunification with parents and reducing a child's length of stay in foster care.

In its hearing document, the ORPC cited promising results based on the first 10 weeks of Colorado's pilot program. The ORPC found that, in non-pilot program cases that are handled traditionally, a total of 21 children out of 242 children returned home from out-of-home placement, a 9 percent rate of reunification. In the pilot program over the same period, 45 children out of 136 children returned home from out-of-home placement, a 33 percent rate of reunification. The ORPC states that it has received very positive feedback from attorneys, parents, community providers, and judges about the Pilot Program. The social workers are completing a wide range of tasks on each case including advocating for parents at team meetings, making independent referrals for services, developing alternative treatment plans, completing comprehensive assessments for the attorneys to utilize in litigation, observing visitation between parents and children, making referrals for daycare, and making referrals for resources for the parents including housing assistance. One father stated that he had never encountered someone who cared so much about his family.

The pilot program appears to be well designed. Because the program has limited capacity, some of the children who qualify in a given judicial cannot receive services. These children who do not receive services are part of the control group. Children who would qualify in other judicial districts if those districts had programs can also serve as controls.

This pilot is also consistent with previous actions taken by the General Assembly to allow the other independent agencies (OSPD, OADC, and OCR) to include social workers in certain types of cases.

JBC staff believes that this pilot should have originally been approved for three years because it cannot be adequately evaluated after one year of operation. It took a month for the program to reach full capacity last summer. If the program ends on July 1, 2018, there will be a substantial number of participating children who will not yet have reached permanent placements within the 12 months required by statute. As a consequence the data will be incomplete. In addition, a substantial number of participating families will abruptly lose the support of their social worker on July 1, 2018. The evaluation process should begin in the spring of FY 2019 and continuing into the summer, with an evaluation report submitted to the JBC in November 2019. That report will be based on two years of program operation. If the evaluation report shows positive results, the JBC would decide during figure setting in February or March 2020 whether the program should be continued and possibly expanded. If the results are negative, the program would presumably be cancelled and would wind down during the remainder of FY 2019-20 as participants exit the program.

➔ ORPC R2 INCREASED MANDATED COSTS

REQUEST: The Office of Respondent Parents' Counsel requests that its Mandated Cost appropriation be increased by $191,999 General Fund. The increase will pay for experts who will provide their opinions to the courts and for an increased number of transcripts of trial court proceedings for cases that are appealed.

RECOMMENDATION: **Staff recommends that the committee approve this request.**

ANALYSIS:

Increased transcripts. The last three years have seen a large increase in the number of transcripts that must be prepared for the appeal of Dependency and Neglect cases in which the parent has elected to appeal an appealable order by the court, which could include termination of parental rights. Before the creation of the ORPC, payment for RPC representation flowed through the Judicial Department budget. Approval for specific funding requests, such as experts or excess fees, were approved by trial courts. During FY 2014-15, Judicial spent $87,073 on transcripts prepared for appeals. In the first quarter of FY 2017-18, the ORPC approved $61,409 for transcripts for appeals, which puts it on pace to spend $245,636 this fiscal year. The change is due to two factors.

- More parents are appealing adverse decisions than formerly. The decision whether or not to appeal a termination of parental rights rests entirely with the individual client; the ORPC cannot decline to represent a parent who chooses to appeal. The ORPC speculates that the creation of a clearly identifiable entity (the ORPC) with the obligation to represent parents in a Dependency and Neglect appeal, may be part of the reason for the increased number of appeals.
- A revision to Colorado Appellate Rule 3.4 (C.A.R. 3.4) took effect in July 2016 (the date when the ORPC took over oversight of RPCs). That revision requires the production of transcripts for Dependency and Neglect cases that are appealed because appellate counsel is required to cite to the record on appeal, which includes transcripts of every hearing. Prior to the changes to C.A.R. 3.4, most appeals were pursued without transcripts of hearings.

Increased use of experts. The ORPC has concluded that adequate representation of clients requires it to provide an increasing number of experts earlier in Dependency and Neglect proceedings than were provided before the ORPC was created in July 2016. Prior to that time, these cases were funded through the administrative portion of the main Judicial department and trial courts approved trial counsel's requests for experts. Not all cases require experts, but when experts are needed for effective representation of parents, the ORPC states that it is obliged to pay for them. For example, when the county attorney's office, which represents county human services in Dependency and Neglect cases, offers the opinion of an expert regarding the source of a child's injury, the only effective way to answer that expert may be with an expert for the respondent parent. Another example concerns the statutory requirement that county Departments of Human Services in D&N cases make reasonable efforts to reunify families. If a respondent parent's attorney believes the county department is not making sufficient reunification efforts, the testimony of an expert may be the only effective way to establish that point in court.

The ORPC reviews all requests for experts before approving them.

➔ ORPC R3 INCREASE CONTRACTOR HOURLY RATES

REQUEST: **The ORPC requests that the hourly rate for contract attorneys be increased from $75 to $80 at a total cost of $915,883.**

RECOMMENDATION: **Staff recommends that this request not be approved.** For further analysis see the section of this document titled "Rate increases for OADC, OCR, ORPC" in the portion of this document titled "Decision Items Affecting Multiple Divisions".

➔ ORPC R4 CONTRACT STATISTICIAN

REQUEST: The ORPC requests $220,000 General Fund for contract statisticians to evaluate the overall effectiveness of the ORPC and the effectiveness of the Social Worker Pilot Program. Of this total, $200,000 is for evaluation of the overall effectiveness of the ORPC and $20,000 is for evaluation of the Social Worker Pilot Program, which is described in detail in ORPC R1 above.

RECOMMENDATION: **Staff recommends an appropriation of $20,000 General Fund for evaluation of the Social Worker Pilot Program, with an attached letternote allowing the**

unexpended portion of the appropriation to roll forward to FY 2019-20. Staff does not recommend approval of the $200,000 request for a statistical evaluation of the overall effectiveness of the ORPC.

ANALYSIS. Based on consultation with a Ph.D. statistician who sits on the ORPC Commission, the Department believes it will cost approximately $20,000 to engage a researcher with a social science background to adequately evaluate the Social Worker Pilot Program. The Pilot will be ready for the early stages of data review and analysis in the spring of 2019 as it finishes its second year of operation. The Office and JBC staff believe it is likely that the analysis and report writing process will not conclude until several months into FY 2019-20. The objective is to produce a report for submission to the JBC on November 1, 2019. The JBC will review the report during 2019 briefing. If the JBC waits until figure setting next year to make a $20,000 appropriation for an evaluation in FY 2019-20, the review and analysis won't start until July 1, 2019 or later. As a result it may not be ready for a November 2019 submission. For this reason, staff recommends a one-time $20,000 appropriation for FY 2018-19 with a carryforward provision. This avoids the difficulty of guessing how much will be needed in FY 2018-19 and how much will be needed the next year.

Staff does not recommend approval of the $200,000 request for an evaluation of the overall effectiveness of the ORPC. The ORPC states that it wants to evaluate such questions as

- What is a "standard" or "typical" outcome in a dependency case?
- Do some attorneys consistently achieve better or worse outcomes than the standard?
- What accounts for the differences between the outcomes achieved by different attorneys?
- Do intensive treatment courts yield different results than other traditional courts?
- Do the cases in one jurisdiction consistently have better or worse outcomes than the cases in another jurisdiction?
- Do particular types and/or levels of attorney services or activities result in better or worse outcomes for families?
- Do certain case characteristics generally result in the same outcomes?
- What affects the amount of time children spend in out-of-home placement?

The ORPC is a new agency with a short operating history. Staff believes that it should operate for several more years and increase the amount of data that it has available for analysis before seeking answers to questions like these. If the ORPC decides a few years from now that it needs to investigate questions like those posed above, staff believes it should request funding to examine one or two of the questions on this list at one time. A narrowly focused study is more likely to produce definitive results.

➔ ORPC R5 OPERATING EXPENSES

REQUEST: The Office of Respondent Parents' Counsel requests $16,931 in additional Operating Expenses to align the appropriation with office needs and to replace laptop computers.

RECOMMENDATION: **Staff recommends approval of this request.**

ANALYSIS: Before creation of the ORPC on July 1, 2016, funding for representation of indigent parents in Dependency and Neglect was provided by the administrative portion of the main Judicial Department. The Judicial Department's experience with its D&N program gave general guidance concerning the projected expenditures of the new ORPC, but the construction of the ORPC's initial budgets involved a substantial amount of guesswork. This request is a consequence of that uncertainty. The following table shows the spending adjustments that underlie this operating request.

FY2017-18 Operating Expense Appropriation compared to FY2018-19 Expense Estimate			
	FY2017-18 Appropriation	**FY2018-19 Estimate**	**Adjustment Requested**
Operating:			
Supplies	$ 5,000	$ 5,000	$ -
Telephone and Internet Access	4,500	14,148	9,648
Staff travel (after annualization of FY2017-18 BA-2)	26,000	32,136	6,136
Commissioner travel	8,400	3,062	(5,338)
Dues, subscriptions, and memberships	12,000	5,200	(6,800)
Copy/scanning machines	3,600	3,888	288
Software licenses	1,300	6,633	5,333
Other (Access to Westlaw)	25,388	26,152	764
Computer Replacement (one-time)	-	6,900	6,900
Total Operating	**$ 86,188**	**$ 103,119**	**$ 16,931**

For example, the Office discovered that estimated internet costs were far too low. The Office needs a fast internet connection to support its online attorney payment system, which permits contract attorneys to submit detailed requests for payment and for ORPC staff to review the requests quickly and completely. The best price the Office has been quoted for phone and internet service is $14,148, which is $9,648 more than the standard $4,500 that fiscal notes policy allocates for this cost ($4,500 = 450 per FTE * 10 FTE). The estimated cost of software licenses has also been much higher than expected. Example licenses are BNC's MalWare Bytes [for malware protection]; DropBox; Formsite [electronic forms used by contract attorneys]; GoDaddy [SSL certificates for secure internet connections, hosting, email licenses]; and PurelyHR [time tracking]; Vimeo [to share recorded training sessions and other video recordings, which are especially useful to contract attorneys in rural areas]. This extensive use of online resources also necessitates faster internet connections.

Travel was another surprise. The Office discovered that travel expenses for its Commissioners were far less than expected but it also discovered that staff travel was substantially higher. Much of the travel expense is to meet in person with respondent parent counsel attorneys around the state and to observe their performance in court. Information from these visits is used to identify training needs and to decide which contractors to renew. The Office of the Alternate Defense Counsel and the Office of the Child's Representative engage in similar activity. Travel records provided by the Office showed 35 court observation trips to locations ranging from Alamosa (twice) to Walsenburg (once).

Finally, there is the requested replacement of three laptop computers. The General Assembly's IT staff replaces laptops on a four year cycle. The ORPC is requesting replacement after three years. Normally, staff would say "no" to such a request but further inquiry shows these to be low-end laptops that are slow and are already having problems. One is proving difficult to start.

LINE ITEM DETAIL – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

PERSONAL SERVICES

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

Staffing Summary				
Office of the Respondent Parents' Counsel	16-17 Actual	17-18 Approp	18-19 Request	18-19 Recommend
Executive Director	0.9	1.0	1.0	1.0
Deputy Director	0.8	1.0	1.0	1.0
Chief Financial Officer	1.0	1.0	1.0	1.0
Staff Attorneys	2.4	3.0	3.0	3.0
Social Worker Coordinator	1.0	1.0	1.0	1.0
Administrative Specialist	0.9	0.4	0.4	0.4
Attorney Payment Specialist	1.0	1.0	1.0	1.0
Paralegal	0.0	0.0	0.0	0.0
Accountant	0.4	0.6	0.6	0.6
Staff Assistant	0.0	0.0	0.0	0.0
IT and Administrative Specialist	0.0	0.9	1.0	1.0
Marketing Specialist	0.4	0.0	0.0	0.0
Total	**8.8**	**9.9**	**10.0**	**10.0**

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests $1,421,878 General Fund and 10.0 FTE, which includes $220,000 for ORPC R4, Contract Statistician.

RECOMMENDATION: **Staff recommends an appropriation of $1,221,878,** which provides $20,000 for a contract statistician. Staff further recommends that a letternote be attached to the appropriation to allow the $20,000 appropriation to roll forward into FY 2019-20.

OFFICE OF THE RESPONDENT PARENTS COUNSEL, PERSONAL SERVICES			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$1,177,365	$1,177,365	10.0
TOTAL	**$1,177,365**	**$1,177,365**	**10.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$1,177,365	$1,177,365	10.0
Annualize Prior Year Budget Actions	24,513	24,513	0.0

OFFICE OF THE RESPONDENT PARENTS COUNSEL, PERSONAL SERVICES			
	TOTAL FUNDS	GENERAL FUND	FTE
ORPC R4 Contract Statistician	20,000	20,000	0.0
TOTAL	**$1,221,878**	**$1,221,878**	**10.0**
INCREASE/(DECREASE)	**$44,513**	**$44,513**	**0.0**
Percentage Change	3.8%	3.8%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$1,421,878**	**$1,421,878**	**10.0**
Request Above/(Below) Recommendation	$200,000	$200,000	0.0

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for ORPC staff.

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

REQUEST: The request includes $93,928 General Fund.

RECOMMENDATION: **Staff recommends approval of the request**, which is consistent with Committee policy with respect to employer contribution rates.

SHORT-TERM DISABILITY

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

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

REQUEST: The request includes $1,665 General Fund, based on applying a rate of 0.17 percent.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

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

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for ORPC staff.

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

REQUEST: The request includes $48,978 General Fund, based on applying a rate of 5.0 percent.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

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

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

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

REQUEST: The request includes $48,978 General Fund, based on applying a rate of 5.0 percent.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

SALARY SURVEY

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

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

REQUEST: The request includes $31,841General Fund for a 3.0 percent across-the-board salary increase for all employees based on existing salaries (including the Executive Director).

RECOMMENDATION: **Staff's recommendation is pending** the Committee's common policy for this line item. In addition, staff requests permission to adjust this line item to maintain the alignment of the salary for the Executive Director with that of a District Court Judge.

MERIT PAY

The ORPC uses this line item to pay for performance-related pay increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104 (1) (c), C.R.S.

REQUEST: The request includes $0 General Fund.

RECOMMENDATION: **Staff's recommendation for this line item is pending** the Committee's common policy for Salary Survey and Merit Pay.

OPERATING EXPENSES

This line item provides funding for operating and travel expenses, and for reimbursement of actual and necessary expenses incurred by members of the Respondent Parents' Counsel Governing Commission.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The request includes $103,119 General Fund. The request includes $16,931 for ORPC ORPC R5 Operating Expenses.

RECOMMENDATION: **Staff recommends approval of this request**.

OFFICE OF THE RESPONDENT PARENTS COUNSEL, OPERATING EXPENSES			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$87,221	$87,221	0.0
TOTAL	**$87,221**	**$87,221**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$87,221	$87,221	0.0
ORPC R5 Operating Expenses	16,931	16,931	0.0
Annualize Prior Year Budget Actions	(1,033)	(1,033)	0.0
TOTAL	**$103,119**	**$103,119**	**0.0**
INCREASE/(DECREASE)	**$15,898**	**$15,898**	**0.0**
Percentage Change	18.2%	18.2%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$103,119**	**$103,119**	**0.0**
Request Above/(Below) Recommendation	$0	$0	0.0

CAPITAL OUTLAY

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

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The request includes $0 General Fund.

RECOMMENDATION: **Staff recommends approving the request**.

LEGAL SERVICES

This line item provides funding for the Department to purchase legal services from the Department of Law.

STATUTORY AUTHORITY: Pursuant to 24-31-101 (1) (a), C.R.S., and defined in Section 24-75-112 (1) (i), C.R.S.

REQUEST: The request includes $1,889 General Fund to purchase legal services.

RECOMMENDATION: **Staff's recommendation for this line item is pending the Committee's common policy for legal services.**

CASE MANAGEMENT SYSTEM

This line item provided funding for the development and implementation of an information system that allows the ORPC to manage cases and billing functions.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The request includes $0 General Fund.

RECOMMENDATION: **Staff recommends approving the request**.

TRAINING

This line item provides funding for the ORPC to offer training opportunities for contract attorneys and other individuals as appropriate to ensure the provision and availability of high-quality legal representation for parents involved in dependency and neglect proceedings.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The request includes $60,000 total funds, including $30,000 General Fund and $30,000 cash funds from training fees.

RECOMMENDATION: **Staff recommends approving the request**, which is the same appropriation as for FY 2017-18.

COURT-APPOINTED COUNSEL

This line item provides funding for contract attorneys who are appointed to represent respondent parents. Payments cover flat payments or hourly rates, as well as reimbursement for costs such as mileage, copying, postage, and travel expenses.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The Office requests $14,728,892 General Fund, which includes $900,958 for ORPC R3 Increase in Contractor Hourly Rates.

RECOMMENDATION: **Staff recommends appropriating $13,827,934 General Fund**, which does not include any extra funding for ORPC R3 Increase in Contractor Hourly Rates.

OFFICE OF THE RESPONDENT PARENTS COUNSEL, COURT-APPOINTED COUNSEL			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			

OFFICE OF THE RESPONDENT PARENTS COUNSEL, COURT-APPOINTED COUNSEL	TOTAL FUNDS	GENERAL FUND	FTE
SB 17-254 (Long Bill)	$13,827,934	$13,827,934	0.0
TOTAL	**$13,827,934**	**$13,827,934**	**0.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$13,827,934	$13,827,934	0.0
ORPC R3 Increase in Contractor Hourly Rates	0	0	0.0
TOTAL	**$13,827,934**	**$13,827,934**	**0.0**
INCREASE/(DECREASE)	**$0**	**$0**	**0.0**
Percentage Change	0.0%	0.0%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$14,728,892**	**$14,728,892**	**0.0**
Request Above/(Below) Recommendation	$900,958	$900,958	0.0

MANDATED COSTS

This is one of several line item appropriations for "mandated costs". These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. For the ORPC, these costs are anticipated to include the following:

- expert witnesses and expert witness travel reimbursement;
- transcripts; and
- interpreters - out of court.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests $1,058,985 General Fund, which includes $191,999 for ORPC R2 *Mandated Costs*, $14,925 for ORPC R3 *Increase in Contractor Hourly Rates,* and $302,640 for ORPC R1 *Continuation of Social Worker Pilot Program*. Note that the first year of the Social Worker Pilot was also appropriated on this line item and the $300,000 reduction for *Annualization of Prior Year Budget Actions* in the computation for this line item reflects the end of the first year of this program, which almost exactly offsets the pilot's renewal.

RECOMMENDATION: **Staff recommends appropriating $849,421 General Fund.** Which differs from the request by not including $14,925 for ORPC R3 *Increase in Contractor Hourly Rates.*

OFFICE OF THE RESPONDENT PARENTS COUNSEL, MANDATED COSTS	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$849,421	$849,421	0.0
TOTAL	**$849,421**	**$849,421**	**0.0**

Office Of The Respondent Parents Counsel, Mandated Costs			
	Total Funds	General Fund	FTE
FY 2018-19 Recommended Appropriation			
FY 2017-18 Appropriation	$849,421	$849,421	0.0
ORPC R1 Continuation of Social Worker Pilot Program	302,640	302,640	0.0
ORPC R2 Mandated Costs	191,999	191,999	0.0
ORPC R3 Increase in Contractor Hourly Rates	0	0	0.0
Annualize Prior Year Budget Actions	(300,000)	(300,000)	0.0
TOTAL	**$1,044,060**	**$1,044,060**	**0.0**
INCREASE/(DECREASE)	**$194,639**	**$194,639**	**0.0**
Percentage Change	22.9%	22.9%	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$1,058,985**	**$1,058,985**	**0.0**
Request Above/(Below) Recommendation	$14,925	$14,925	0.0

Grants

This is a new line item that was added through the supplemental bill for the Judicial Branch to reflect federal grant funds that the ORPC receives from the Department of Human Services. Similar to the Title IV-E funds that are reflected in the Office of the Child's Representative budget, this amount includes an "I" notation indicating that it is not an appropriation and is reflected for informational purposes only.

Statutory Authority: Section 13-92-101 et seq., C.R.S.

Request: The ORPC estimates that it will spend $31,095 grant funds in FY 2018-19, the same as the prior year.

Recommendation: **Staff recommends approval of the Department's informational appropriation request**.

(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

The Office of the Child Protection Ombudsman was created in 2010 to serve as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system. The Office operated as a non-profit organization under contract with the Department of Human Services. Senate Bill 15-204 established the Office of the Child Protection Ombudsman (OCPO) in the Judicial Department as an independent agency, and it established the Child Protection Ombudsman Board to oversee personnel decisions, operating policies and procedures, and budget.

The OCPO currently employs 6.0 FTE, and is located in the Ralph L. Carr Colorado Judicial Center. The associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the OCPO, including: accounting; accounts payable; preparation of budget schedules and decision items; expenditure monitoring; fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; and a server room. The OCPO is supported entirely by General Fund appropriations.

OFFICE OF THE CHILD PROTECTION OMBUDSMAN	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 Appropriation			
SB 17-254 (Long Bill)	$782,421	$782,421	6.0
TOTAL	**$782,421**	**$782,421**	**6.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$782,421	$782,421	6.0
OCPO BA1 Additional staff for DYS investigations	0	0	1.0
OCPO R1 Additional FTE and Associated Costs	92,139	92,139	1.0
Centrally Appropriated Line Items	32,956	32,956	0.0
TOTAL	**$907,516**	**$907,516**	**8.0**
INCREASE/(DECREASE)	**$125,095**	**$125,095**	**2.0**
Percentage Change	16.0%	16.0%	33.3%
FY 2018-19 EXECUTIVE REQUEST	**$1,137,014**	**$1,137,014**	**9.0**
Request Above/(Below) Recommendation	$229,498	$229,498	1.0

DECISION ITEMS – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

➔ OCPO R1 ADDITIONAL OCPO STAFF

REQUEST: The OCPO requests a total of $234,940 General Fund and 2.0 FTE for three staffing additions, additional internet bandwidth, and buildout and furnishing of two additional offices that are now vacant. The components of the request are as follows:

- $54,069 and 0.5 FTE for a Child Protection System's Analyst[35] to address the increased complexity of complaints relating to individual cases within the child protection system and allow the Deputy Ombudsman to return focus to essential duties;

- $30,018 and 0.5 FTE for an Administrative Coordinator to address the increase in administrative functions that have arisen from both the individual and systemic cases being investigated by the CPO and allow the Deputy Ombudsman to return focus to essential duties;

- $86,697 and 1.0 FTE for a Child Protection System's Analyst to address the growing need for investigations into systemic complaints and allow the Ombudsman and Policy and Communications Director to return focus to essential duties;

- $8,052 to upgrade the CPO's internet bandwidth; and

- $56,104 to build out and furnish two currently vacant offices in the CPO's office suite. The extra office space would accommodate the 1.0 FTE Child Protection System's Analyst and leave another finished office either for the added FTE requested in OCPO R2 or for future expansion.

RECOMMENDATION: Staff recommends an additional appropriation of $92,139 General Fund (= $54,069 + $30,018 + $8,052) and 1.0 FTE to fund bullets 1, 2, and 4 of this request. Staff does not recommend the addition of a 1.0 Child Protection System's Analyst (bullet 3) or the $56,104 office buildout (bullet 5). A Child Protection System's Analyst was added last year when the office's appropriation grew 27 percent dollar and FTE increased by 33 percent. Staff does not recommend the office buildout because the "half" FTEs in bullets one and two already work part time and already have offices. Additional office space is only needed if the analyst in bullet 3 is funded *or* request OCPO R2 is approved, which staff doesn't recommend.

ANALYSIS:
The OCPO is partially caseload driven, Section 19-3.3-103(1)(a)(I)(A), C.R.S., requires the CPO to receive

> complaints concerning child protection services made by, or on behalf of, a child relating to any action, inaction, or decision of any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of a child. The Ombudsman *may*, independently and impartially, investigate and seek resolution of such complaints, which resolution may include but need not be limited to, referring a complaint to the state department or appropriate agency or entity and making a recommendation for action relating to a complaint. [italics added]

[35] In FY 2015-16, the Judicial Department assisted the OCPO in the completion of salary surveys for existing CPO positions. The Judicial Department determined that the position most closely related to the Child Protection System's Analyst was that of a Criminal Investigator I within the Executive Branch.

The CPO refers to complaints received and investigated under this provision as "individual" complaints and distinguishes the resulting investigations from broader investigations of "systemic" problems facing the child protection system.

The Ombudsman interprets the italicized word "may" in statutory provision to give the Office the ability to triage and determine the appropriate response to all of the complaints and contacts filed with the Office. In some cases the response may be a referral to another agency or the complainant may be provided with standardized information, but the OCPO does not believe that it has the ability to turn down an investigation due to resources or other constraints. The policy of the Ombudsman is to consider all of the complaints coming into the office and provide appropriate responses. Thus, one of the most important duties of the CPO, the receipt of and response to individual complaints, has a significant caseload component.

The number of individual complaints that the CPO receives has been increasing. In FY 2015-16 the CPO received 580 calls that resulted in 331 investigations. In FY 2016-17, the CPO received 577 calls with 411 resulting in investigations. This increase has been coupled with recent changes designed to increase the quality and timeliness of CPO investigations. In response to a state audit report issued in July 2014, OCPO staff are now required to conduct thorough and extensive research into an agencies policies and procedures, conduct more collateral interviews with citizens and professionals involved in the actions leading to the complaint, and obtain verification of information provided by the agency under investigation, as well as by the complainant. Staff are also required to return complaint calls within 48 hours and investigations must be completed within 60 business days. If the CPO determines that there is immediate concern for a child's safety, an investigation will be opened immediately and contact will be made with the appropriate authority to ensure the child's safety. The OCPO states that it can take anywhere from few hours to a week to investigate a complaint.

In view of the Office's increased caseload and the increased complexity of investigations, staff believes that the recommended staffing increases are justified.

The Ombudsman is also charged with studying and investigating broader issues within the child protection system, so that it can educate legislators, stakeholders and the public regarding needed systemic changes to improve the safety of children and promote better outcomes for children and families. (See Sections 19-3.3-101(1)(f) and 19-3.3-103(2)(e), C.R.S., for language regarding the OCPO's charge to drive systemic change.) Staff is not recommending approval of the 1.0 FTE for a Child Protection System's Analyst to conduct investigations into systemic complaints because staff does not believe that this is a required increase.

Additional Bandwidth Request: Staff recommends that the OCPO's $8,052 General Fund request for additional internet bandwidth be approved. During FY 2016-17, the OCPO migrated to a new database that allows the OCPO to function as a paperless agency. The database is cloud based and can be accessed from anywhere. The office has also moved to cloud based email. Over the past year, the OCPO has begun to experience long delays due to limited bandwidth, finding it at times difficult to access the internet-based systems that are central to the day-to-day functions of the Office.

Office buildout: Staff does not recommend recommends that the OCPO's $56,104 General Fund request to build out and furnish two currently vacant offices in the CPO's office suite. The extra office space is not needed unless the Committee approves an FTE increase in excess of the staff recommendation.

➔ OCPO BA1 ADDITIONAL STAFF FOR DYS INVESTIGATIONS

REQUEST: The Child Protection Ombudsman (CPO) requests $86,697 General Fund for an addition 1.0 FTE Child Protection Systems Analyst to address what the CPO describes as a growing need for investigations into individual and systems complaints relating to the Division of Youth Services (DYS).

RECOMMENDATION: Staff does not recommend this request.

ADDITIONAL COST IF APPROVED: If this request is approved and the *staff recommendation* for OCPO R1 is also approved, it will be necessary to build out and furnish at least one of the two currently vacant office in the CPO's office suite to accommodate the new employee. The cost of building out one office is $32,700. The cost of furnishing that office is $3,473. There are economies of scale involved in building out two offices at the same time. If the second office is completed at the same time as the first, the cost of the second office is $16,458. If the second office is built out at a later date, the cost of the second office is $36,800.

ANALYSIS:
According to the Ombudsman, "community stakeholders and partners…have stated that an ombudsman is critical to ensuring child safety and well-being in DYS facilities." The CPO indicates that she has, with the help of stakeholders, identified the following issues that need investigation in DYS facilities:

- Timely and appropriate medical care for juveniles, including access to prescribed medication.
- Timely completion of appropriate assessments and Individualized Education Plans for juveniles.
- Appropriate use of physical management.
- Appropriate and effective discipline of problematic staff.
- Use of seclusion and "medical isolation "practices on juveniles.
- Diligent efforts by ongoing caseworkers to pursue placement at the lowest level of care outside of the DYS facilities.

Staff believes that the problems at DYS have been well documented in the recent past and will be well documented in the future. The state auditor issued a performance audit of DYS in December 2016. House Bill 17-1329 required DYS to establish a pilot program for at least 20 youth and the results of that pilot will be thoroughly analyzed. Staff does not believe that a CPO investigation into systemic problems at the DYS is justified at this time.

LINE ITEM DETAIL – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

PROGRAM COSTS

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

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

REQUEST: The OCPO requests $1,123,198 General Fund and 9.0 FTE, which includes $234,940 and 2.0 FTE for OCPO R1 *Additional FTE and Associated Costs* and $86,697 and 1.0 FTE for OCPO BA1 *FTE to investigate Division of Youth Services complaints*.

RECOMMENDATION: **Staff's recommendation is pending Committee common policies for Salary Survey for FY 2018-19**, however, the staff recommendation will reflect the staff recommendations for

- Partial approval of OCPO R1 *Additional FTE and Associated Costs* at a cost of 92,139 General Fund, and
- Non-approval of OCPO BA1 *FTE to investigate Division of Youth Services complaints*.

Because this is a program line item, the Office can decide how to allocate its appropriation. The Office's budget request indicates that it has allocated its FY 2017-18 appropriation as follows:

	FY 2017-18
Total appropriation to Program Costs line item	**$773,896**
Salaries	491,408
PERA	49,878
Medicare	7,125
Other Professional Services	10,000
Total Personal Services	**558,411**
Salary Survey	11,540
Merit Pay	0
Shift	0
AED	24,199
SAED	24,199
Short-term Disability	920
Health, Life and Dental	74,937
Total Benefits	**135,795**
Operating Expenses	**79,690**
FTE	6.0

It is likely that the Office will choose to allocate its appropriation in this approximate manner in FY 2018-19, but it is not required to do so.

The appropriation for FY 2018-19 will change as follows:

- It will be increased by annualization of FY 2017-18 salary survey,
- It will be increased for approved decision items, and
- It will be adjusted for changes in benefits and for FY 2018-19 salary survey

If the Committee approves 3 percent for salary survey and 0 percent for merit pay, benefits appropriations to the Office will adjusted to the following levels. (Note that these benefits are before the additional benefits for approved decision items. The value of those additional benefits was included in the requests.) If a different salary survey or merit pay increase is approved, staff will adjust these benefits accordingly.

Salary Survey	16,452
Merit Pay	0
AED	25,307
SAED	25,307
Short-term Disability	860
Health, Life and Dental	83,994
Total Benefits	151,920

OFFICE OF THE CHILD PROTECTION OMBUDSMAN, PROGRAM COSTS			
	TOTAL FUNDS	GENERAL FUND	FTE
FY 2017-18 APPROPRIATION			
SB 17-254 (Long Bill)	$773,896	$773,896	6.0
TOTAL	**$773,896**	**$773,896**	**6.0**
FY 2018-19 RECOMMENDED APPROPRIATION			
FY 2017-18 Appropriation	$773,896	$773,896	6.0
OCPO R1 Additional FTE and Associated Costs	92,139	92,139	1.0
Centrally Appropriated Line Items	27,665	27,665	0.0
OCPO BA1 Additional staff for DYS investigations	0	0	1.0
TOTAL	**$893,700**	**$893,700**	**8.0**
INCREASE/(DECREASE)	**$119,804**	**$119,804**	**2.0**
Percentage Change	15.5%	15.5%	33.3%
FY 2018-19 EXECUTIVE REQUEST	**$1,123,198**	**$1,123,198**	**9.0**
Request Above/(Below) Recommendation	$229,498	$229,498	1.0

LEGAL SERVICES

This line item provides funding for the OCPO to purchase legal services from the Department of Law.

STATUTORY AUTHORITY: Pursuant to 24-31-101 (1) (a), C.R.S., and defined in Section 24-75-112 (1) (i), C.R.S.

REQUEST: The OCPO requests an appropriation of $13,816 General Fund for legal services, an increase of $5,291 over FY 2017-18.

RECOMMENDATION: **The staff recommendation is pending Committee approval of a common policy for legal services.**

BACKGROUND: The Ombudsman has identified the following ongoing needs for legal services:

- *Legal complexity of calls/CPO's increased need to do records requests*: The CPO has been receiving calls regarding the Division of Youth Services, the Intellectual and Developmental Disabilities community, as well as adoptive family subsidies statewide. These cases require an extensive amount of research, as well as legal guidance regarding the interpretation of various federal and state laws. Further, these cases require the CPO to file records requests with agencies that are not currently familiar with the Office. Initially, some agencies are expected not to be willing to release records—primarily because they are unfamiliar with the CPO's statutory authority to receive them. While the CPO intends to work cooperatively with these agencies, legal support from the Attorney General is likely to be needed.

- *Legal challenges to CPO authority to investigate:* As a new, independent agency, the CPO is beginning to do more systemic investigations involving agencies outside of the child welfare arena. Despite educational outreach on the CPO's part, many agencies are unfamiliar with our jurisdiction at this time. I anticipate that the CPO will need to seek out legal guidance and assistance in responding to agency challenges to our statutory mandate and duty to investigate.

- *Legal guidance on CORA:* The CPO is subject to the Colorado Open Records Act (CORA). As a consequence, it anticipates an increase in requests for records from the media and the public. At this time, our communications program is still in its building stage. Until we are able to secure resources and develop communications policies that allow for the consistent and regular posting of information, I anticipate the need to rely on the Attorney General for their guidance in our response to CORA requests.

- *Legal advice for the Advisory Board on Human Resource Laws/Open Meeting Laws/Confidentiality:* The Attorney General continues to meet with the Board bi-monthly as they navigate through their duties and responsibilities. The Board is responsible for evaluating the Ombudsman each year. As such, they rely heavily on the Attorney General to guide them through the proper procedures under OML and applicable human resource laws. This will be an ongoing need for the board.

- *Open Board Seats:* In August 2017, the Board will have 7 open seats. I anticipate the need for the Attorney General to assist and advise the new members on their legal duties and responsibilities including providing legal advice regarding Open Meeting Laws and federal and state confidentiality laws that govern the CPO's work.

(10) INDEPENDENT ETHICS COMMISSION

The Independent Ethics Commission (IEC) is a five-member body established through a constitutional amendment that was approved by voters in 2006[36]. The purpose of the IEC is to give advice and guidance on ethics-related matters arising under the Colorado Constitution and any other standards of conduct or reporting requirements provided by law concerning public officers, members of the General Assembly, local government officials, or government employees. The IEC hears complaints, issues findings, assesses penalties and sanctions where appropriate, and issues advisory opinions. The members of the IEC are appointed by the Governor, the Chief Justice of the Supreme Court, the Senate, the House of Representatives, and the IEC itself. Commission members serve without compensation but are reimbursed for actual and necessary expenses incurred.

The IEC is an independent agency within the Judicial Branch, and it is currently supported by one employee. The IEC is located in the Ralph L. Carr Colorado Judicial Center, and the associated lease payment is covered through a single line item appropriation in the Courts Administration section of the Judicial Branch budget. The Office of the State Court Administrator provides free administrative support to the IEC, including: accounting; accounts payable; preparation of budget schedules and decision items; expenditure monitoring; procurement; fiscal year-end transfers; workers' compensation and risk management; payroll and benefits; recruitment; and information technology support (e-mail, desktop support, and server room). The IEC is supported entirely by General Fund appropriations.

Independent Ethics Commission	Total Funds	General Fund	FTE
FY 2017-18 Appropriation			
SB 17-254 (Long Bill)	$348,667	$348,667	1.0
TOTAL	**$348,667**	**$348,667**	**1.0**
FY 2018-19 Recommended Appropriation			
FY 2017-18 Appropriation	$348,667	$348,667	1.0
Centrally Appropriated Line Items	(6,340)	(6,340)	0.0
TOTAL	**$342,327**	**$342,327**	**1.0**
INCREASE/(DECREASE)	**($6,340)**	**($6,340)**	**0.0**
Percentage Change	(1.8%)	(1.8%)	0.0%
FY 2018-19 EXECUTIVE REQUEST	**$342,327**	**$342,327**	**1.0**
Request Above/(Below) Recommendation	$0	$0	0.0

DECISION ITEMS – INDEPENDENT ETHICS COMMISSION (NONE)

The IEC did not submit any decision items.

LINE ITEM DETAIL – INDEPENDENT ETHICS COMMISSION

[36] See Article XXIX of the Colorado Constitution and Section 24-18.5-101, C.R.S.

PROGRAM COSTS

This is a consolidated line item that includes funding for the 1.0 FTE that supports the Commission, including personal services, employee benefits, and operating expenses. Legal expenses are appropriated separately.

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

REQUEST: The IEC requests a total of $198,696 General Fund and 1.0 FTE.

RECOMMENDATION: **Staff's recommendation is pending Committee common policies for Salary Survey and Merit Pay for FY 2018-19**. **The following table details the components of this consolidated line item based on the requested 3.0 percent increase for Salary Survey.** If the common policy salary increase differs from 3.0 percent staff will adjust this table accordingly.

Staff's recommendation maintains funding for 1.0 FTE Director, $10,000 for contractual services, and $25,000 for operating expenses. Staff's recommendation applies Committee policy concerning employer contribution rates for health, life, and dental insurance, short-term disability insurance, and supplemental PERA payments (AED and SAED), but the latter three items will be adjusted if the salary increase differs from 3 percent.

Recommended Appropriations for the Independent Ethics Commission Program Costs			
Description	Current Appropriation	Adjustments	Recommended Appropriation
Personal Services	$136,366	$0	$139,525
Health, Life, and Dental	16,737	1,185	17,922
Short-term Disability	221	(15)	206
S.B. 04-257 Amortization Equalization Disbursement (AED)	5,803	268	6,071
S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)	5,803	268	6,071
Salary Survey (2.5%)	3,159	742	3,901
Merit Pay (0.0%)	0	0	0
Operating Expenses	25,000	0	25,000
TOTAL	**$193,089**	**$2,448**	**$198,696**

LEGAL SERVICES

This line item provides funding for the IEC to purchase legal services from the Department of Law.

STATUTORY AUTHORITY: Pursuant to 24-31-101 (1)(a), C.R.S., and defined in Section 24-75-112 (1)(i), C.R.S.

REQUEST: The IEC requests a legal services appropriation of $143,631 General Fund for FY 2018-19, a reduction of $11,947 relative to FY 2017-18.

RECOMMENDATION: The staff recommendation is pending the Committee's common policy decision on legal services. The following table provides a recent history of appropriations and expenditures for IEC legal services.

Independent Ethics Commission: Legal Services		
Fiscal Year	Actual Expenditures	(Reversion)/ Shortfall
2010-11	$34,217	($33,625)
2011-12	54,315	(13,824)
2012-13	75,945	6,420
2013-14	150,252	68,280
2014-15	144,182	(32,749)
2015-16	135,725	(35,293)
2016-17	127,937	(43,153)
2017-18 Approp	155,578	

(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship (OPG), which is overseen by the Public Guardianship Commission, was created by H.B. 17-1087. When it begins operations, the Office will run a pilot program within the Judicial Department to provide legal guardianship services to indigent and incapacitated adults who:

- Have no responsible family members or friends who are available and appropriate to serve as a guardian;
- Lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding; and
- Are not subject to a petition for appointment of a guardian filed by a county adult protective services unit or otherwise authorized by law.

The pilot program will be evaluated by the General Assembly in 2021 when the Office will submit a detailed report. At that time the General Assembly will decide whether the pilot should be continued, discontinued, or expanded.

Though the Office can theoretically receive General Fund appropriations; the intent of the bill as reflected in the fiscal note and in statements by the bill sponsors, is that the sole source of support for this program will be gifts, grants and donations.

Office Of Public Guardianship				
	Total Funds	General Fund	Cash Funds	FTE
FY 2017-18 Appropriation				
HB 18-1163 Judicial Suppl Bill	$350,940	$0	$350,940	2.0
TOTAL	**$350,940**	**$0**	**$350,940**	**2.0**
FY 2018-19 Recommended Appropriation				
FY 2017-18 Appropriation	$350,940	$0	$350,940	2.0
JUD BA9 Office of Public Guardianship	1,367,846	0	1,367,846	12.0
TOTAL	**$1,718,786**		**$1,718,786**	**14.0**
INCREASE/(DECREASE)	**$1,367,846**	**$0**	**$1,367,846**	**12.0**
Percentage Change	389.8%	0.0%	389.8%	600.0%
FY 2018-19 EXECUTIVE REQUEST	**$1,668,786**	**$0**	**$1,668,786**	**14.0**
Request Above/(Below) Recommendation	($50,000)		($50,000)	0.0

DECISION ITEMS – OFFICE OF PUBLIC GUARDIANSHP

➔ JUD BA9 Office of Public Guardianship

Request: The Judicial Department submitted a budget amendment on behalf of the Office of Public Guardianship requesting that its appropriation for FY 2018-19 be increased to $1,668,786 cash funds. The cash funds will come from donations and grants. The amount of the request is based on the fiscal note for H.B. 17-1087 and on an Office of Public Guardianship Advisory Committee report dated July 31, 2014.

RECOMMENDATION: **Staff recommends the request with an additional appropriation of $50,000 cash funds to cover contractor expenses during the OPG's start-up phase.** Additional contractor expenses were not envisioned in the fiscal note or the report. This brings the recommended appropriation for FY 2018-19 to $1,718,786 cash funds, an increase of $1,367,846 over the FY 2017-18 appropriation.

BACKGROUND: During supplementals, JBC staff recommended that the members of the Public Guardianship Commission, which oversees the OPG, solicit "seed" donations or grants that the Judicial Department, acting on behalf of the Commission, can place in the Public Guardianship Cash Fund. At the same time, the Commission can interview and select a contract fundraiser. Using spending authority in H.B. 17-1163 (the Judicial Department supplemental bill) the seed donations and grants can be used to hire the selected fundraiser. That fundraiser can then conduct a larger fund raising campaign, handling correspondence, calling upon potential donors, and accompanying Commissioners as they make fund raising presentations. The Judicial Department would deal with the contracting details and make payments to the contractor.

If potential donors and grantees are reluctant to contribute because they fear the Office won't raise $1.7 million and they will lose their contributions, the Commission can engage a private-sector entity to receive and hold contributions until the $1.7 million goal is reached. If the goal is not reached, the entity would return the contributions. If the goal is reached, the entity would turn the money over to the Office. Seed contributions wouldn't be returned.

As grants and donations build, the Commission can engage a contract employment recruiter to identify suitable candidates for director. If there's a delay in hiring the director, the entity holding the contributions could delay the transfer to the Office until a director is appointed.

The seed money raised by the Commissioners must be sufficient to hire the fundraiser and, if necessary, hire an entity to hold contributions prior to turning them over to the Office. The contract employment recruiter can be paid from contributions obtained by the fundraiser. The additional $50,000 recommended by staff is to hire these three contractors, who were not envisioned in the fiscal note.

LINE ITEM DETAIL – OFFICE OF PUBLIC GUARDIANSHIP

PROGRAM COSTS

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

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

REQUEST: Acting on behalf of the OPG, the Judicial Department requests that the OPG's cash fund appropriation be increased by $1,317,846 to $1,668,786 for FY 2018-19.

RECOMMENDATION: Staff recommends that the OPG's cash fund appropriation be increased to by an additional $50,000 to $1,718,786 for FY 2018-19. This recommendation reflects JUD BA9, Office of Public Guardianship.

OFFICE OF PUBLIC GUARDIANSHIP, PROGRAM COSTS				
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FTE
FY 2017-18 APPROPRIATION				
HB 18-1163 Judicial Suppl Bill	$350,940	$0	$350,940	2.0
TOTAL	**$350,940**	**$0**	**$350,940**	**2.0**
FY 2018-19 RECOMMENDED APPROPRIATION				
FY 2017-18 Appropriation	$350,940	$0	$350,940	2.0
JUD BA9 Office of Public Guardianship	1,367,846	0	1,367,846	12.0
TOTAL	**$1,718,786**		**$1,718,786**	**14.0**
INCREASE/(DECREASE)	**$1,367,846**	**$0**	**$1,367,846**	**12.0**
Percentage Change	389.8%	0.0%	389.8%	600.0%
FY 2018-19 EXECUTIVE REQUEST	**$1,668,786**	**$0**	**$1,668,786**	**14.0**
Request Above/(Below) Recommendation	($50,000)		($50,000)	0.0

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends the following **NEW** footnotes:

N JUDICIAL DEPARTMENT, PROBATION AND RELATED SERVICES, OFFENDER TREATMENT AND SERVICES – This appropriation includes the following transfers from the Correctional Treatment Cash Fund appropriation: $3,533,320 for the Department of Corrections, $5,297,610 for the Department of Human Services, and $6,411,194 for the Department of Public Safety.

It is challenging to follow the flow of Correctional Treatment Cash Funds in the Long Bill and staff believes that this footnote will increase transparency. Staff requests permission to adjust the footnote to reflect the transfers that result from yet-to-be-made Committee decisions.

Staff recommends **CONTINUING** and **CONTINUING AND MODIFYING** the following footnotes:

53 Judicial Department, Supreme Court and Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Office of the State Public Defender, Personal Services; Office of the Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services; Office of the Respondent Parents' Counsel, Personal Services -- In accordance with Section 13-30-104 (3), C.R.S., funding is provided for judicial compensation, as follows:

	FY 2017-18 Salary	Increase	FY 2018-19 Salary
Chief Justice, Supreme Court	$181,219	$ 5,437	$ 186,656
Associate Justice, Supreme Court	177,350	5,321	182,671
Chief Judge, Court of Appeals	174,226	5,227	179,453
Associate Judge, Court of Appeals	170,324	5,110	175,434
District Court Judge, Denver Juvenile Court Judge, and Denver Probate Court Judge	163,303	4,899	168,202
County Court Judge	156,278	4,688	160,966

Funding is also provided in the Long Bill to maintain the salary of the State Public Defender at the level of an associate judge of the Court of Appeals and to maintain the salaries of the Alternate Defense Counsel, the Executive Director of the Office of the Child's Representative, and the Executive Director of the Office of the Respondent Parents' Counsel at the level of a district court judge.

COMMENT: This footnote first appeared in the FY 1999-00 Long Bill. Sections 13-30-103 and 104, C.R.S., established judicial salaries for various fiscal years during the 1990s [through H.B. 98-1238]. These provisions state that any salary increases above those set forth in statute "shall be determined by the general assembly as set forth in the annual general appropriations bill." The General Assembly annually establishes judicial salaries through this footnote in the Long Bill. The footnote also establishes the salaries for the individuals who head four of the independent judicial agencies by tying them to specific judicial salaries.

Pursuant to S.B. 15-288, the salaries listed in statute for certain state officials and state legislators will also be benchmarked to certain judicial officers' salaries beginning in January 2019.

The salaries listed in the above footnote for FY 2018-19 reflect an increase of 3.0 percent, based on application of the Governor's proposed 3.0 percent across-the-board increase. Staff requests permission to adjust the footnote as appropriate once the Committee establishes a common policy for Salary Survey and Merit Pay. As judicial officers do not receive "merit" pay, staff proposed using the sum of any percent increases approved by the Committee to be included in Salary Survey and Merit Pay line item appropriations.

54 Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the intent of the General Assembly that $624,877 of the General Fund appropriation for Offender Treatment and Services be used to provide treatment and services for offenders participating in veterans treatment courts, including peer mentoring services.

COMMENT: This footnote identifies the amount of funding within the Offender Treatment and Services line item appropriation that is intended to support treatment and services for offenders participating in veterans treatment courts. The Department has requested continuation of the full $624,877 for FY 2018-19.

55 Judicial Department, Office of the State Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

COMMENT: This is the first of six footnotes that authorize the independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to $1.0 million per fiscal year. This footnote provides the OSPD with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

60 Judicial Department, Office of the Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

COMMENT: This footnote provides the OADC with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

61 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.

COMMENT: This footnote provides the OCR with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

62 Judicial Department, Office of the Respondent Parents' Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Respondent Parents' Counsel's appropriation may be transferred between line items in the Office of the Respondent Parents' Counsel.

COMMENT: This footnote provides the Office of the Respondent Parents' Counsel (ORPC) with the authority to transfer up to 2.5 percent of its total annual appropriation between line items.

63 Judicial Department, Office of the Child Protection Ombudsman -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 10.0 percent of the total Office of the Child Protection Ombudsman appropriation may be transferred between line items in the Office of the Child Protection Ombudsman.

COMMENT: This footnote provides the Office with the authority to transfer up to 10.0 percent of its total annual appropriation between line items.

64 Judicial Department, Independent Ethics Commission -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 10.0 percent of the total Independent Ethics Commission appropriation may be transferred between line items in the Independent Ethics Commission.

COMMENT: This footnote provides the Commission with the authority to transfer up to 10.0 percent of its total annual appropriation between line items.

REQUESTS FOR INFORMATION

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

Requests Applicable to Multiple Departments, Including Judicial Branch

4 Department of Corrections; Department of Human Services; Judicial Department; Department of Public Safety; and Department of Transportation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs.

COMMENT: This request is intended to ensure that state agencies coordinate requests that draw on the same cash fund. It is also intended to ensure that for each fund listed, one department includes a comprehensive annual budget request for that fund.

Requests Applicable to Judicial Branch Only

1 Judicial Department, Office of the State Public Defender – The State Public Defender is requested to provide by November 1, ~~2017,~~ 2018, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY ~~2015-16:~~ 2016-17: the number of new cases; the number of opening briefs filed by the Office of the State Public Defender; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, ~~2017.~~ 2018.

COMMENT: In the Fall of 2013, the Office of the State Public Defender (OSPD) submitted a request to add 16.0 FTE to reduce a growing backlog of appellate cases. This funding request was submitted in response to a request for information from the General Assembly. The General Assembly approved the request and appropriated $839,684 General Fund for FY 2014-15. The above request was included to allow the General Assembly to monitor the OSPD's progress in reducing the backlog. The Committee sends a similar request for information to the Department of Law to monitor that agency's progress in reducing the backlog of criminal appellate cases.

2 Judicial Department, Probation and Related Services – The State Court Administrator's Office is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; and the female offender program. The Office is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many offenders return to probation as the result of violations.

COMMENT: This report provides useful information on the success of the various probation programs.

3. Judicial Department, Trial Courts, District Attorney Mandated Costs – District Attorneys in each judicial district shall be responsible for allocations made by the Colorado District Attorneys' Council's Mandated Cost Committee. Any increases in this line item shall be requested and justified in writing by the Colorado District Attorneys' Council, rather than the Judicial Department, through the regular appropriation and supplemental appropriation processes. The Colorado District Attorneys' Council is requested to submit an annual report by November 1 detailing how the District Attorney Mandated Costs appropriation is spent, how it is distributed, and the steps taken to control these costs.

COMMENT: This request indicates that the Colorado District Attorneys' Council (CDAC) is responsible for submitting the budget request related to the District Attorney Mandated Costs line item, and asks that the CDAC provide information annually concerning actual expenditures and steps taken to control costs.

Section 20-1-110, C.R.S., authorizes District Attorneys (DAs) to participate in an intergovernmental cooperative relationship concerning criminal prosecution (*e.g.*, the CDAC), and to enter into contracts on behalf of his or her judicial district for cooperation with other DAs concerning such prosecution and prosecution-related services. Further, Section 20-1-111, C.R.S., authorizes DAs to cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting DAs, "including the sharing of costs and the administration and distribution of moneys received for mandated costs." This provision also authorizes DAs to "allocate up to five percent of the moneys received for mandated costs authorized by the general assembly for administrative expenses".

4 Judicial Department, Probation and Related Services, Offender Treatment and Services – The State Court Administrator's Office is requested to provide by November 1 of each year a detailed report on how this appropriation is used, including the amount spent on testing, treatment, and assessments for offenders.

COMMENT: This consolidated line item was created in FY 2006-07. The purpose of this format change was to: (a) provide increased flexibility to local probation departments to allocate funds for treatment and services for indigent offenders or those otherwise unable to pay; and (b) reduce year-end reversions of unspent cash funds. This request ensures that the General Assembly is informed of the actual allocation and expenditure of these funds.

Staff recommends discontinuing the following requests for information:

N Judicial Department, Courts Administration, Central Appropriations, Health, Life, and Dental; Office of the State Public Defender, Health, Life, and Dental; Office of the Alternate Defense Counsel, Health, Life, and Dental; Office of the Child's Representative, Health, Life, and Dental; Office of the Respondent Parents' Counsel, Health, Life, and Dental; Office of the Child Protection Ombudsman, Program Costs; and Independent Ethics Commission, Program Costs – The State Court Administrator's Office is requested to provide by November 1, 2017, a report concerning the feasibility of including a single line item appropriation in the FY 2018-19 Long Bill for Judicial Branch employee health, life, and dental insurance benefits. The Office is requested to discuss this proposal with each of the six independent Judicial agencies, and seek input concerning the associated benefits and challenges.

COMMENT: The requested report was provided. It is not needed again.

N Judicial Department, Courts Administration, Ralph L. Carr Colorado Judicial Center, Controlled Maintenance – The State Court Administrator's Office is requested to provide by November 1, 2017, a report concerning its plans for addressing the controlled maintenance needs of the Carr Center, consistent with S.B. 08-206. The report should include any recommended statutory changes or changes to the appropriation structure to ensure that revenues from court fees, lease payments, and parking fees can be used to cover both current and future controlled maintenance expenses.

COMMENT: The requested report was provided. It is not needed again.

INDIRECT COST ASSESSMENTS

DESCRIPTION OF INDIRECT COST ASSESSMENT METHODOLOGY

The Judicial Branch's indirect cost assessment methodology is based on an "*Indirect Cost Pool*", which is allocated among fund sources based on estimates of the relative benefit that each program area receives from each component of the Indirect Cost Pool.

The Branch's Indirect Cost Pool is comprised of the General Fund share of several line item appropriations that appear in three sections of the Long Bill, listed below.

Courts Administration
*General Courts Administration
Information Technology Infrastructure
Workers' Compensation
Legal Services
Payment to Risk Management and Property Funds
Leased Space
Payments to OIT
CORE Operations

One line item appropriation that is included in the Department's Indirect Cost Pool (noted with an asterisk above) supports personal services and operating expenses in the State Court Administrator's Office. The Department only includes that portion of the appropriation that relates to <u>administrative</u> positions. The Department also includes the associated costs of administrative employees' benefits. The Department's Indirect Cost Pool is based on appropriated amounts for the previous fiscal year (e.g., the Indirect Cost Pool for FY 2017-18 is based on FY 2016-17 appropriations).

Please note that in previous years the Department also included a portion of the appropriations for both Trial Court Programs and Probation Programs in the indirect cost pool. Beginning in FY 2016-17, the Department has excluded these amounts from the indirect cost pool. The Department also increased the portion of appropriations for personnel and operating expenses for General Courts Administration that are included in the indirect cost pool (from 64.6 percent to 79.6 percent). The net impact of these changes was to reduce the indirect cost pool by $10.1 million. The Department indicates that Trial Court and Probation salaries and benefits are direct costs identified with a particular district and deemed part of the final cost objective for that district. The Department indicates that this change is based on the following two resources:

- Guidance for developing a Federal Indirect Cost Proposal outside of a State Allocation Plan - https://rates.psc.gov/fms/dca/ASMBc-10.pdf
- Updates for grant administration and cost principles are available under the Uniform Guidance. That website is https://www.federalregister.gov/articles/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards.

INDIRECT COST POOL

Table 1 outlines which line items are included in the Department's Indirect Cost Pool for FY 2018-19.

TABLE 1				
DIVISION	JUDICIAL DEPARTMENT: INDIRECT COST POOL LINE ITEM	FY 2017-18 GENERAL FUND APPROPRIATION	% OF COSTS INCLUDED IN INDIRECT COST POOL	FY 2017-18 INDIRECT COST POOL COMPONENTS
Courts Administration	General Courts Administration - Personal Services and Operating Expenses	$17,907,163	81.8%	$14,648,059
	Health, Life, and Dental - Administration	1,863,988	81.8%	1,524,742
	Short-term Disability - Administration	35,870	81.8%	29,342
	S.B. 04-257 AED - Administration	894,220	81.8%	731,472
	S.B. 06-235 SAED - Administration	884,489	81.8%	723,512
	Salary Survey - Administration	309,320	81.8%	253,024
	Information Technology Infrastructure	0	100.0%	0
	Workers' Compensation	1,471,444	100.0%	1,471,444
	Legal Services	213,866	100.0%	213,866
	Purchase of Services from Computer Center	0	100.0%	0
	Multiuse Network Payments	0	100.0%	0
	Payment to Risk Management and Property Funds	1,127,976	100.0%	1,127,976
	Leased Space - State Court Administrator's Office	2,579,918	100.0%	2,579,918
	Communication Services	0	100.0%	0
	Payments to OIT	6,079,311	100.0%	6,079,311
	CORE Operations	836,556	100.0%	836,556
	Lease Purchase	0	100.0%	0
Trial Courts	Trial Court Programs - Personal Services and Operating Expenses	121,560,395	0.0%	0
	Health, Life, and Dental - Trial Courts	14,831,220	0.0%	0
	Short-term Disability - Trial Courts	132,237	0.0%	0
	S.B. 04-257 AED - Trial Courts	4,357,103	0.0%	0
	S.B. 06-235 SAED - Trial Courts	3,983,458	0.0%	0
	Salary Survey - Trial Courts	306,283	0.0%	0
Probation and Related Services	Probation Programs - Personal Services and Operating Expenses	75,384,289	0.0%	0
	Health, Life, and Dental - Probation	8,622,068	0.0%	0
	Short-term Disability - Probation	118,829	0.0%	0
	S.B. 04-257 AED - Probation	2,963,835	0.0%	0
	S.B. 06-235 SAED - Probation	2,931,581	0.0%	0
	Salary Survey - Probation	13,915	0.0%	0
Departmental Indirect Cost Pool				**$30,219,222**

INDIRECT COST RATE

As detailed in ***Table 2,*** the Department calculates an *Indirect Cost Rate* for each general program area. The Department first allocates each component of the Indirect Cost Pool among general program areas. While most components are categorized as "general overhead" because they benefit all program areas in a similar manner, some components only benefit one program area. The Department then calculates an Indirect Cost Rate for each program area by comparing the program area's allocation from the Indirect Cost Pool to total Long Bill appropriations for the Department (including all state fund sources, but excluding appropriations for each of the independent agencies). For example, the "general overhead" portion of the Indirect Cost Pool represents 2.13 percent of total Department appropriations, and the "probation" portion of the Indirect Cost Pool represents

1.10 percent of total Department appropriations. Thus, the Department applies an Indirect Cost Rate of 3.23 percent (2.13% + 1.10% = 3.23%) to each fund source that supports a probation-related program.

Table 2											
Judicial Department: Calculation of Basis for Allocating Indirect Costs											
		Allocation of Cost Pool Components by Program Area									
		Total (from Table 1)	General Overhead		Trial Courts		Probation		Attorney Regulation		
Division	Line Items Included in Indirect Cost Pool		Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars
Courts Administration	General Courts Administration - Personal Services and Operating Expenses, and Associated Benefits	$17,910,151	16.0%	$2,865,624	49.0%	$8,775,974	33.0%	$5,910,350	2.0%	$358,203
	Information Technology Infrastructure	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0
	Workers' Compensation	1,471,444	100.0%	1,471,444	0.0%	0	0.0%	0	0.0%	0
	Legal Services	213,866	100.0%	213,866	0.0%	0	0.0%	0	0.0%	0
	Purchase of Services from Computer Center	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0
	Multiuse Network Payments	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0
	Payment to Risk Management and Property Funds	1,127,976	100.0%	1,127,976	0.0%	0	0.0%	0	0.0%	0
	Leased Space - State Court Administrator's Office	2,579,918	100.0%	2,579,918	0.0%	0	0.0%	0	0.0%	0
	Communication Services	0	0.0%	0	0.0%	0	100.0%	0	0.0%	0
	Payments to OIT	6,079,311	100.0%	6,079,311	0.0%	0	0.0%	0	0.0%	0
	CORE Operations	836,556	100.0%	836,556	0.0%	0	0.0%	0	0.0%	0
	Lease Purchase	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0
Trial Courts	Trial Court Programs - Personal Services and Operating Expenses, and Associated Benefits	0	0.0%	0	100.0%	0	0.0%	0	0.0%	0
Probation and Related Services	Probation Programs - Personal Services and Operating Expenses, and Associated Benefits	0	0.0%	0	0.0%	0	100.0%	0	0.0%	0
Total		**$30,219,222**		**$15,174,695**		**$8,775,974**		**$5,910,350**		**$358,203**
Total Budget for State Court Administrator's Office, Courts, and Probation - All Fund Sources Except Federal Funds		$540,113,426								
Allocated Indirect Cost Pool / Total Budget			2.81%		1.62%		1.09%		0.10%	

INDIRECT COST BASE

The *Indirect Cost Base* is comprised of total Long Bill appropriations to the Department (including all state fund sources, but excluding appropriations for each of the independent agencies). Thus, the *Departmental Indirect Cost Assessment* for each fund source is calculated by multiplying the applicable Indirect Cost Rate by the total amount appropriated in the Long Bill from that fund source. Please note that the Department does not recover indirect costs from several non-General Fund sources of funding, which are listed on the following page.

- *Crime Victim-related funds:* Statutorily, a Victims and Witnesses Assistance and Law Enforcement Fund and a Crime Victim Compensation Fund are established in the office of the court administrator for each judicial district. Moneys anticipated to be expended from these funds are reflected in the Long Bill for informational purposes, but local court administrators and district attorneys may spend these funds without an appropriation. Statute requires that these funds be used for the implementation of the rights afforded to crime victims, services and compensation of crime victims, and certain related administrative costs incurred by local court administrators and district attorneys.

- *Judicial Stabilization Cash Fund*: Moneys in this fund may be appropriated for the "expenses of trial courts in the judicial department". This fund was created through S.B. 03-186, a Joint Budget Committee sponsored bill that raised multiple docket, filing, and probation fees and used the revenues to reduce General Fund expenditures. As this fund is used in lieu of General Fund for certain trial court expenses, it has never been used to cover indirect costs.

- *Attorney law examination and continuing legal education fees*: The Colorado Supreme Court is authorized to collect fees from attorneys and judges to cover the costs of regulation of the practice of law. The Department currently assesses indirect costs on fees related to attorney regulation activities, but not on fees related to continuing legal education or the bar exam.

- *Fees credited to the Supreme Court Library Fund*: The Supreme Court Library is a public library that is supported by appellate filing and other fees deposited in the Supreme Court Library Fund.

- *Transfers from other state agencies:* The Department receives federal child support enforcement funding from the Department of Human Services, for persistent drunk driver programs, and for S.B. 91-94 juvenile service programs.

In addition, please note that the budget for the Judicial Branch includes funding for several independent agencies. Other than a small amount of revenue from training fees and occasional grants, these independent agencies are entirely supported by the General Fund. Thus, administrative costs incurred by these agencies are not included in the Indirect Cost Pool, and the budgets for these agencies do not reflect indirect cost assessments. These agencies do not currently use fees that are paid by attorneys attending training sessions to cover agency indirect costs. With respect to grants, if one of these agencies were to receive a grant that may be used to cover both direct and indirect costs, the agency would charge an appropriate amount to the grant, and then use that amount to cover an administrative expense that would otherwise be supported by General Fund. Thus, any indirect cost recoveries that may be collected by these agencies would be used to reduce General Fund expenditures.

Table 3 details the calculation of the Departmental Indirect Cost Assessment for FY 2018-19 among divisions and specific funding sources. The Department then allocates the Statewide Indirect Cost Assessment proportionally, based on Departmental Indirect Cost Assessments.

TABLE 3

JUDICIAL DEPARTMENT: ALLOCATION OF INDIRECT COSTS AMONG DIVISIONS AND FUND SOURCES

Division	Fund Source	Indirect Cost Rate Applied to Appropriated Amount	Dept. Indirect Cost Assessment	Statewide Indirect Cost Assessment	Total Indirect Cost Assessment
Supreme Court/ Court of Appeals	Annual attorney registration fees for Attorney Regulation	2.91%	$238,090	$20,797	$258,887
	Judicial Stabilization Cash Fund		0	0	0
	Law examination application fees for the State Board of Law Examiners		0	0	0
	Annual attorney registration fees for Continuing Legal Education		0	0	0
	Subtotal		238,090	20,797	258,887
Courts Administration	Judicial Department Information Technology Cash Fund	2.81%	496,577	43,377	539,954
	Victims and Witnesses Assistance and Law Enforcement Fund		0	0	0
	Crime Victim Compensation Fund		0	0	0
	Court Security Cash Fund	4.43%	74,276	6,488	80,764
	Judicial Collection Enhancement Fund	2.81%	105,581	9,223	114,804
	Fines Collection Cash Fund	2.81%	19,159	1,674	20,833
	Judicial Stabilization Cash Fund		0	0	0
	Justice Center Cash Fund	2.81%	17,976	1,570	19,546
	State Commission on Judicial Performance Cash Fund	4.43%	18,122	1,583	19,705
	Family-friendly Court Program Cash Fund	4.43%	8,501	743	9,244
	Family Violence Justice Fund	4.43%	6,396	559	6,955
	Restorative Justice Surcharge Fund	4.43%	18,640	1,628	20,268
	Various Federal Grants			22,933	22,933
	Transfer from DHS from the Child Support Enforcement line item		0	0	0
	Subtotal		765,228	89,777	855,005
Trial Courts	Judicial Stabilization Cash Fund		0	0	0
	Transfer from DHS from the Child Support Enforcement line item		0	0	0
	Water Adjudication Cash Fund		0	0	0
	Subtotal		0	0	0
Probation and Related Services	Offender Services Fund	3.90%	522,593	45,649	568,242
	Correctional Treatment Cash Fund (previously Drug Offender Surcharge Fund and Drug Offender Treatment Fund)	3.90%	154,717	13,515	168,232
	Alcohol and Drug Driving Safety Program Fund	3.90%	175,516	15,332	190,848
	Offender Identification Fund	3.90%	1,896	166	2,062
	Interestate Compact Probation Transfer Cash Fund	3.90%	6,054	529	6,583
	Sex Offender Surcharge Fund		0	0	0
	Transfer from DHS from Persistent Drunk Driver Programs line item		0	0	0
	Transfer from DHS from S.B. 91-94 Programs line item		0	0	0
	Victims and Witnesses Assistance and Law Enforcement Board grants and transfer from DPS from State Victims Assistance and Law Enforcement Programs line item		0	0	0
	Subtotal		860,776	75,190	935,966
Total			**$1,864,094**	**$185,764**	**$2,049,858**

FY 2018-19 Indirect Cost Assessment Request

The total of departmental and statewide indirect cost assessments is appropriated in the "General Courts Administration" line item in the Courts Administration section of the Long Bill, thereby reducing General Fund expenditures by the same amount. In addition, this line item includes an amount that is anticipated to be charged to various federal grants received by the Department to cover a portion of departmental and statewide indirect costs. These federal recoveries are treated differently than other indirect cost recoveries because they are less predictable, and the indirect cost assessment is calculated using a different methodology (e.g., the calculation uses lag data and the rates are not finalized until September of the fiscal year). If the total amount of indirect cost recoveries from federal grants exceeds the amount reflected in the Long Bill, the Department books the expenditure to the associated grants line item, and then applies such recoveries to the General Courts Administration line item. Thus, all indirect cost recoveries from federal grants reduce General Fund expenditures.

As detailed in the following ***Table 4***, the Department's FY 2017-18 request includes a total of $2,602,558 for indirect cost assessments and indirect cost recoveries from federal grants. The request for FY 2018-19 represents an increase of $333,698 compared to FY 2017-18. This increase is due to the increase in indirect cost recoveries from federal grants, and due to increases in the costs of personal services and employee benefits that are part of the indirect cost pool.

Table 4				
Judicial Department: Indirect Cost Assessment				
	Indirect Cost Assessments			Estimated Indirect Cost Recoveries from Federal Grants
Division	Total	Cash Funds	Other Funds	
Supreme Court/Court of Appeals	$258,887	$258,887	$0	$0
Courts Administration	855,005	832,072	22,933	0
Trial Courts	0	0	0	0
Probation and Related Services	935,966	935,966	0	0
Amounts Reflected Within Grants Line Items	552,700	0	0	552,700
Total Indirect Cost Assessment for FY 2018-19	**$2,602,558**	**$2,026,925**	**$22,933**	**$552,700**
FY 2017-18 Indirect Cost Assessment	2,268,860	1,984,768	9,092	275,000
Difference (FY 18-19 less FY 17-18)	**333,698**	**42,157**	**13,841**	**277,700**

Appendix A: Number Pages

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation

JUDICIAL DEPARTMENT
Nancy Rice, Chief Justice

(1) SUPREME COURT AND COURT OF APPEALS

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The primary functions of the Supreme Court include: general supervisory control of lower courts; appellate review of lower court judgements; original jurisdiction for certain constitutional and other cases; rule-making for the state court system; and overseeing the regulation of attorneys and the practice of law. The Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Cash fund sources primarily include annual attorney registration fees, law examination application fees, appellate court filing fees, and various docket fees that are credited to the Judicial Stabilization Cash Fund. Reappropriated funds are transferred from the Department of Law.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Appellate Court Programs	13,375,908	14,240,407	14,490,399	14,978,929	14,978,929
FTE	142.8	143.0	143.0	143.0	143.0
General Fund	13,305,395	14,171,683	14,418,399	14,906,929	14,906,929
Cash Funds	70,513	68,724	72,000	72,000	72,000
Office of Attorney Regulation Counsel	9,695,639	10,640,535	10,650,000	10,650,000	10,650,000
FTE	69.0	69.0	70.0	70.0	70.0
Cash Funds	9,695,639	10,640,535	10,650,000	10,650,000	10,650,000
Law Library	572,272	492,967	572,897	572,897	572,897
FTE	3.5	3.5	3.5	3.5	3.5
Cash Funds	499,603	420,070	500,000	500,000	500,000
Reappropriated Funds	72,669	72,897	72,897	72,897	72,897
Indirect Cost Assessment	221,332	221,332	258,887	258,887	258,887
Cash Funds	221,332	221,332	258,887	258,887	258,887

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
TOTAL - (1) Supreme Court and Court of Appeals	23,865,151	25,595,241	25,972,183	26,460,713	26,460,713
FTE	215.3	215.5	216.5	216.5	216.5
General Fund	13,305,395	14,171,683	14,418,399	14,906,929	14,906,929
Cash Funds	10,487,087	11,350,661	11,480,887	11,480,887	11,480,887
Reappropriated Funds	72,669	72,897	72,897	72,897	72,897

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(2) COURTS ADMINISTRATION

The Justices of the Supreme Court appoint a State Court Administrator to oversee administrative functions of the Branch. The State Court Administrator and his staff provide leadership and technical and administrative support for judicial district staff. This section includes funding for: the State Court Administrator and his staff; information technology staff and infrastructure for courts and probation programs; employee benefits for all court and probation staff; multiple programs that are administrated centrally rather than at the judicial district level; and operations of the Ralph L. Carr Colorado Judicial Center.

(A) Administration and Technology

This subsection includes funding and staff associated with central administration of the State's judicial system, including budgeting, research, information technology systems and support, training, and technical assistance. Cash fund sources include the Judicial Department Information Technology Cash Fund, the Judicial Stabilization Cash Fund, and various fees and cost recoveries. Reappropriated funds include statewide and departmental indirect recoveries and funds transferred from other state agencies.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
General Courts Administration	24,443,176	25,365,754	26,651,092	25,208,111	25,208,111	*
FTE	223.1	239.3	243.8	250.8	250.8	
General Fund	16,387,860	17,596,582	17,907,163	19,558,702	19,558,702	
Cash Funds	5,740,889	5,584,763	6,057,248	2,962,728	2,962,728	
Reappropriated Funds	2,314,427	2,184,409	2,686,681	2,686,681	2,686,681	
Federal Funds	0	0	0	0	0	
Information Technology Infrastructure	8,629,343	10,115,045	11,828,915	10,525,798	10,525,798	*
General Fund	403,094	403,094	403,094	1,672,624	1,172,624	
Cash Funds	8,226,249	9,711,951	11,425,821	8,853,174	9,353,174	
Information Technology Cost Recoveries	0	0	0	3,340,000	3,340,000	*
Cash Funds	0	0	0	3,340,000	3,340,000	
Indirect Cost Assessment	673,399	747,363	855,005	855,005	855,005	
Cash Funds	673,399	747,363	832,072	832,072	832,072	
Reappropriated Funds	0	0	22,933	22,933	22,933	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
SUBTOTAL - (A) Administration and Technology	33,745,918	36,228,162	39,335,012	39,928,914	39,928,914
FTE	223.1	239.3	243.8	250.8	250.8
General Fund	16,790,954	17,999,676	18,310,257	21,231,326	20,731,326
Cash Funds	14,640,537	16,044,077	18,315,141	15,987,974	16,487,974
Reappropriated Funds	2,314,427	2,184,409	2,709,614	2,709,614	2,709,614
Federal Funds	0	0	0	0	0

(B) Central Appropriations

This subsection includes centrally appropriated line items. While most of these line items cover expenses for the entire Judicial Branch, the following line items exclude funding associated with the six independent agencies: salary-related line items; appropriations for health, life, and dental, and short-term disability insurance; and vehicle lease payments. Cash fund sources include: the Judicial Stabilization Cash Fund, the State Commission on Judicial Performance Cash Fund, the Offender Services Fund, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Correctional Treatment Cash Fund, and the Alcohol and Drug Driving Safety Program Fund.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Health, Life, and Dental	29,574,072	29,390,455	33,150,528	35,261,715	35,261,715	
General Fund	26,723,070	27,739,706	30,465,620	32,442,734	32,442,734	
Cash Funds	2,851,002	1,650,749	2,684,908	2,818,981	2,818,981	
Reappropriated Funds	0	0	0	0	0	
Federal Funds	0	0	0	0	0	
Short-term Disability	384,414	324,759	355,031	331,559	370,973	
General Fund	347,073	297,389	325,558	298,405	336,774	
Cash Funds	37,341	27,370	29,473	33,154	34,199	
S.B. 04-257 Amortization Equalization Disbursement	8,928,410	9,305,614	10,619,357	11,362,799	11,308,146	*
General Fund	8,168,699	9,083,579	9,836,206	10,387,006	10,336,222	
Cash Funds	759,711	222,035	783,151	975,793	971,924	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	8,271,723	8,830,965	10,213,101	11,154,455	11,099,802	*
General Fund	7,542,763	8,611,455	9,432,362	10,179,925	10,129,141	
Cash Funds	728,960	219,510	780,739	974,530	970,661	
Salary Survey	8,711,251	1,172,311	4,974,368	12,042,388	10,832,232	*
General Fund	8,395,379	897,205	4,670,658	11,382,719	10,254,076	
Cash Funds	315,872	275,106	303,710	659,669	578,156	
Merit Pay	2,556,586	0	1,552,341	0	0	
General Fund	2,360,879	0	1,423,473	0	0	
Cash Funds	195,707	0	128,868	0	0	
Workers' Compensation	1,126,921	1,383,287	1,471,444	1,829,719	1,829,719	
General Fund	1,126,921	1,383,287	1,471,444	1,829,719	1,829,719	
Legal Services	302,933	278,392	213,866	250,557	250,557	
General Fund	302,933	278,392	213,866	250,557	250,557	
Payment to Risk Management and Property Funds	729,019	873,467	1,127,976	944,272	944,272	*
General Fund	729,019	873,467	1,127,976	944,272	944,272	
Vehicle Lease Payments	82,820	102,388	93,762	102,203	102,203	
General Fund	82,820	102,388	93,762	102,203	102,203	
Ralph L. Carr Colorado Judicial Center Leased Space	2,491,754	2,536,816	2,579,918	2,626,605	2,626,605	
General Fund	2,491,754	2,536,816	2,579,918	2,626,605	2,626,605	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Payments to OIT	4,031,075	2,613,057	6,079,311	5,357,708	5,357,708
General Fund	4,031,075	2,613,057	6,079,311	5,357,708	5,357,708
CORE Operations	1,619,424	856,852	836,556	970,599	970,599
General Fund	1,619,424	856,852	836,556	970,599	970,599
Lease Purchase	111,427	0	0	0	0
General Fund	111,427	0	0	0	0
SUBTOTAL - (B) Central Appropriations	68,921,829	57,668,363	73,267,559	82,234,579	80,954,532
FTE	0.0	0.0	0.0	0.0	0.0
General Fund	64,033,236	55,273,593	68,556,710	76,772,452	75,580,612
Cash Funds	4,888,593	2,394,770	4,710,849	5,462,127	5,373,920
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(C) Centrally Administered Programs

This subsection includes funding and staff associated with specific functions, grant programs, and distributions that are administered by the Office of the State Court Administrator. Cash fund sources include: the Victims and Witnesses and Law Enforcement Fund; the Crime Victim Compensation Fund; the Judicial Collections Enhancement Fund; the Fines Collection Cash Fund; the Judicial Stabilization Cash Fund; the Court Security Cash Fund; the State Commission on Judicial Performance Cash Fund; the Family Violence Justice Fund; the Family-friendly Court Program Cash Fund; and various fees, cost recoveries, and grants. Reappropriated funds include Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section, and federal funds transferred from the Department of Human Services.

Victim Assistance	15,894,722	15,495,051	16,375,000	16,375,000	16,375,000
Cash Funds	15,894,722	15,495,051	16,375,000	16,375,000	16,375,000
Federal Funds	0	0	0	0	0

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Victim Compensation	10,365,445	17,751,761	13,400,000	13,400,000	13,400,000	
Cash Funds	10,365,445	11,961,540	13,400,000	13,400,000	13,400,000	
Federal Funds	0	5,790,221	0	0	0	
Collections Investigators	6,429,084	6,435,400	7,023,075	7,162,055	7,162,055	
FTE	104.2	104.2	104.2	104.2	104.2	
Cash Funds	5,772,951	5,765,864	6,125,534	6,264,514	6,264,514	
Reappropriated Funds	656,133	669,536	897,541	897,541	897,541	
Problem-solving Courts	3,509,361	3,603,032	4,079,624	4,621,027	4,621,027	*
FTE	44.3	44.3	50.6	57.6	57.6	
General Fund	375,376	398,446	875,038	1,416,441	1,416,441	
Cash Funds	3,133,985	3,204,586	3,204,586	3,204,586	3,204,586	
Language Interpreters and Translators	4,715,905	5,009,804	5,344,508	5,404,744	5,404,744	
FTE	32.9	33.0	33.0	33.0	33.0	
General Fund	4,690,610	4,979,854	5,294,508	5,354,744	5,354,744	
Cash Funds	25,295	29,950	50,000	50,000	50,000	
Courthouse Security	2,156,409	2,224,968	2,727,567	2,730,314	2,730,314	*
FTE	1.0	1.0	1.0	1.0	1.0	
General Fund	500,000	500,000	503,468	506,215	381,215	
Cash Funds	1,656,409	1,724,968	2,224,099	2,224,099	2,349,099	
Appropriation to Underfunded Courthouse Facility Cash Fund	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	
General Fund	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Underfunded Courthouse Facilities Grant Program	647,422	1,675,632	2,600,000	2,600,000	2,600,000
FTE	1.0	1.0	1.0	1.0	1.0
Cash Funds	0	0	600,000	600,000	600,000
Reappropriated Funds	647,422	1,675,632	2,000,000	2,000,000	2,000,000
Courthouse Furnishings and Infrastructure Maintenance	2,185,709	2,649,829	3,448,056	2,034,326	1,963,781 *
General Fund	1,308,619	1,291,646	2,639,800	2,034,326	1,963,781
Cash Funds	877,090	1,358,183	808,256	0	0
Capital Outlay	0	0	4,703	0	0
FTE	0.0	0.0	0.0	0.0	0.0
General Fund	0	0	4,703	0	0
Senior Judge Program	1,415,218	1,483,375	1,640,750	1,681,769	1,681,769
General Fund	115,218	183,375	340,750	381,769	381,769
Cash Funds	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Judicial Education and Training	1,325,708	1,441,487	1,460,283	1,464,342	1,464,342
FTE	2.0	2.0	2.0	2.0	2.0
General Fund	4,812	4,812	8,289	12,348	12,348
Cash Funds	1,320,896	1,436,675	1,451,994	1,451,994	1,451,994
Office of Judicial Performance Evaluation	678,956	694,845	828,755	805,379	805,379
FTE	2.0	2.0	2.0	2.0	2.0
General Fund	290,000	290,000	314,500	314,500	314,500
Cash Funds	388,956	404,845	514,255	490,879	490,879

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Family Violence Justice Grants	2,642,026	2,650,136	2,670,000	2,670,000	2,670,000	
General Fund	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
Cash Funds	142,026	150,136	170,000	170,000	170,000	
Restorative Justice Programs	740,325	997,960	1,000,842	1,232,932	1,122,932	*
FTE	1.0	1.0	1.0	1.0	1.0	
Cash Funds	740,325	997,960	1,000,842	1,232,932	1,122,932	
District Attorney Adult Pretrial Diversion Programs	215,515	316,877	477,000	477,000	477,000	
General Fund	215,515	311,397	400,000	400,000	400,000	
Cash Funds	0	5,480	77,000	77,000	77,000	
Family-friendly Court Program	225,943	208,575	225,943	225,943	225,943	
FTE	0.5	0.5	0.5	0.5	0.5	
Cash Funds	225,943	208,575	225,943	225,943	225,943	
Compensation for Exonerated Persons	105,751	107,020	768,968	0	0	*
General Fund	105,751	107,020	768,968	0	0	
Child Support Enforcement	95,004	87,172	114,719	114,719	114,719	*
FTE	1.0	1.0	1.0	1.0	1.0	
General Fund	33,202	28,321	39,005	39,005	39,005	
Reappropriated Funds	0	0	75,714	75,714	75,714	
Federal Funds	61,802	58,851	0	0	0	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
SUBTOTAL - (C) Centrally Administered Programs	55,348,503	64,832,924	66,189,793	64,999,550	64,819,005
FTE	189.9	190.0	196.3	203.3	203.3
General Fund	12,139,103	12,594,871	15,689,029	14,959,348	14,763,803
Cash Funds	41,844,043	44,043,813	47,527,509	47,066,947	47,081,947
Reappropriated Funds	1,303,555	2,345,168	2,973,255	2,973,255	2,973,255
Federal Funds	61,802	5,849,072	0	0	0

(D) Ralph L. Carr Colorado Judicial Center

This subsection includes appropriations related to the operations of the Ralph L. Carr Colorado Judicial Center. Funding supports: various contractual services (including engineering, custodial, and maintenance services; parking garage operations and maintenance; and copy center operations); the purchase of security services from the Colorado State Patrol; utilities; operational and engineering facility staff; debt service payments (previously included in the Capital Construction section of the budget); and an annual appropriation for facility controlled maintenance needs. Cash funds are from the Justice Center Cash Fund. Reappropriated funds are transferred from Leased Space appropriations to the Judicial Branch and the Department of Law.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Personal Services	1,383,300	1,426,336	1,612,743	1,619,081	1,619,081
FTE	2.0	2.0	2.0	2.0	2.0
Cash Funds	1,383,300	1,426,336	1,612,743	1,619,081	1,619,081
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	4,026,234	3,988,027	4,026,234	4,026,234	4,026,234
General Fund	1,146,362	0	0	0	0
Cash Funds	2,879,872	3,988,027	4,026,234	4,026,234	4,026,234
Reappropriated Funds	0	0	0	0	0
Controlled Maintenance	0	0	2,025,000	2,025,000	2,025,000
Cash Funds	0	0	2,025,000	2,025,000	2,025,000
Reappropriated Funds	0	0	0	0	0

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Debt Service Payments	15,661,472	15,677,137	21,593,531	21,565,990	21,565,990
General Fund	3,853,638	4,806,525	4,704,365	4,598,683	4,598,683
Cash Funds	6,281,842	5,131,279	11,047,673	11,020,132	11,020,132
Reappropriated Funds	5,525,992	5,739,333	5,841,493	5,947,175	5,947,175
SUBTOTAL - (D) Ralph L. Carr Colorado Judicial Center	21,071,006	21,091,500	29,257,508	29,236,305	29,236,305
FTE	2.0	2.0	2.0	2.0	2.0
General Fund	5,000,000	4,806,525	4,704,365	4,598,683	4,598,683
Cash Funds	10,545,014	10,545,642	18,711,650	18,690,447	18,690,447
Reappropriated Funds	5,525,992	5,739,333	5,841,493	5,947,175	5,947,175
Federal Funds	0	0	0	0	0
TOTAL - (2) Courts Administration	179,087,256	179,820,949	208,049,872	216,399,348	214,938,756
FTE	415.0	431.3	442.1	456.1	456.1
General Fund	97,963,293	90,674,665	107,260,361	117,561,809	115,674,424
Cash Funds	71,918,187	73,028,302	89,265,149	87,207,495	87,634,288
Reappropriated Funds	9,143,974	10,268,910	11,524,362	11,630,044	11,630,044
Federal Funds	61,802	5,849,072	0	0	0

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(3) TRIAL COURTS

This section provides funding for the state trial courts, which consist of district courts in 22 judicial districts, water courts, and county courts. District courts: preside over felony criminal matters, civil claims, juvenile matters, and probate, mental health, and divorce proceedings; handle appeals from municipal and county courts; and review decisions of administrative boards and agencies. Water courts have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water. County courts: handle civil actions involving no more than $15,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints; issue search warrants and protection orders in cases involving domestic violence; and hear municipal court appeals. Cash fund sources include the Judicial Stabilization Cash Fund, various court fees and cost recoveries, and the sale of jury pattern instructions. Reappropriated funds reflect federal funds transferred from the Departments of Public Safety and Human Services.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Trial Court Programs	143,288,147	152,529,982	152,986,749	157,881,588	157,032,632	*
FTE	1,786.1	1,863.1	1,859.4	1,874.6	1,859.6	
General Fund	113,564,342	121,239,069	121,904,189	126,746,000	125,897,044	
Cash Funds	28,523,697	28,785,127	29,132,560	29,185,588	29,185,588	
Reappropriated Funds	0	1,250,000	1,950,000	1,950,000	1,950,000	
Federal Funds	1,200,108	1,255,786	0	0	0	
Court Costs, Jury Costs, and Court-appointed Counsel	18,880,258	7,219,644	7,888,518	7,995,694	7,995,694	
General Fund	18,803,386	7,157,438	7,723,269	7,830,445	7,830,445	
Cash Funds	76,872	62,206	165,249	165,249	165,249	
District Attorney Mandated Costs	2,347,581	2,301,396	2,484,770	2,559,313	2,559,313	*
General Fund	2,177,581	2,131,396	2,314,770	2,389,313	2,389,313	
Cash Funds	170,000	170,000	170,000	170,000	170,000	
ACTION and Statewide Discovery Sharing Systems	2,300,000	2,866,108	3,240,000	3,240,000	3,240,000	
General Fund	2,300,000	2,796,108	3,170,000	3,170,000	3,170,000	
Cash Funds	0	70,000	70,000	70,000	70,000	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Federal Funds and Other Grants	2,974,971	2,854,987	2,900,000	2,900,000	2,900,000
FTE	14.0	14.0	13.0	13.0	13.0
Cash Funds	149,083	174,000	975,000	975,000	975,000
Reappropriated Funds	0	0	300,000	300,000	300,000
Federal Funds	2,825,888	2,680,987	1,625,000	1,625,000	1,625,000

TOTAL - (3) Trial Courts	169,790,957	167,772,117	169,500,037	174,576,595	173,727,639
FTE	1,800.1	1,877.1	1,872.4	1,887.6	1,872.6
General Fund	136,845,309	133,324,011	135,112,228	140,135,758	139,286,802
Cash Funds	28,919,652	29,261,333	30,512,809	30,565,837	30,565,837
Reappropriated Funds	0	1,250,000	2,250,000	2,250,000	2,250,000
Federal Funds	4,025,996	3,936,773	1,625,000	1,625,000	1,625,000

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(4) PROBATION AND RELATED SERVICES

This section provides funding for: the supervision of offenders sentenced to probation; the preparation of presentence investigation reports for the courts; victim notification and assistance; and community outreach programs. This section also provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance use disorder and co-occurring disorders for adult and juvenile offenders. Cash funds include: fees paid by offenders for supervision, treatment, and restitution; the Marijuana Tax Cash Fund; and various cost recoveries. Reappropriated funds include: spending authority for General Fund moneys that are appropriated to the Correctional Treatment Cash Fund; Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section; and funds transferred from other Departments.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Probation Programs	84,373,928	84,465,145	84,543,930	86,423,825	86,423,825	
FTE	1,158.0	1,184.7	1,184.7	1,184.7	1,184.7	
General Fund	73,462,016	75,361,046	75,384,289	77,019,115	77,019,115	
Cash Funds	10,911,912	9,104,099	9,159,641	9,404,710	9,404,710	
Offender Treatment and Services	29,311,131	29,813,583	34,717,999	34,984,604 1.0	35,414,485 1.0	*
General Fund	834,151	787,346	924,877	924,877	924,877	
Cash Funds	12,566,248	12,474,884	15,919,977	16,016,734	16,446,615	
Reappropriated Funds	15,910,732	16,551,353	17,873,145	18,042,993	18,042,993	
Appropriation to the Correctional Treatment Cash Fund	16,750,000	16,750,000	16,984,804	17,154,652	17,154,652	*
General Fund	15,200,000	15,200,000	15,413,076	15,567,207	15,567,207	
Cash Funds	1,550,000	1,550,000	1,571,728	1,587,445	1,587,445	
S.B. 91-94 Juvenile Services	1,420,801	1,407,924	2,496,837	2,496,837	2,496,837	
FTE	25.0	25.0	25.0	25.0	25.0	
Reappropriated Funds	1,420,801	1,407,924	2,496,837	2,496,837	2,496,837	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer	91,885	88,905	187,500	187,500	187,500
Cash Funds	91,885	88,905	187,500	187,500	187,500
Victims Grants	294,052	225,659	650,000	650,000	650,000
FTE	6.0	6.0	6.0	6.0	6.0
Reappropriated Funds	294,052	225,659	650,000	650,000	650,000
Federal Funds and Other Grants	3,438,543	2,536,006	5,600,000	5,600,000	5,600,000
FTE	33.0	33.0	32.0	32.0	32.0
Cash Funds	652,007	764,120	1,950,000	1,950,000	1,950,000
Reappropriated Funds	104,780	0	850,000	850,000	850,000
Federal Funds	2,681,756	1,771,886	2,800,000	2,800,000	2,800,000
Indirect Cost Assessment	1,144,696	940,714	935,966	935,966	935,966
Cash Funds	1,144,696	940,714	935,966	935,966	935,966
TOTAL - (4) Probation and Related Services	136,825,036	136,227,936	146,117,036	148,433,384	148,863,265
FTE	1,222.0	1,248.7	1,247.7	1,248.7	1,248.7
General Fund	89,496,167	91,348,392	91,722,242	93,511,199	93,511,199
Cash Funds	26,916,748	24,922,722	29,724,812	30,082,355	30,512,236
Reappropriated Funds	17,730,365	18,184,936	21,869,982	22,039,830	22,039,830
Federal Funds	2,681,756	1,771,886	2,800,000	2,800,000	2,800,000

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(5) OFFICE OF THE STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Personal Services	58,161,209	60,567,122	62,188,595	67,258,601	67,258,601	*
FTE	751.5	760.8	809.1	869.5	869.5	
General Fund	58,161,209	60,567,122	62,188,595	67,258,601	67,258,601	
Health, Life, and Dental	6,232,846	6,159,824	6,781,728	7,657,623	7,657,623	*
General Fund	6,232,846	6,159,824	6,781,728	7,657,623	7,657,623	
Short-term Disability	114,758	99,261	104,089	102,322	102,322	*
General Fund	114,758	99,261	104,089	102,322	102,322	
S.B. 04-257 Amortization Equalization Disbursement	2,295,153	2,507,649	2,739,179	3,009,481	3,009,481	*
General Fund	2,295,153	2,507,649	2,739,179	3,009,481	3,009,481	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	2,216,909	2,481,528	2,739,179	3,009,481	3,009,481	*
General Fund	2,216,909	2,481,528	2,739,179	3,009,481	3,009,481	
Salary Survey	583,552	0	1,043,828	1,876,280	1,876,280	
General Fund	583,552	0	1,043,828	1,876,280	1,876,280	
Merit Pay	576,242	0	447,355	0	0	
General Fund	576,242	0	447,355	0	0	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Operating Expenses	1,547,749	1,537,556	1,776,295	1,832,513	1,832,513	*
General Fund	1,537,594	1,522,881	1,746,295	1,802,513	1,802,513	
Cash Funds	10,155	14,675	30,000	30,000	30,000	
Vehicle Lease Payments	99,959	104,182	118,126	125,428	125,428	
General Fund	99,959	104,182	118,126	125,428	125,428	
Capital Outlay	17,401	0	118,775	296,289	296,289	*
General Fund	17,401	0	118,775	296,289	296,289	
Leased Space/Utilities	5,846,298	6,030,088	6,450,639	6,966,417	6,966,417	*
General Fund	5,846,298	6,030,088	6,450,639	6,966,417	6,966,417	
Automation Plan	1,399,107	1,858,843	1,580,023	1,579,678	1,579,678	*
General Fund	1,399,107	1,858,843	1,580,023	1,579,678	1,579,678	
Attorney Registration	133,615	140,085	140,294	146,944	146,944	*
General Fund	133,615	140,085	140,294	146,944	146,944	
Contract Services	10,545	34,714	49,395	49,395	49,395	
General Fund	10,545	34,714	49,395	49,395	49,395	
Mandated Costs	5,360,590	4,486,241	3,325,959	3,364,661	3,364,661	*
General Fund	5,360,590	4,486,241	3,325,959	3,364,661	3,364,661	
Grants	59,129	78,506	120,000	175,000	175,000	*
FTE	0.3	0.3	2.0	2.3	2.3	
Cash Funds	59,129	78,506	120,000	175,000	175,000	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
TOTAL - (5) Office of the State Public Defender	84,655,062	86,085,599	89,723,459	97,450,113	97,450,113
FTE	751.8	761.1	811.1	871.8	871.8
General Fund	84,585,778	85,992,418	89,573,459	97,245,113	97,245,113
Cash Funds	69,284	93,181	150,000	205,000	205,000

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL

This independent agency provides legal representation for indigent defendants in cases where the State Public Defender is precluded from doing so because of an ethical conflict of interest. Cash funds are received from private attorneys and investigators for training.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Personal Services	1,063,023	1,248,393	1,220,657	1,404,459	1,374,459	*
FTE	10.9	12.0	12.0	13.0	13.0	
General Fund	1,063,023	1,248,393	1,220,657	1,404,459	1,374,459	
Health, Life, and Dental	134,599	134,268	163,134	185,370	185,370	*
General Fund	134,599	134,268	163,134	185,370	185,370	
Short-term Disability	2,078	2,052	2,293	2,195	2,195	*
General Fund	2,078	2,052	2,293	2,195	2,195	
S.B. 04-257 Amortization Equalization Disbursement	41,541	51,836	60,339	64,513	64,513	*
General Fund	41,541	51,836	60,339	64,513	64,513	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	40,126	51,295	60,339	64,513	64,513	*
General Fund	40,126	51,295	60,339	64,513	64,513	
Salary Survey	61,947	0	119,297	40,141	40,141	
General Fund	61,947	0	119,297	40,141	40,141	
Merit Pay	6,761	0	9,137	0	0	
General Fund	6,761	0	9,137	0	0	
Operating Expenses	95,796	131,679	106,439	113,197	113,197	*
General Fund	95,796	131,679	106,439	113,197	113,197	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Capital Outlay	4,703	4,703	0	3,473	3,473	*
General Fund	4,703	4,703	0	3,473	3,473	
Training and Conferences	61,132	61,167	100,000	100,000	100,000	
General Fund	21,132	40,000	20,000	20,000	20,000	
Cash Funds	40,000	21,167	80,000	80,000	80,000	
Conflict-of-interest Contracts	27,846,305	29,100,185	31,270,952	37,391,362	35,085,071	*
General Fund	27,846,305	29,100,185	31,270,952	37,391,362	35,085,071	
Mandated Costs	2,198,305	2,141,000	2,280,742	2,558,924	2,558,924	*
General Fund	2,198,305	2,141,000	2,280,742	2,558,924	2,558,924	
TOTAL - (6) Office of the Alternate Defense Counsel	31,556,316	32,926,578	35,393,329	41,928,147	39,591,856	
FTE	10.9	12.0	12.0	13.0	13.0	
General Fund	31,516,316	32,905,411	35,313,329	41,848,147	39,511,856	
Cash Funds	40,000	21,167	80,000	80,000	80,000	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Personal Services	2,277,497	2,367,544	3,275,521	2,709,547	2,629,984	*
FTE	28.9	29.1	29.5	31.0	30.0	
General Fund	2,277,497	2,367,544	3,275,521	2,709,547	2,629,984	
Health, Life, and Dental	222,248	218,190	226,640	254,276	242,399	*
General Fund	222,248	218,190	226,640	254,276	242,399	
Short-term Disability	5,224	4,111	4,254	4,135	4,014	*
General Fund	5,224	4,111	4,254	4,135	4,014	
S.B. 04-257 Amortization Equalization Disbursement	104,479	103,850	111,957	122,596	119,031	*
General Fund	104,479	103,850	111,957	122,596	119,031	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	100,917	102,767	111,957	122,596	119,031	*
General Fund	100,917	102,767	111,957	122,596	119,031	
Salary Survey	93,977	0	45,454	74,854	74,854	
General Fund	93,977	0	45,454	74,854	74,854	
Merit Pay	23,011	0	17,245	0	0	
General Fund	23,011	0	17,245	0	0	
Operating Expenses	243,989	222,731	252,046	223,142	221,549	*
General Fund	243,989	222,731	252,046	223,142	221,549	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Leased Space	105,137	106,680	99,504	128,952	128,952	
General Fund	105,137	106,680	99,504	128,952	128,952	
CASA Contracts	1,020,000	1,020,000	1,050,000	1,050,000	1,050,000	
General Fund	1,020,000	1,020,000	1,050,000	1,050,000	1,050,000	
Training	40,379	40,737	38,000	38,000	38,000	
General Fund	40,379	40,737	38,000	38,000	38,000	
Court-appointed Counsel	18,878,819	20,252,945	21,687,004	22,968,114	21,074,583	*
General Fund	18,878,819	20,252,945	21,687,004	22,968,114	21,074,583	
Mandated Costs	35,609	30,429	30,000	30,000	30,000	
General Fund	35,609	30,429	30,000	30,000	30,000	
Grants	26,909	13,874	26,909	26,909	26,909	
Reappropriated Funds	26,909	13,874	26,909	26,909	26,909	
TOTAL - (7) Office of the Child's Representative	23,178,195	24,483,858	26,976,491	27,753,121	25,759,306	
FTE	28.9	29.1	29.5	31.0	30.0	
General Fund	23,151,286	24,469,984	26,949,582	27,726,212	25,732,397	
Reappropriated Funds	26,909	13,874	26,909	26,909	26,909	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
(8) OFFICE OF THE RESPONDENT PARENTS COUNSEL						
This independent agency provides legal representation for indigent parents involved in dependency and neglect proceedings. Cash funds are received from private attorneys for training.						
Personal Services	320,019	923,110	1,177,365	1,421,878	1,221,878	*
FTE	2.8	8.8	10.0	10.0	10.0	
General Fund	320,019	923,110	1,177,365	1,421,878	1,221,878	
Health, Life, and Dental	11,789	90,389	84,338	93,928	93,928	
General Fund	11,789	90,389	84,338	93,928	93,928	
Short-term Disability	461	1,739	1,611	1,665	1,665	
General Fund	461	1,739	1,611	1,665	1,665	
S.B. 04-257 Amortization Equalization Disbursement	11,236	43,930	42,397	48,978	48,978	
General Fund	11,236	43,930	42,397	48,978	48,978	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	10,853	43,472	42,397	48,978	48,978	
General Fund	10,853	43,472	42,397	48,978	48,978	
Salary Survey	0	0	17,159	31,841	31,841	
General Fund	0	0	17,159	31,841	31,841	
Merit Pay	0	0	7,354	0	0	
General Fund	0	0	7,354	0	0	
Operating Expenses	24,106	117,003	87,221	103,119	103,119	*
General Fund	24,106	117,003	87,221	103,119	103,119	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Legal Services	460	4,838	2,131	1,889	1,889	
General Fund	460	4,838	2,131	1,889	1,889	
Training	7,282	39,613	60,000	60,000	60,000	
General Fund	7,282	30,000	30,000	30,000	30,000	
Cash Funds	0	9,613	30,000	30,000	30,000	
Court-appointed Counsel	0	11,794,424	13,827,934	14,728,892	13,827,934	*
General Fund	0	11,794,424	13,827,934	14,728,892	13,827,934	
Mandated Costs	0	553,773	849,421	1,058,985	1,044,060	*
General Fund	0	553,773	849,421	1,058,985	1,044,060	
Grants	0	19,338	31,095	31,095	31,095	
Reappropriated Funds	0	19,338	31,095	31,095	31,095	
Case Management System	60,098	245,496	0	0	0	
General Fund	60,098	245,496	0	0	0	
Capital Outlay	340,260	84,336	0	0	0	
General Fund	340,260	84,336	0	0	0	
TOTAL - (8) Office of the Respondent Parents Counsel	786,564	13,961,461	16,230,423	17,631,248	16,515,365	
FTE	2.8	8.8	10.0	10.0	10.0	
General Fund	786,564	13,932,510	16,169,328	17,570,153	16,454,270	
Cash Funds	0	9,613	30,000	30,000	30,000	
Reappropriated Funds	0	19,338	31,095	31,095	31,095	

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	

(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

This independent agency investigates complaints and reviews issues raised relating to child protection services, policies, and procedures, and makes recommendations to improve services and promote better outcomes for children and families receiving child protection services.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation	
Program Costs	177,516	590,554	773,896	1,123,198	893,700	*
FTE	2.0	4.5	6.0	9.0	8.0	
General Fund	177,516	590,554	773,896	1,123,198	893,700	
Legal Services	0	11,753	8,525	13,816	13,816	
General Fund	0	11,753	8,525	13,816	13,816	
TOTAL - (9) Office of the Child Protection Ombudsman	177,516	602,307	782,421	1,137,014	907,516	
FTE	2.0	4.5	6.0	9.0	8.0	
General Fund	177,516	602,307	782,421	1,137,014	907,516	

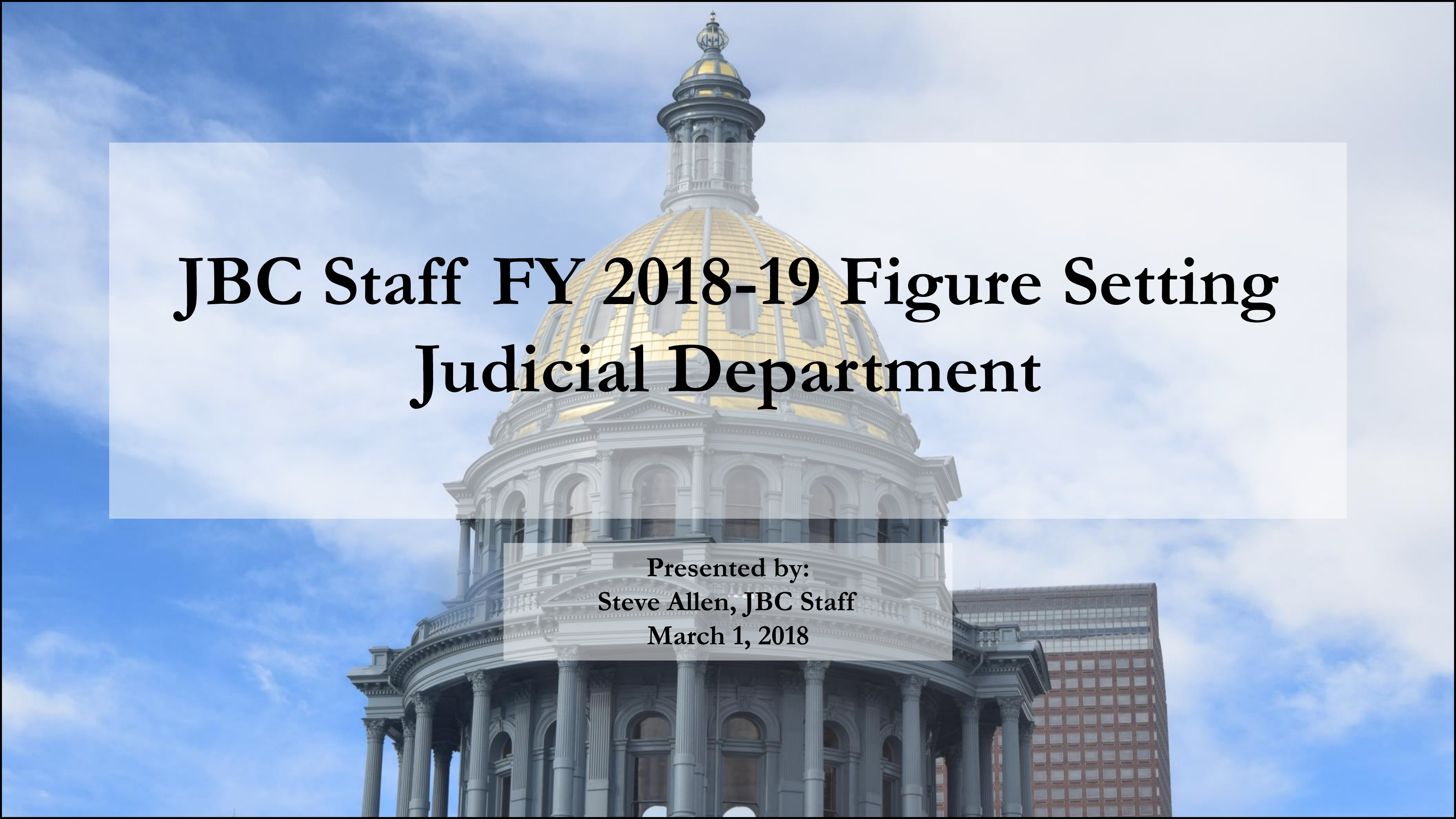
	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation

(10) INDEPENDENT ETHICS COMMISSION

This independent agency is charged with hearing complaints, issuing findings, assessing penalties, and issuing advisory opinions on ethics issues that arise concerning public officers, members of the General Assembly, local government officials, or government employees.

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
Program Costs	154,302	171,777	193,089	198,696	198,696
FTE	1.0	1.0	1.0	1.0	1.0
General Fund	154,302	171,777	193,089	198,696	198,696
Legal Services	135,725	127,937	155,578	143,631	143,631
General Fund	135,725	127,937	155,578	143,631	143,631
TOTAL - (10) Independent Ethics Commission	290,027	299,714	348,667	342,327	342,327
FTE	1.0	1.0	1.0	1.0	1.0
General Fund	290,027	299,714	348,667	342,327	342,327

	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request	FY 2018-19 Recommendation
(11) OFFICE OF PUBLIC GUARDIANSHIP					
Program Costs	0	0	350,940	1,668,786	1,718,786 *
FTE	0.0	0.0	2.0	14.0	14.0
Cash Funds	0	0	350,940	1,668,786	1,718,786
TOTAL - (11) Office of Public Guardianship	0	0	350,940	1,668,786	1,718,786
FTE	0.0	0.0	2.0	14.0	14.0
Cash Funds	0	0	350,940	1,668,786	1,718,786
TOTAL - Judicial Department	650,212,080	667,775,760	719,444,858	753,780,796	746,275,642
FTE	4,449.8	4,589.1	4,650.3	4,758.7	4,741.7
General Fund	478,117,651	487,721,095	517,650,016	551,984,661	543,572,833
Cash Funds	138,350,958	138,686,979	161,594,597	161,320,360	162,227,034
Reappropriated Funds	26,973,917	29,809,955	35,775,245	36,050,775	36,050,775
Federal Funds	6,769,554	11,557,731	4,425,000	4,425,000	4,425,000



JBC Staff FY 2018-19 Figure Setting
Judicial Department

Presented by:
Steve Allen, JBC Staff
March 1, 2018

All divisions are included in this staff document

(1) Judicial Dept.
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Overview

Staff Recommendation
$746.3 million total funds
$543.6 General Fund
4,741.7 FTE

Department Request
$753.8 million total funds
$552.0 General Fund
4,758.7 FTE

No staff-initiated changes

40 branch-requested changes

40 decision items
(Includes budget amendments)

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Change Requests

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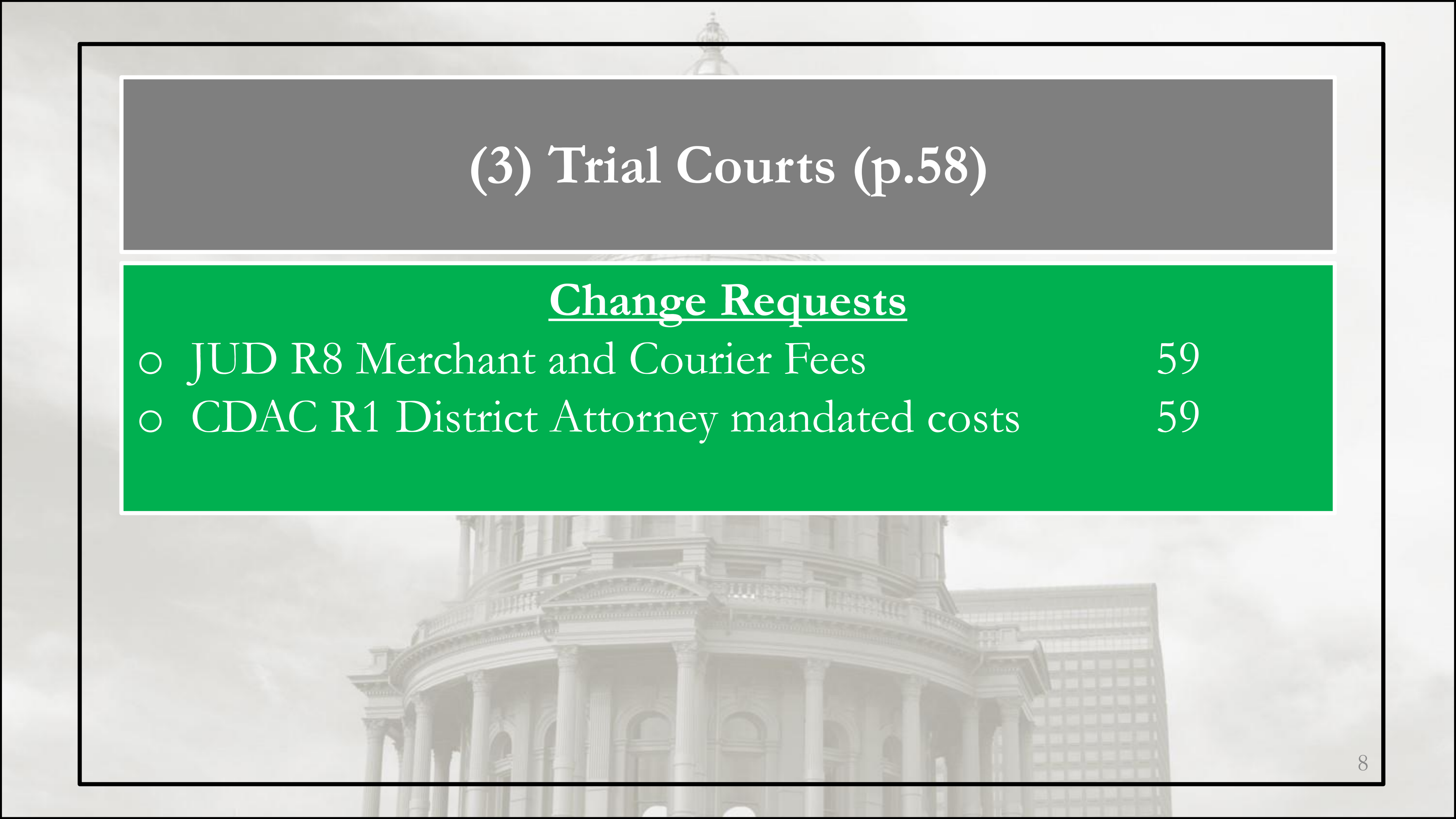

(4) Probation and Related Services (p.66)

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None

(5) Office of the State Public Defender (p.73)

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Long Bill Footnotes

- ☐ 9 recommended (p.137)

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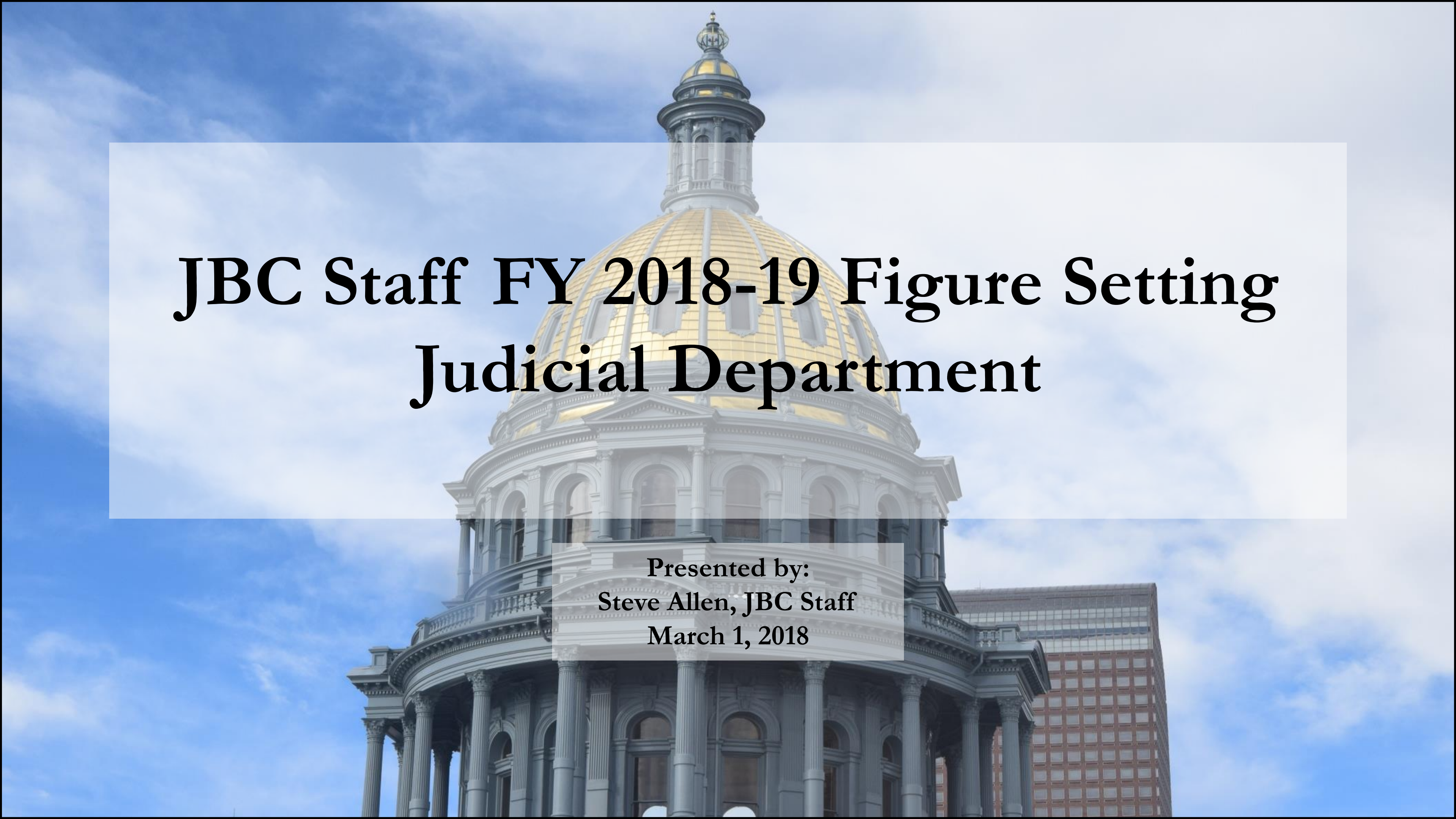

JBC Staff FY 2018-19 Figure Setting
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