JOINT
BUDGET
COMMITTEE

STAFF BUDGET BRIEFING
FY 2022-23

JUDICIAL BRANCH

Courts and Probation
and
Independent Agencies

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

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ADDITIONAL RESOURCES

Brief summaries of all bills that passed during the 2020 and 2021 legislative sessions that had a fiscal impact on this department are available in Appendix A of the annual Appropriations Report: https://leg.colorado.gov/publications/appropriations-report-fiscal-year-2021-22

The online version of the briefing document, which includes the Numbers Pages, may be found by searching the budget documents on the General Assembly's website by visiting leg.colorado.gov/content/budget/budget-documents. Once on the budge documents page, select the name of this department's *Department/Topic*, "Briefing" under *Type*, and ensure that *Start date* and *End date* encompass the date a document was presented to the JBC.

JUDICIAL BRANCH

BRANCH OVERVIEW

One of three branches of Colorado state government, the Judicial Branch is established in Article 6, Section 1 of the Colorado Constitution. It interprets and administers the law, resolves disputes, and supervises offenders on probation. The Chief Justice of the Colorado Supreme Court, selected by the justices of the Court, is the executive head of the Branch. The justices also appoint a State Court Administrator to oversee the daily administration of the Branch and provide administrative and technical support to the courts and probation. The General Assembly has established 23 judicial districts within the state – 22 currently with the 23rd effective in January 2025. The General Assembly establishes the number of justices and judges at each level of the state court system[1].

The state court system consists of four primary courts:

- *County Courts* have limited jurisdiction, handling civil cases under $15,000, misdemeanors, civil and criminal traffic infractions, felony complaints, protection orders, and small claims.

- *District Courts* have general jurisdiction, handling felony criminal cases, large civil cases, probate and domestic matters, cases for and against the government, as well as juvenile and mental health cases. District Courts also include water courts (one in each of the seven major river basins in Colorado) which have exclusive jurisdiction over cases concerning water matters.

- The *Colorado Court of Appeals* hears cases when either a plaintiff or a defendant believes that the trial court made errors in the conduct of the trial. The Court of Appeals also reviews decisions of several state administrative agencies.

- The *Colorado Supreme Court* also hears appeals, but only when it considers the cases to have great significance. The Supreme Court may also answer legal questions from the General Assembly regarding proposed laws. The Supreme Court is also responsible for overseeing the regulation of attorneys and the practice of law, and for reviewing judges standing for retention during elections.

Municipal courts and Denver's *county* court are not part of the state court system, and are funded by their respective local governments. In addition, all counties are required to provide and maintain adequate court facilities for their respective district and county courts.

The Branch is also charged with supervising offenders on probation. Managed by the chief probation officer in each judicial district, approximately 1,250 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. Investigation and supervision services are provided based on priorities established by the Chief Justice and each offender's risk of re-offending.

[1] Legislation changing the boundaries of a judicial district or changing the number of Supreme Court justices or district court judges requires a 2/3 majority in each house [Article VI, Sections 5 and 10 of the State Constitution.]

The Judicial Branch also includes seven 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 incarceration. The OSPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices. OSPD staff totals about 970, including attorneys, paralegals, investigators, and support staff.

- The *Office of the 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.

- 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) is a pilot program that provides legal guardianship services for incapacitated and indigent adults who have no other guardianship prospects in Denver County.

Each of the independent agencies submits its own independently derived and autonomous budget request, neither reviewed nor approved by the Chief Justice (or the Governor's Office of State Planning and Budgeting).

DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23 *
General Fund	$605,773,426	$577,549,448	$624,209,011	$673,658,031
Cash Funds	173,009,573	176,372,106	175,210,066	173,790,500
Reappropriated Funds	52,069,633	56,117,497	53,541,713	55,459,825
Federal Funds	4,425,000	4,425,000	4,425,000	12,966,863
TOTAL FUNDS	**$835,277,632**	**$814,464,051**	**$857,385,790**	**$915,875,219**
Full Time Equiv. Staff	4,870.8	4,945.8	5,007.0	5,161.5

*Requested appropriation.

Funding for the entire Judicial Department in FY 2021-22 consists of 72.8 percent General Fund, 20.4 percent cash funds, 6.2 percent reappropriated funds, and 0.5 percent federal funds.

COURTS AND PROBATION RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23 *
General Fund	$398,906,710	$365,346,612	$402,826,411	$429,851,312
Cash Funds	172,431,187	175,370,262	174,175,497	172,263,582
Reappropriated Funds	49,640,889	49,062,715	46,369,865	47,650,168
Federal Funds	4,425,000	4,425,000	4,425,000	12,966,863
TOTAL FUNDS	**$625,403,786**	**$594,204,589**	**$627,796,773**	**$662,731,925**
Full Time Equiv. Staff	3,906.3	3,941.3	3,957.8	4,011.3

*Requested appropriation.

Funding for Courts and Probation consists of 64.2 percent General Fund, 27.7 percent cash funds, 7.4 percent reappropriated funds, and 0.7 percent federal funds in FY 2021-22.

JUDICIAL INDEPENDENT AGENCIES RECENT APPROPRIATIONS

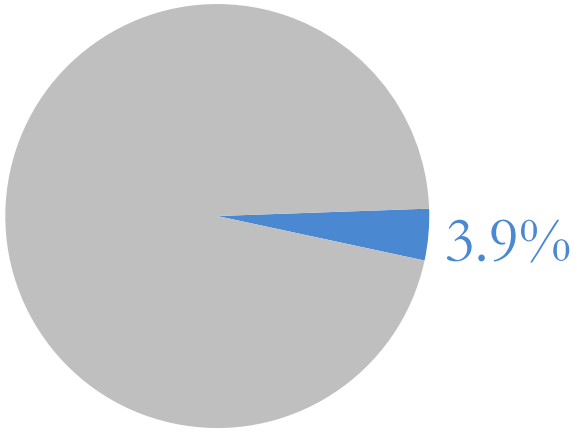
FUNDING SOURCE	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23 *
General Fund	$206,866,716	$212,202,836	$221,382,600	$243,806,719
Cash Funds	578,386	1,001,844	1,034,569	1,526,918
Reappropriated Funds	2,428,744	7,054,782	7,171,848	7,809,657
Federal Funds	0	0	0	0
TOTAL FUNDS	**$209,873,846**	**$220,259,462**	**$229,589,017**	**$253,143,294**
Full Time Equiv. Staff	964.5	1,004.5	1,049.2	1,150.2

*Requested appropriation.

Funding for the Judicial Independent Agencies consists of 96.4 percent General Fund, 0.5 percent cash funds, and 3.1 percent reappropriated funds in FY 2021-22.

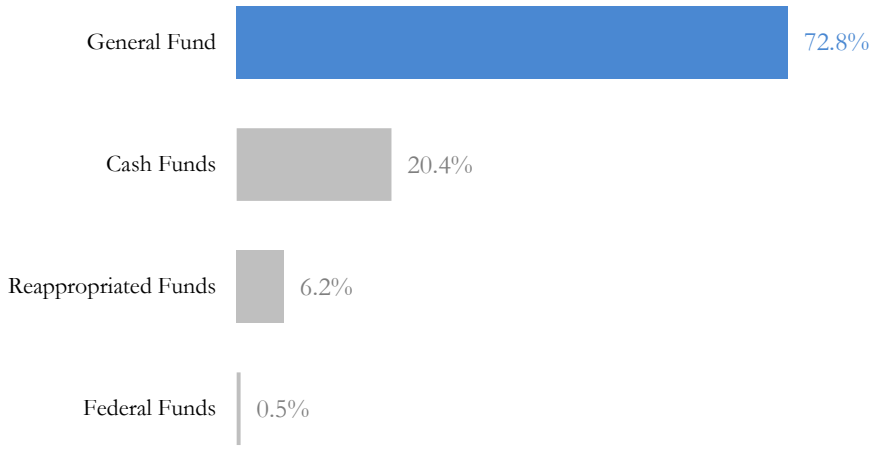
DEPARTMENT BUDGET: GRAPHIC OVERVIEW

DEPARTMENT'S SHARE OF STATEWIDE GENERAL FUND



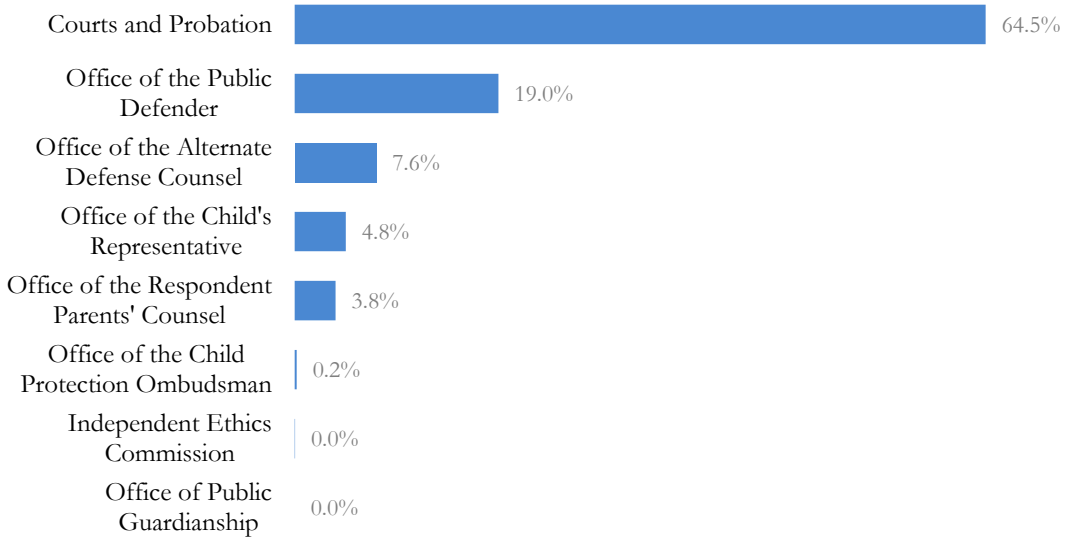
Based on the FY 2021-22 appropriation.

DEPARTMENT FUNDING SOURCES



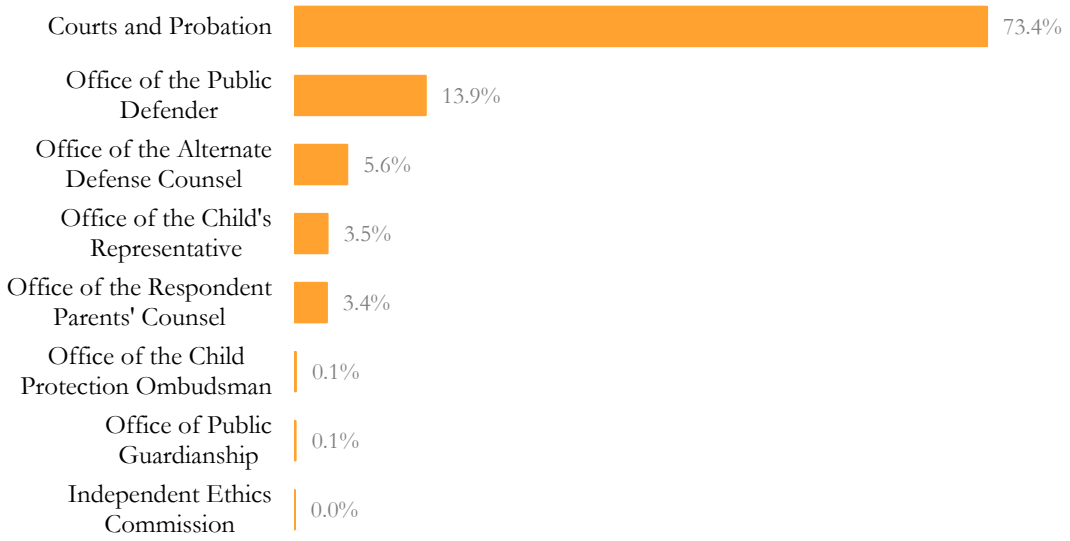
Based on the FY 2021-22 appropriation.

Distribution of General Fund by Agency



Based on the FY 2021-22 appropriation.

Distribution of Total Funds by Agency



Based on the FY 2021-22 appropriation.

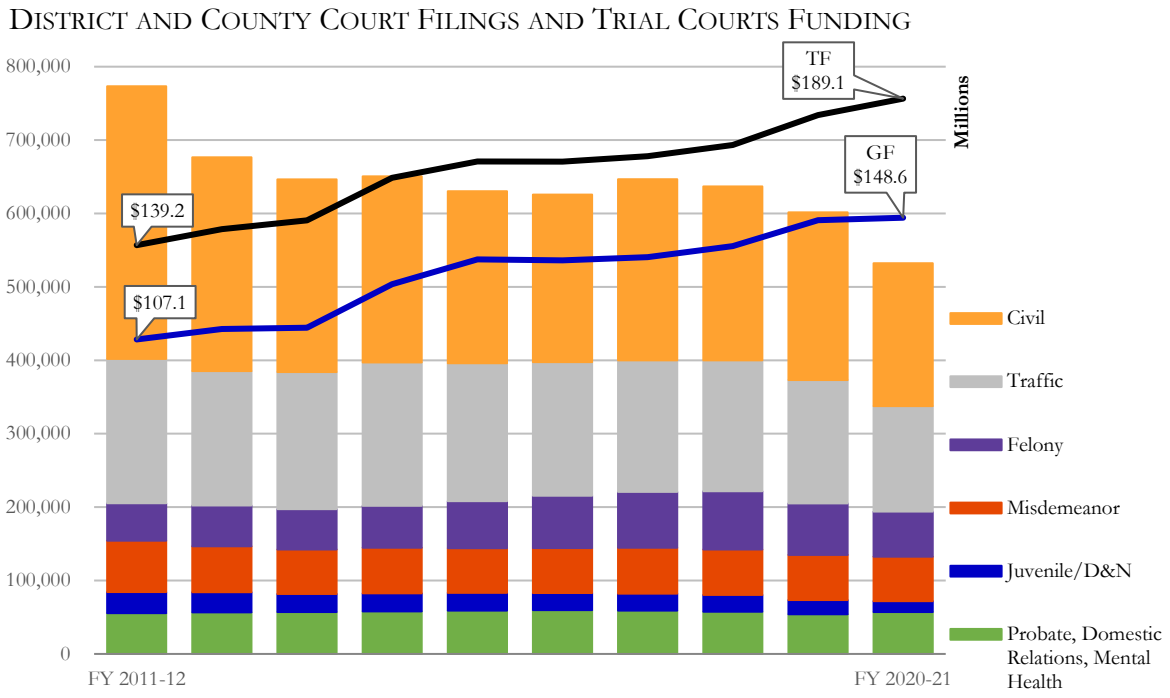
GENERAL FACTORS DRIVING THE BUDGET

Historically, caseload is identified as the main factor driving the Judicial Department budget. However, for the Courts there appear to be no quantifiable fiscal impacts to apply to caseload changes as a way of expressing why and how caseload and caseload changes drive the budget. There is no historical cost modeling or methodology for the estimation and forecast of projected cost based on caseload changes.

While staff concedes that caseload is a reasonable measure of workload and general effort, caseload and workload data that have no quantifiable correlation to fiscal inputs does not help inform past, current, or future fiscal impacts on that basis. In principle, increasing caseload and workloads suggest a correlation to increase costs. However, recent history appears to describe increasing costs with decreasing caseloads. Therefore, until fiscal impacts can be more definitively and accurately tied to caseload changes, staff will simply provide overarching caseload numbers in comparison to agency-wide appropriations as available data points that generally inform structural workload and budget experience, regardless of correlation.

DISTRICT AND COUNTY COURT FILINGS

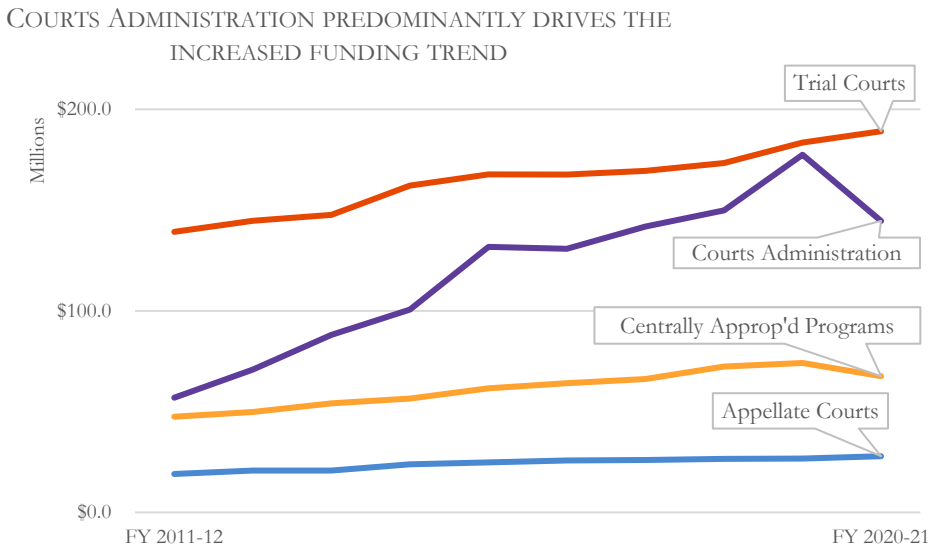
The following chart illustrates a 10-year history of District and County Court Filings along with Trial Courts funding.



As previously suggested, there appears to be no correlation between caseload and costs generally. As illustrated in the chart, the bottom four case types have remained relatively stable over 10 years. Traffic and civil cases appear to make up most of the decrease over this period.

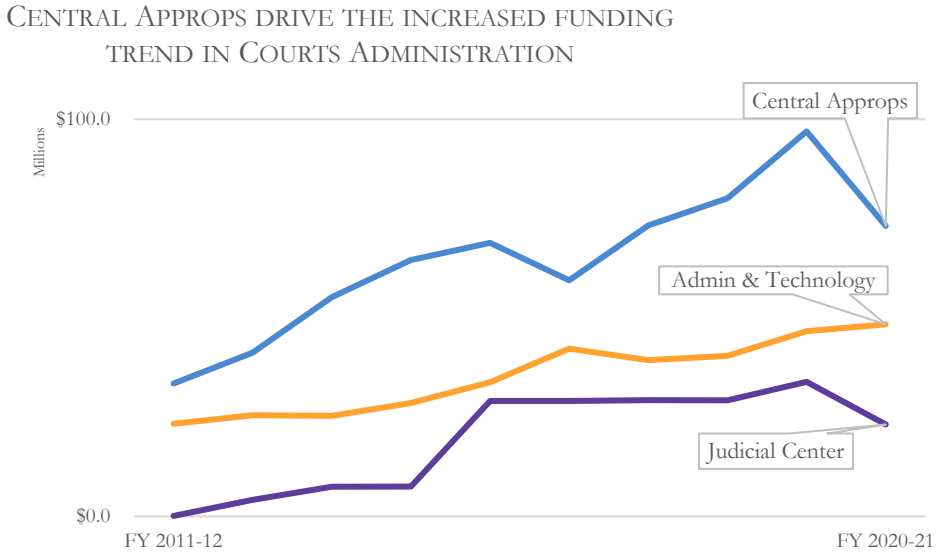
COURTS GENERAL COST TRENDS

In order to better understand general cost trends for the Courts, the following chart outlines the Courts Divisions total fund appropriations over 10 years.

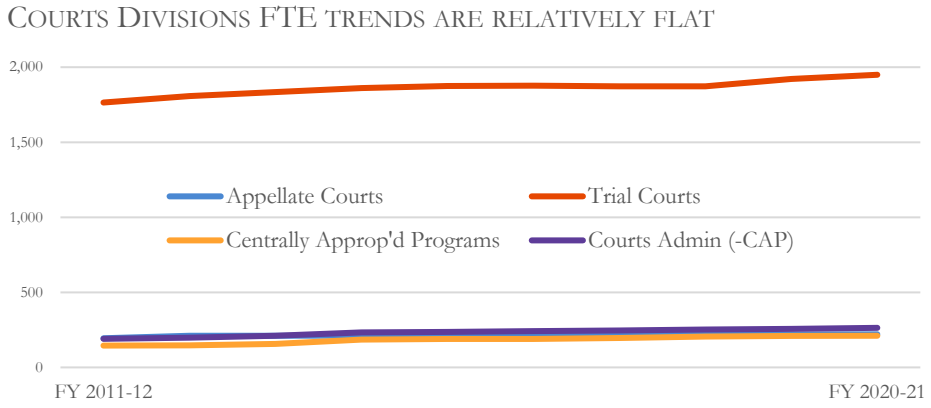


As illustrated in the chart, the Trial Courts are the largest portion of the Courts division appropriations. Centrally Appropriated Programs is a subdivision located within Courts Administration that include programmatic rather than administrative appropriations; for this chart, this subdivision is included as a division to better reflect the funding trends for administration, courts, and other programs.

Also as illustrated in the chart, Courts Administration appears to drive the greatest increases across divisions over this period. The following chart outlines the three subdivisions that comprise Courts Administration as included in the prior chart.



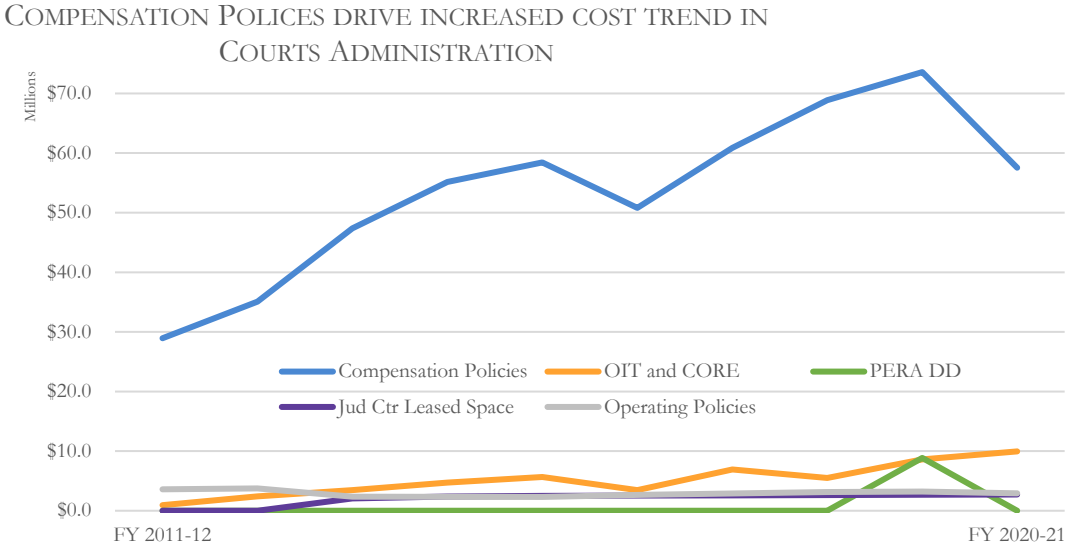
As illustrated in this chart, Central Appropriations, which comprise common policies, is the largest portion of Courts Administration and generally appears to drive the funding line increase trend reflected in the prior chart. Changes in FTE typically drive changes in common policies and central appropriations generally. The following chart illustrates FTE changes by division.



As illustrated in the chart, the Trial Courts have the greatest number of FTE. Additionally, the Trial Courts include a slightly higher upward trend when compared to the other divisions. The other three divisions are clumped relatively close together and appear to show almost no change. The total change in FTE for all divisions over this period totals 350 FTE; this represents a compound average annual growth rate of 1.4 percent. The chart does not confirm that an increase in FTE is driving the increase in Central Appropriations identified in the prior chart.

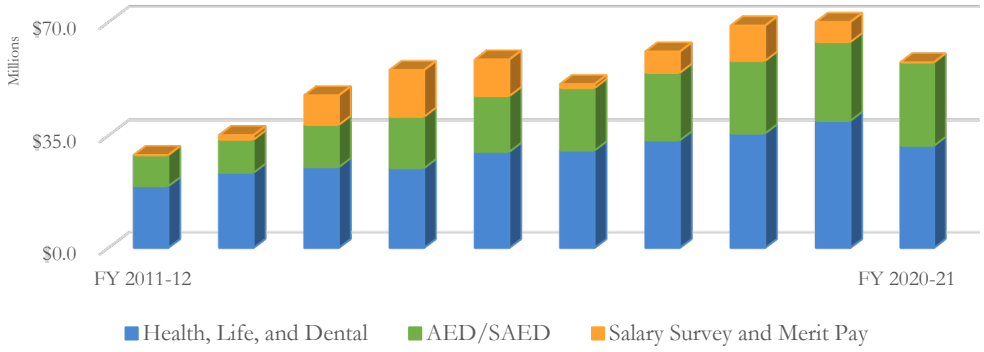
COMPENSATION POLICIES

The following chart outlines Central Appropriations by category.

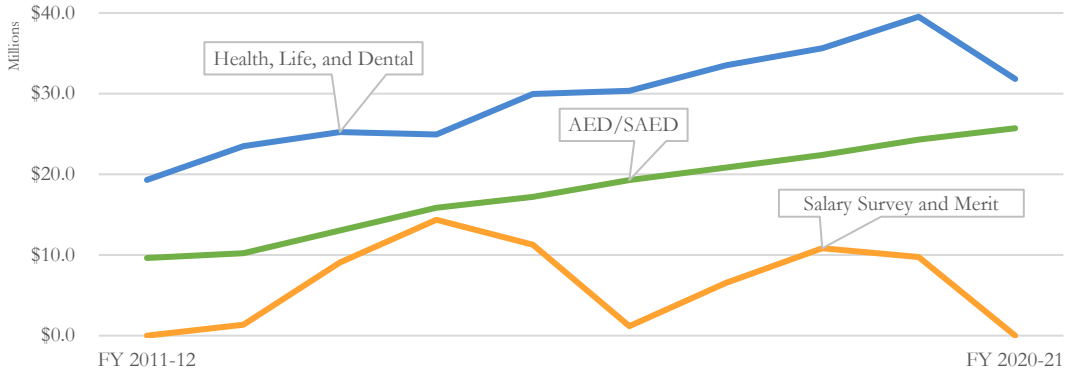


As illustrated in the chart, compensation common policies are driving the cost trend identified in Central Appropriations, which is driving the cost trend in Courts Administration. The following charts outline the compensation categories within compensation common policies.

COMPENSATION POLICIES BY CATEGORY



HLD AND AED/SAED STEADILY INCREASE, WHILE SALARY INCREASES CYCLE IN WAVES



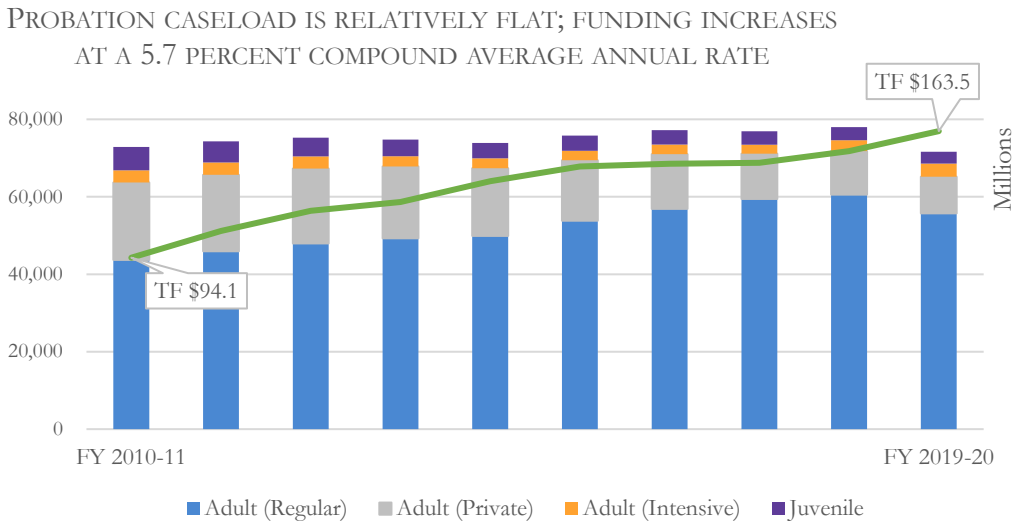
As illustrated in the line chart, Health, Life, and Dental and AED/SAED consistently increase at about the same rate over time. Salary increases appear to cycle increases in two waves over this period. The FY 2020-21 data points for Health, Life, and Dental and salary increases also reflect the extraordinary budget balancing actions taken in the first year of the pandemic for those items.

Nevertheless, it appears that most of the increases reflected in the Courts appropriations history are predominantly driven by compensation policies generally. While there are increases in appropriations for Trial Courts and Administration and Technology, which are likely related to managing the work of the state courts generally, there does not appear to be a correlation with caseload.

PROBATION CASELOAD

Individuals sentenced to probation, as an alternative to incarceration, remain under the supervision of the court. Supervision services are provided based on each offender's risk of re-offending. Managed by the chief probation officer in each judicial district, approximately 1,300 employees prepare assessments, provide pre-sentence investigation services to the courts, and supervise offenders sentenced to probation. Funding for probation services is primarily driven by the number and types of offenders sentenced to probation and statutory requirements concerning probation eligibility and supervision time frames.

The following chart outlines probation caseload and Probation Division total appropriations through FY 2019-20. Updated data for FY 2020-21 was not provided.



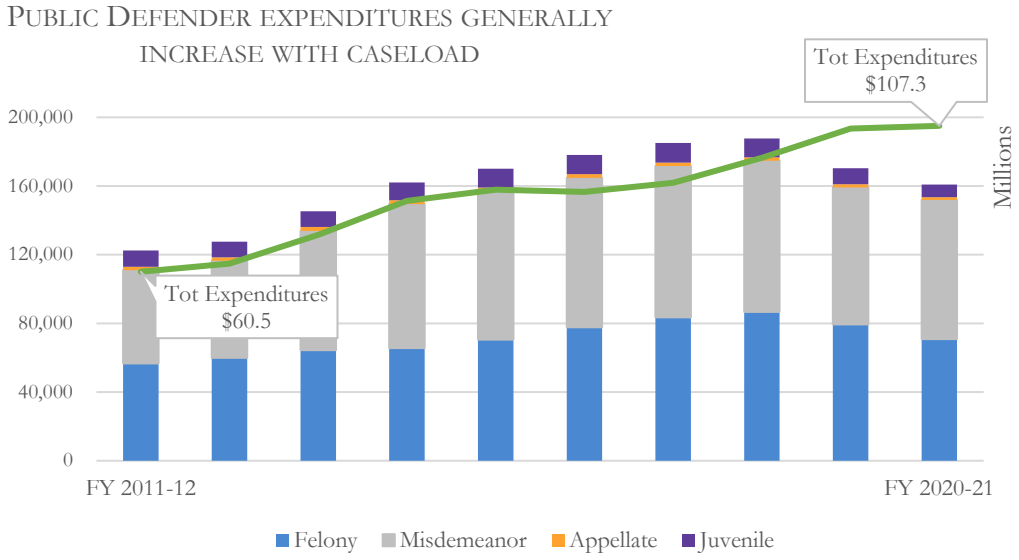
CASELOAD IMPACTS UNIQUE TO INDEPENDENT AGENCIES

The independent agencies that provide legal representation are affected in different ways by changes in the number of cases filed, based on the clients they represent.

OFFICE OF THE STATE PUBLIC DEFENDER

The *Office of the State Public Defender (OSPD)* represents criminal defendants who have inadequate financial resources to pay for their own defense. The OSPD's workload is affected by the number and types of cases filed, as well as the proportion of clients who are eligible for state-funded representation.

The following chart outlines OSPD caseload and expenditures through FY 2020-21.

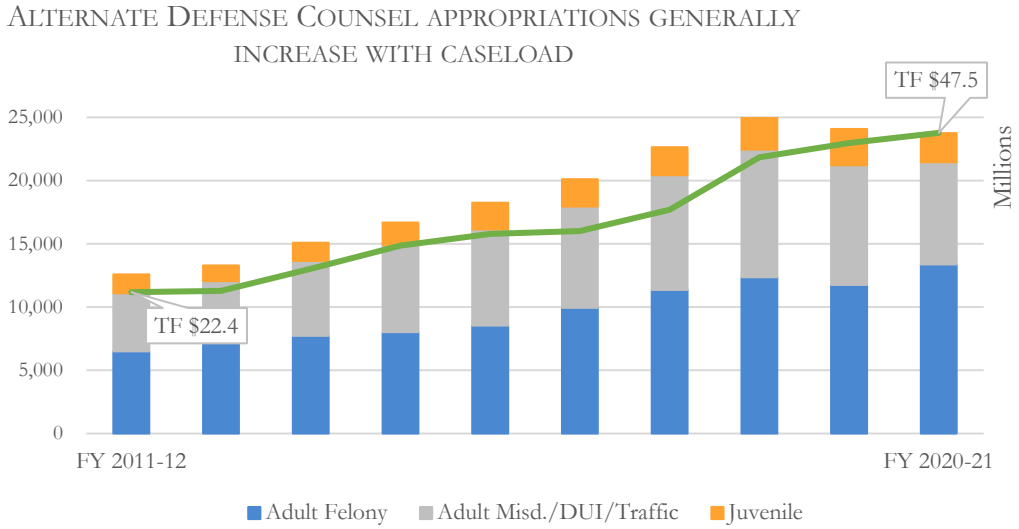


As illustrated in the chart, except for the final two years, expenditures generally increase with caseload. The caseload compound average annual growth rate (CAAGR) is 2.8 percent. The average cost per case increased from $494 in FY 2011-12 to $667 in FY 2020-21; this represents a CAAGR of 3.0 percent. The total expenditures CAAGR is a composite 5.9 percent.

The number of new cases dropped significantly in the final three months of FY 2019-20 due to COVID-19. The OSPD also noted an impact of the pandemic on the length of time required to work cases, with some tasks taking three to four times longer to complete. Finally, the OSPD noted an increase in case backlogs in FY 2019-20 due to COVID-19 and expects case activity to increase as the courts return to increased activity in the post-pandemic period.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL

The *Office of the Alternate Defense Counsel (OADC)* contracts with private attorneys to represent indigent defendants in cases where the OSPD has an ethical conflict of interest in providing legal representation, often because the client is a witness or a co-defendant in a case in which the OSPD is representing someone. The following chart outlines OADC caseload and appropriations through FY 2020-21.



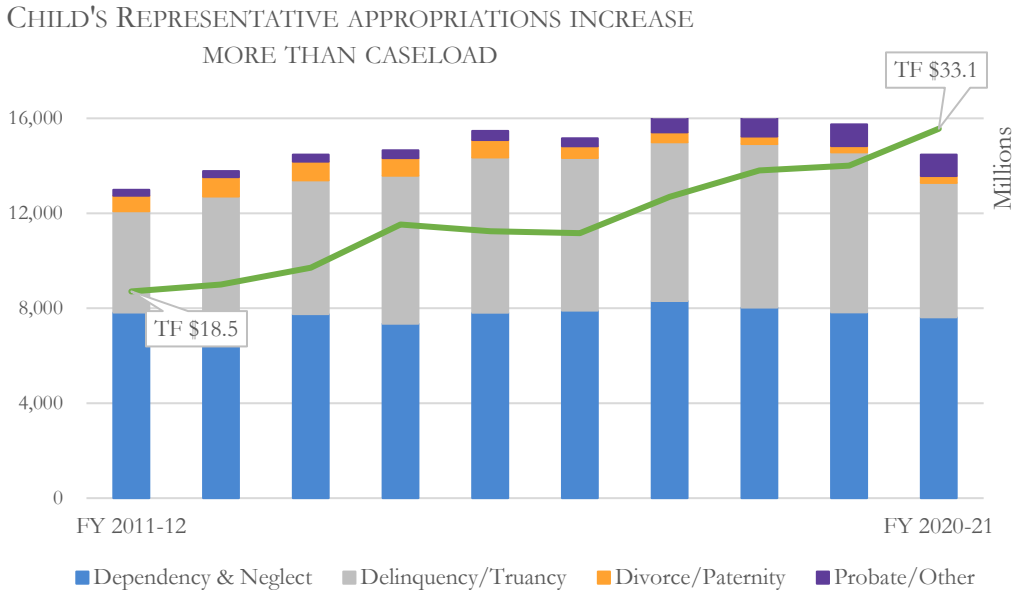
As illustrated in the chart, appropriations generally increase with caseload. The caseload compound average annual growth rate (CAAGR) is 6.6 percent. The average cost per case increased from $1,776 in FY 2011-12 to $2,002 in FY 2020-21; this represents a CAAGR of 1.2 percent. The total expenditures CAAGR is a composite 7.8 percent.

The COVID pandemic impacted OADC's FY 2019-20 caseload and expenditures, with attorney hours on cases decreasing from FY 2018-19. Many cases were delayed, either due to cases being pushed out, or fewer cases being heard each day. Contractor travel time was reduced due to many jails and prisons allowing only remote meetings. The decrease has continued into FY 2020-21. The OADC expects case activity to increase as the courts return to increased activity in the post-pandemic period.

OFFICE OF THE CHILD'S REPRESENTATIVE

The *Office of the Child's Representative (OCR)* must provide legal representation for children involved in the court system due to dependency and neglect proceedings that involve child abuse, abandonment, or neglect. In addition, courts have the discretion to appoint an attorney to represent children in cases involving juvenile delinquency, truancy, paternity, probate, mental health issues, alcohol or drug abuse, and high-conflict divorce. The attorneys are called guardians ad litem or GAL's. The office provides this representation with a mix of state-employee attorneys from its El Paso county "Office of the GAL" and private-sector contract attorneys paid at hourly rates.

The following chart outlines OCR caseload and appropriations through FY 2020-21.



As illustrated in the chart, appropriations increases are slightly greater than caseload. The caseload compound average annual growth rate (CAAGR) is 1.1 percent over this period. The average cost per case increased from $1,425 in FY 2011-12 to $2,285 in FY 2020-21; this represents a CAAGR of 4.8 percent. The total expenditures CAAGR is a composite 6.0 percent.

In the first nine months of FY 2019-20, OCR's appointments and expenditures remained flat. However, there was a significant decline in the final quarter of FY 2019-20, attributable to the impact of COVID-19. In addition to a decrease in hotline calls and filings, GALs were limited in number of in-person investigative activities and court appearances. OCR expects the number of appointments to increase as courts resume normal operations.

COURTS AND PROBATION SUMMARY: FY 2021-22 APPROPRIATION & FY 2022-23 REQUEST

JUDICIAL DEPARTMENT – COURTS AND PROBATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	620,904,408	401,278,678	168,830,865	46,369,865	4,425,000	3,950.1
Other legislation	6,892,365	1,547,733	5,344,632	0	0	7.7
TOTAL	**$627,796,773**	**$402,826,411**	**$174,175,497**	**$46,369,865**	**$4,425,000**	**3,957.8**
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	$627,796,773	402,826,411	$174,175,497	$46,369,865	$4,425,000	3,957.8
C&P R3 IT infrastructure upgrades	8,541,863	0	0	0	8,541,863	0.0
C&P R8-R12-NP1-5 Non-discretionary requests	5,716,419	4,926,216	(362,761)	1,152,964	0	0.3
C&P R6-R7-R11 Restoration requests	3,259,000	3,259,000	0	0	0	0.0
C&P R9-R10 Behavioral and mental health requests	2,378,014	392,514	1,985,500	0	0	1.0
C&P R2 IT staff	2,018,556	936,689	1,081,867	0	0	16.0
C&P R1 Fin services and human resources staff	1,586,826	1,508,826	78,000	0	0	16.0
C&P R4 Judicial training	408,706	408,706	0	0	0	4.5
C&P R5 Language access	324,978	324,978	0	0	0	4.0
Centrally appropriated line items	10,999,307	10,797,613	201,694	0	0	0.0
Annualize prior year legislation	515,716	5,565,056	(5,049,340)	0	0	11.7
Indirect cost assessment	144,491	0	144,491	0	0	0.0
Technical adjustments	0	(127,339)	0	127,339	0	0.0
Annualize prior year budget actions	(958,724)	(967,358)	8,634	0	0	0.0
TOTAL	**$662,731,925**	**$429,851,312**	**$172,263,582**	**$47,650,168**	**$12,966,863**	**4,011.3**
INCREASE/(DECREASE)	$34,935,152	$27,024,901	($1,911,915)	$1,280,303	$8,541,863	53.5
Percentage Change	5.6%	6.7%	(1.1%)	2.8%	193.0%	1.4%

The Chief Justice reviews requests for the courts, who along with probation, submit independent budgets request that are not reviewed or approved by OSPB, although the common policy components generally align with OSPB decisions for executive branch agencies. Therefore, only the General Assembly evaluates the merits of these requests relative to those of other state agencies.

C&P R3 IT INFRASTRUCTURE UPGRADES: The request includes an increase of $8.5 million federal funds from federal ARPA funds for information technology infrastructure upgrades. The FY 2022-23 request represents the year 2 request for this four-phase project; the Courts anticipate submitting a FY 2021-22 supplemental that includes an increase of $9.1 million, representing the year 1 request. The following table outlines the components of the request over four years.

COURTS R3 IT INFRASTRUCTURE UPGRADES					
COMPONENT	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	TOTAL
1. SDWAN Project	$1,304,170	$650,000	$650,000	$0	$2,604,170
2. AV Infrastructure	2,500,000	3,600,000	3,600,000	3,600,000	13,300,000
3. Webex	482,160	482,160	482,160	482,160	1,928,640
4. Network Infrastructure	2,105,446	1,285,000	1,300,000	1,300,000	5,990,446
5. Data Center Hardware	2,061,126	0	1,000,000	0	3,061,126
6. Disaster Recovery / OIT Move	0	1,096,779	0	0	1,096,779
7. Security	620,226	1,427,924	1,483,739	1,691,468	5,223,357
TOTAL	**$9,073,128**	**$8,541,863**	**$8,515,899**	**$7,073,628**	**$33,204,518**

C&P R8-R12-NP1-5 NON-DISCRETIONARY REQUESTS: This group of requests includes an increase of $5.7 million total funds, including $4.9 million General Fund, and 0.3 FTE, for non-discretionary, pass-through, or technical request items located in the Courts budget.

- *R8 Law Library Funding Adjustment* includes a net-zero adjustment to refinance $250,000 cash funds with General Fund. The cash funds source are law license fees from the Office of Attorney Regulation Counsel. These cash funds were intended to temporarily support the Law Library in 2007; however, due to the economic downturn at that time, state funds were not available to backfill this support and the temporary support became long-term support. The request is to return the cash funds to a more appropriate use of that fee revenue and backfill with General Fund.
- *R12 Consolidation and Technical Adjustment of Long Bill Lines* includes a net increase of $50,000 General Fund. This increased General Fund amount is intended to fund an administrative position to manage the Underfunded Facilities Grant Program. While the program may spend from the Program cash fund for administrative expenses, the Courts instead request a General Funded staff position in order to maximize the issuance of grants from the cash fund, which originates as General Fund. Additionally, this request moves FTE and consolidates line items to align with how the Courts actually administer/position staff and related appropriations.
- *NP1 County Initiated Courthouse Furnishings* includes a net increase of $3.2 million General Fund for the State's share of county-initiated courthouse infrastructure projects. The FY 2022-23 request includes projects in six counties including Pitkin, Moffat, Otero, Adams, Arapahoe, and Mesa Counties. The Courts also request two-year spending authority for this line item due to the calendar-year basis of county budgets.
- *NP2 Correctional Treatment Board Request* includes a net increase of $2.3 million total funds. This includes a $1.3 million General Fund appropriation to the Correctional Treatment Cash Fund (CTCF) and $1.0 million reappropriated funds spending authority from the CTCF.
- *NP3 District Attorney Mandated Costs* includes a net increase of $83,000 General Fund for a 3.0 percent increase for statutorily-specified state costs for district attorneys.
- *NP4 County Court Judge FTE Adjustment* includes a net increase of $59,000 General Fund and 0.3 FTE for the statutorily defined annual calculations of salary levels for Class C and D county court judges.
- *NP5 Carr Building Lease Adjustment* includes a net increase of $51,000 total funds, including $50,000 General Fund for the 1.8 percent annual increase in leased space payments for the Ralph L. Carr Judicial Center for all Judicial Department agencies.

C&P R6-R7-R11 RESTORATION REQUESTS: This group of requests includes an increase of $3.3 million General Fund for the restoration of funding for items eliminated or reduced in FY 2020-21 due to the revenue downturn.

- *R6 Judicial Education Restoration* includes an increase of $400,000 General Fund, which includes the restoration of $350,000 for the annual Colorado Judicial Conference and $50,000 for the Colorado Institute for Faculty Excellence (COIFE), a six-month program for education program and project planning and design.
- *R7 Problem Solving Court Operating Restoration* includes an increase of $359,000 General Fund, which includes $200,000 for statewide training and education and $159,000 for local support, program development, and evaluation of outcomes.

- *R11 Underfunded Facilities GF Restoration* includes an increase of $2.5 million General Fund for the General Fund appropriation to the program cash fund. The current appropriation is $500,000.

C&P R9-R10 BEHAVIORAL AND MENTAL HEALTH REQUESTS: This group of requests includes a net increase of $2.4 million total funds, including an increase of $393,000 General Fund and $2.0 million cash funds, for behavioral and mental health-related requests.

- R9 Behavioral Health Court Liaison Program, also known as the Bridges Program, includes an increase of $393,000 General Fund and 1.0 FTE for a clinical supervisor position. In addition to the clinical supervisor position, the request includes (2) a program evaluation at a cost of $250,000 over three years ($50,000-$150,000-$50,000), and (3) a reinstatement of the 10.0 percent reduction in contractor rates instituted in FY 2020-21 and continued in FY 2021-22 at a cost of $198,000, along with a 2.5 percent provider rate increase, adopted as common policy in FY 2021-22 but not provided for Behavioral Court Liaison providers, at a cost of $48,000; both provider rate increases total $247,000. The FY 2023-24 annualization cost for this item totals $495,000.
- R10 Mental Health and DA Pretrial Diversion Program includes an increase of $2.0 million cash funds from the Behavioral and Mental Health Cash Fund, created and funded with ARPA funds in S.B. 21-137 *Behavioral Health Recovery Act*, for the Pretrial Adult Diversion Program. Prior to FY 2020-21, this Program was General Funded at $400,000 per year, was initially approved for an increase to $874,000 General Fund, and was then reduced to $100,000 General Fund for FY 2020-21. Additionally, the request includes the transfer of $100,000 General Fund and 1.0 FTE from the Mental Health Diversion Program into General Courts Administration and termination of the Mental Health Diversion Program. The request for the Pretrial Diversion Program includes $1.6 million for additional adult diversion funding and $339,000 for the one-time cost for a case management system for the Pretrial Diversion Program.

C&P R2 IT STAFF: The request includes an increase of $2.0 million total funds, including $937,000 General Fund and $1.1 million cash funds from the Judicial Department Information Technology Cash Fund, and 16.0 FTE. The project includes 9.0 FTE for audio-visual (AV) support staff; a senior engineer for the unified communication program; and 6.0 FTE for IT support technicians for judicial districts that do not currently have technical support. The project also includes $500,000 in FY 2022-23 and $1.0 million in FY 2023-24 for a consulting contract to help the Courts select a new case management system. The FY 2023-24 annualization for this item totals $2.6 million.

C&P R1 FIN SERVICES AND HUMAN RESOURCES STAFF: The request includes an increase of $1.6 million total funds, including $1.5 million General Fund, and 16.0 FTE for additional financial services and human resources staff. Requested staff include: 6.0 FTE for contract management and purchasing; 1.0 FTE for a budget analyst; 2.0 FTE for accounting; 2.0 FTE for grant administrators; and 5.0 FTE for human resources. The FY 2023-24 annualization for this item totals just over $1.6 million.

C&P R4 JUDICIAL TRAINING: The request includes an increase of $409,000 General Fund and 4.5 FTE for training specialist positions. This includes 2.0 FTE for the Courts, 1.0 FTE for Probation, 1.0 FTE for distance learning, and 0.5 FTE for the Court Improvement Program (CIP) related to dependency and neglect for children, youth, and families courts. The FY 2023-24 annualization for this item totals $418,000.

C&P R5 LANGUAGE ACCESS: The request includes an increase of $325,000 General Fund and 4.0 FTE for court interpreters. Interpreters would be placed to serve four areas: the 5th, 9th, and 14th judicial

districts in Northwestern Colorado; the 6th, 7th, and 22nd judicial districts in Southwest Colorado; the 13th and 17th judicial districts in Northeastern Colorado; and the 18th Judicial District that currently comprises Arapahoe, Douglas, Elbert, and Lincoln counties. The FY 2023-24 annualization for this item totals $329,000.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of $11.0 million total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	$9,455,573	$9,237,745	$217,828	$0	$0	0.0
Health, life, and dental	3,053,548	3,005,108	48,440	0	0	0.0
Payment to risk management and property funds	880,624	880,624	0	0	0	0.0
Paid family leave	472,689	457,778	14,911	0	0	0.0
AED	450,630	451,475	(845)	0	0	0.0
SAED	450,630	451,475	(845)	0	0	0.0
CORE adjustment	266,907	266,907	0	0	0	0.0
OIT Budget package	55,716	55,716	0	0	0	0.0
Legal services	25,431	10,197	15,234	0	0	0.0
Short-term disability	20,807	20,776	31	0	0	0.0
DPA CSEAP resources	18,124	18,124	0	0	0	0.0
Vehicle lease payments	5,737	5,737	0	0	0	0.0
PERA Direct Distribution	(2,237,976)	(2,144,916)	(93,060)	0	0	0.0
Payments to OIT	(1,453,024)	(1,453,024)	0	0	0	0.0
Workers' compensation	(466,109)	(466,109)	0	0	0	0.0
TOTAL	**$10,999,307**	**$10,797,613**	**$201,694**	**$0**	**$0**	**0.0**

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of $516,000 total funds, to reflect the FY 2022-23 impact of bills passed in previous sessions. The adjustments include an increase of $5.6 million General Fund and a decrease of $5.0 million cash funds, including a decrease of $5.3 million one-time cash funds which originated as federal American Rescue Plan Act or ARPA funds. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 20-1394 PERA Rate Adjust for Judges	$2,696,865	$2,696,865	$0	$0	$0	0.0
SB18-200 PERA unfunded liability	1,390,546	1,358,383	32,163	0	0	0.0
HB 20-1026 Creation of 23rd Judicial District	740,000	740,000	0	0	0	0.0
HB 21-1280 Pre-trial Detention Reform	383,802	215,305	168,497	0	0	6.3
SB 21-271 Misdemeanor Reform	328,118	328,118	0	0	0	4.2
HB 21-1214 Record Seal Collateral Conseq Red	258,595	258,595	0	0	0	0.8
SB 21-173 Rights in Resid Lease Agreements	6,617	6,617	0	0	0	0.2
HB 21-1228 Domestic Violence Trng Court Pers	1,394	1,394	0	0	0	0.1
SB 21-292 Fed Funding Victim Services	(3,750,000)	0	(3,750,000)	0	0	0.0
HB 21-1329 American Rescue Plan	(1,500,000)	0	(1,500,000)	0	0	0.0
HB 21-1136 Jud Div Retirees Temp Comp	(36,301)	(36,301)	0	0	0	0.1
HB 21-1255 Protect Order Iss Dom Abuser	(3,920)	(3,920)	0	0	0	0.0
TOTAL	**$515,716**	**$5,565,056**	**($5,049,340)**	**$0**	**$0**	**11.7**

INDIRECT COST ASSESSMENT: The request includes a net increase of $145,000 cash funds for indirect costs. Increases include $16,000 from attorney registration fees in the Office of Attorney Regulation Counsel, $25,000 from various IT-related cash funds including the Judicial Department Information

Technology Cash Fund in the Administration and Technology subdivision, and $103,000 from various cash fund including the Offender Services Fund and Correctional Treatment Cash Fund in Probation.

TECHNICAL ADJUSTMENTS: The request includes a net neutral funds adjustment related to increased indirect cost recoveries that offset General Fund.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net decrease of $959,000 total funds, including a decrease of $967,000 General Fund, for prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
C&P FY22 BA2 Restore FTE	$611,908	$611,908	$0	$0	$0	0.0
Prior year salary survey	2	0	2	0	0	0.0
C&P FY22 R3 Courthouse Furnish & Infra	(1,100,723)	(1,100,723)	0	0	0	0.0
C&P FY22 BA3 Courthouse F&I Maint	(283,539)	(283,539)	0	0	0	0.0
C&P FY22 BA4 Magistrate request	(186,372)	(195,004)	8,632	0	0	0.0
TOTAL	**($958,724)**	**($967,358)**	**$8,634**	**$0**	**$0**	**0.0**

OFFICE OF THE STATE PUBLIC DEFENDER SUMMARY: FY 2021-22 APPROPRIATION & FY 2022-23 REQUEST

JUDICIAL DEPARTMENT – OFFICE OF THE STATE PUBLIC DEFENDER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	118,679,551	118,524,551	155,000	0	0	964.6
Other legislation	224,896	224,896	0	0	0	1.8
TOTAL	**$118,904,447**	**$118,749,447**	**$155,000**	**$0**	**$0**	**966.4**
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	$118,904,447	118,749,447	$155,000	$0	$0	966.4
OSPD R2-R3 Paralegal and discovery clerk staff requests	6,445,962	6,445,962	0	0	0	77.0
OSPD R1 Public defense in digital age - IT infrastructure	3,950,000	3,950,000	0	0	0	0.0
OSPD R1 Public defense in digital age - operating	1,534,683	1,534,683	0	0	0	6.4
OSPD R4 Restructured fiscal note HB 21-1280	188,657	188,657	0	0	0	0.0
Centrally appropriated line items	3,462,544	3,462,544	0	0	0	0.0
Annualize prior year budget actions	115,879	115,879	0	0	0	4.8
Annualize prior year legislation	93,685	93,685	0	0	0	0.2
TOTAL	**$134,695,857**	**$134,540,857**	**$155,000**	**$0**	**$0**	**1,054.8**
INCREASE/(DECREASE)	$15,791,410	$15,791,410	$0	$0	$0	88.4
Percentage Change	13.3%	13.3%	0.0%	0.0%	0.0%	9.1%

The Office of the State Public Defender submits an independent budget request that is not reviewed or approved by OSPB. Therefore, only the General Assembly evaluates the merits of these requests relative to those of other state agencies.

OSPD R2-R3 PARALEGAL AND DISCOVERY CLERK STAFF REQUESTS: The request includes an increase of $6.4 million General Fund and 77.0 FTE for paralegal and discovery clerk staff. These requests are intended to provide a more affordable and efficient staffing model for managing increased discovery data at both the intake/administrative level and at the point of legal representation.

- R2 includes an increase of $5.8 million for 66 paralegal positions (63.2 FTE) for phase I in FY 2022-23 and an additional increase of $3.8 million for 38 paralegal positions (42.1 FTE) for phase II in FY 2023-24. Phase I distribution includes 10 paralegals for small offices of one per office; and 56 for large offices to cover higher level felony cases at a ratio of one paralegal to six attorneys. Phase II distribution includes 38 paralegals for large offices to cover all non-higher level felony cases at a ratio of one paralegal to six attorneys.
- R3 includes an increase of $650,000 for 15 discovery clerk positions (13.8 FTE). Discovery clerks are entry level administrative positions responsible for ensuring discovery is assembled from all sources and placed into the OSPD's case management system for defense teams. The 15 positions are likely to be centrally located to provide efficient and maximum statewide coverage based on daily needs.

OSPD R1 PUBLIC DEFENSE IN DIGITAL AGE – IT INFRASTRUCTURE: This placeholder request includes an increase of $4.0 million General Fund for the IT project portion of the R1 request for a comprehensive, scalable, reliable, and accessible data storage solution. Ongoing operating costs are estimated to be $745,000.

OSPD R1 PUBLIC DEFENSE IN DIGITAL AGE – OPERATING: This placeholder request includes an increase of $1.5 million General Fund and 6.4 FTE, and ongoing costs of just under $1.5 million, for the operating portion of the R1 request. The R1 placeholder request currently identifies the following components:

- $142,000 and 2.0 FTE related dedicated to managing the storage solution;
- $356,000 and 5.0 FTE for IT help desk support;
- $429,000 for digital litigation tools related to transcription and case management;
- $265,000 for mobile phone connectivity for attorneys;
- $179,000 for increased costs for the computer hardware replacement cycle related to upgraded specifications for enhanced data processing; and
- $163,000 to double bandwidth increases to 800mbps for all offices related to increased data management.

OSPD R4 RESTRUCTURED FISCAL NOTE HB 21-1280: The request includes an increase of $189,000 General Fund due to updated fiscal impacts related to the implementation of H.B. 21-1280, *Pre-trial Detention Reform*. The bill requires courts to hold an initial bond hearing within 48 hours, beginning April 1, 2022. The fiscal note assumed that hearings would be held on one weekend day. However, the State Court Administrator's Office has determined the need for hearings on both weekend days with the use of two magistrates on each day. This request reflects the additional fiscal impact to provide contract attorneys at $75 an hour.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of $3.5 million General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	$2,463,110	$2,463,110	$0	$0	$0	0.0
Health, life, and dental	490,174	490,174	0	0	0	0.0
Leased space	215,589	215,589	0	0	0	0.0
Paid family leave	168,017	168,017	0	0	0	0.0
AED	72,133	72,133	0	0	0	0.0
SAED	72,133	72,133	0	0	0	0.0
Short-term disability	9,645	9,645	0	0	0	0.0
Vehicle lease payments	(28,257)	(28,257)	0	0	0	0.0
TOTAL	**$3,462,544**	**$3,462,544**	**$0**	**$0**	**$0**	**0.0**

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net increase of $116,000 General Fund for prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD FY22 BA1 OSPD staffing	$122,669	$122,669	$0	$0	$0	3.7
OSPD FY22 BA2 IT	1,620	1,620	0	0	0	0.3
OSPD FY22 BA3 Social Workers	(8,410)	(8,410)	0	0	0	0.8
TOTAL	**$115,879**	**$115,879**	**$0**	**$0**	**$0**	**4.8**

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of $94,000 General Fund to reflect the FY 2022-23 impact of bills passed in previous sessions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 21-1280 Pre-trial Detention Reform	$93,133	$93,133	$0	$0	$0	0.0
SB 21-146 Improve Prison Release Outcomes	552	552	0	0	0	0.2
TOTAL	**$93,685**	**$93,685**	**$0**	**$0**	**$0**	**0.2**

JUDICIAL INDEPENDENT AGENCIES SUMMARY: FY 2021-22 APPROPRIATION & FY 2022-23 REQUEST

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	110,541,578	102,490,161	879,569	7,171,848	0	81.4
Other legislation	142,992	142,992	0	0	0	1.4
TOTAL	**$110,684,570**	**$102,633,153**	**$879,569**	**$7,171,848**	**$0**	**82.8**
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	$110,684,570	102,633,153	$879,569	$7,171,848	$0	82.8
Joint OADC R4 - OCR R1 - ORPC R1 Contractor rate increase	5,645,945	5,255,848	0	390,097	0	0.0
OADC R1-R2-R3-R5 OADC staff requests	250,228	250,228	0	0	0	4.5
OCR R2-R4 OCR Staff and operating requests	411,992	186,516	0	225,476	0	1.0
ORPC R2-R3-R4 Staff and technical requests	285,735	285,735	0	0	0	2.0
OCPO R1-R9 Staff increase and infrastructure requests	147,836	147,836	0	0	0	0.5
IEC R1 IEC staffing	64,024	64,024	0	0	0	0.5
OPG R1 FTE request	456,326	0	456,326	0	0	4.0
Centrally appropriated line items	442,053	402,162	19,569	20,322	0	0.0
Annualize prior year legislation	36,674	32,688	2,072	1,914	0	0.1
Indirect cost assessment	14,382	0	14,382	0	0	0.0
Annualize prior year budget actions	4,528	4,528	0	0	0	0.0
Technical adjustments	3,144	3,144	0	0	0	0.0
TOTAL	**$118,447,437**	**$109,265,862**	**$1,371,918**	**$7,809,657**	**$0**	**95.4**
INCREASE/(DECREASE)	$7,762,867	$6,632,709	$492,349	$637,809	$0	12.6
Percentage Change	7.0%	6.5%	56.0%	8.9%	0.0%	15.2%

OADC – Office of the Alternate Defense Counsel; OCR – Office of the Child's Representative; ORPC – Office of the Respondent Parents' Counsel; OCPO – Office of the Child Protection Ombudsman; IEC – Independent Ethics Commission; OPG – Office of Public Guardianship.

The Judicial Independent Agencies submit independent budgets request that are not reviewed or approved by OSPB. Therefore, only the General Assembly evaluates the merits of these requests relative to those of other state agencies.

JOINT OADC R4 - OCR R1 - ORPC R1 CONTRACTOR RATE INCREASE: The request includes an increase of $5.6 million total funds, including $5.3 million General Fund for a 6.0 percent increase in legal contractor rates for the Office of the Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel.

- OADC R4 includes an increase of $2.5 million General fund on a base of $42.3 million.
- OCR R1 includes an increase of $1.5 million total funds, including $1.4 million General Fund, on a base of $25.2 million; to allow OCR to increase the attorney rate to $85 an hour, the case consultant rate to $47 an hour, and the paralegal rate to $35 an hour.
- ORPC R1 includes an increase of $1.6 million total funds, including $1.3 million General Fund, on a base of $26.6 million; to allow ORPC to increase the attorney rate to $85 an hour, the licensed clinical social worker rate to $56 an hour, the licensed social worker, investigator, and family advocate rates to $47 an hour, and the paralegal and parent advocate rates to $35 an hour.

OADC R1-R2-R3-R5 OADC STAFF REQUESTS: This includes four request items that include a total increase of $250,000 General Fund and 4.5 FTE for staff requests in the Office of the Alternate Defense Counsel.

- *R1 Coordinator of Adjunct Services* includes a net neutral adjustment (from the legal contracts line item) totaling $176,000, and adding 1.0 FTE, to fund a Coordinator of Adjunct Services to manage OADC support operations for non-attorney service contractors.
- *R2 Staff Accountant* includes an increase of $110,000 General Fund and 1.0 FTE to add a staff accountant position.
- *R3 Information Systems Director* includes an increase of $141,000 General Fund and 1.0 FTE to add an Information Systems Director position.
- *R5 The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship* includes a net neutral adjustment (from the legal contracts line item) totaling $192,000, and adding 2.0 FTE, to establish two, ongoing, two-year fellowships. These include The Greater Colorado Practitioner Fellowship for rural communities and The Inclusivity Fellowship for Black, Indigenous, and people of color (BIPOC), for the purpose of targeted recruitment and to provide a stable, two-year training and career growth program that will increase the likelihood of long-term sustainability for BIPOC and rural practitioners.

OCR R2-R3-R4 OCR STAFF AND OPERATING REQUESTS: This group of requests from the Office of the Child's Representative include an increase of $412,000 total funds, including $187,000 General Fund and $225,000 reappropriated funds from the Department of Human Services from federal IV-E funds.

- *R2 New Staff Attorney Position* includes $182,000 reappropriated funds for a staff attorney position to support the work of guardians ad litem (GALs) in juvenile delinquency cases.
- *R3 Common Compensation Plan Salary Adjustments* includes $112,000 total funds, including $109,000 General Fund to align attorney staff in the El Paso County office consistent with comparable attorney positions in the Office of the State Public Defender. Additionally, the request aligns four positions in the Denver executive office.
- *R4 Increase Operating Expenditures* includes $118,000 total funds, including $78,000 General Fund to address a Westlaw price increase ($37,800 General Fund), a website redesign ($40,000 General Fund) and enhancements for the Colorado Attorney Reimbursement Electronic System (CARES), the Office's case management and billing IT system ($40,000 reappropriated funds).

ORPC R2-R3-R4 STAFF AND TECHNICAL REQUESTS: The request includes an increase of $286,000 General Fund and 2.0 FTE.

- *R2 Equity, Diversity, and Inclusion Coordinator* includes $173,000 General Fund and 1.0 FTE for a staff position to promote and increase equity, diversity, and inclusion within the agency and among contractors and to help collect and disseminate information on disparate impact of dependency and neglect proceedings and outcomes for low-income and minority populations and people with disabilities.
- *R3 Social Work Outreach Coordinator* includes $113,000 General Fund and 1.0 FTE for a staff position to support the expansion of its interdisciplinary, preventive legal services pilot program in Jefferson County.
- *R4 Align Appropriations with other Independent Agencies* is a net neutral technical budget adjustment that moves a net $1.1 million total funds between the Court-appointed Counsel line item and the

Mandated Costs line item, to be consistent with the budget practices in the Office of the Alternate Defense Counsel and the Office of the Child's Representative and improve comparability.

OCPO R1-R9 STAFF INCREASE AND INFRASTRUCTURE REQUESTS: This group of requests includes an increase of $148,000 General Fund and 0.5 FTE for all budget request items from the Office of the Child Protection Ombudsman.
R1 through *R7* request specified salary increases as outlined in the following table:

OCPO R1-R7 SPECIFIED SALARY INCREASE REQUESTS					
POSITION	REQUESTED INCREASE	CURRENT SALARY	REQUESTED SALARY	PERCENTAGE INCREASE	TOTAL INCR. REQUESTED[2]
R1 Director of Client Services	$12,287	$77,713	$90,000	15.8%	$15,114
R2 Senior Analyst	6,505	68,495	75,000	9.5%	8,002
R3 Client Services Analyst[2] (x3)	11,550	198,450	210,000	5.8%	14,208
R4 Director of Adinistrative Services	11,539	68,461	80,000	16.9%	14,194
R5 Director of Legislative Services	4,814	75,186	80,000	6.4%	5,922
R6 Deputy Ombudsman	7,321	104,583	111,904	7.0%	9,006
R7 Child Protection Ombudsman	9,486	135,524	145,002	7.0%	11,669
TOTAL	**$63,502**	**$728,412**	**$791,906**	**8.7%**	**$78,115**
[1] Client Services Analyst current salary average $66,150; requested salary $70,000.					
[2] Total increase includes adjustments for PERA, Medicare, AED, SAED, and Short-term Disability.					

R8 Public Information Coordinator includes $60,000 General Fund for 0.5 FTE to add a part-time public information coordinator.
R9 Office Infrastructure includes $9,300 General Fund to purchase four "benching workstations" to be situated in the center space of its office suite to better accommodate employees within its current space.

IEC R1 IEC STAFFING: The request includes an increase of $64,000 General Fund and 0.5 FTE for a half-time, investigative and outreach/training staff person.

OPG R1 FTE REQUEST: The request includes an increase of $456,000 cash funds from the Office of Public Guardianship Cash Fund and 4.0 FTE for a deputy director and three additional public guardian positions.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of $442,000 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	$254,779	$228,122	$14,467	$12,190	$0	0.0
Health, life, and dental	130,590	119,635	2,879	8,076	0	0.0
Paid family leave	17,400	15,610	961	829	0	0.0
AED	17,275	17,035	621	(381)	0	0.0
SAED	17,275	17,035	621	(381)	0	0.0
Leased space	4,181	4,181	0	0	0	0.0
Short-term disability	553	544	20	(11)	0	0.0
TOTAL	**$442,053**	**$402,162**	**$19,569**	**$20,322**	**$0**	**0.0**

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of $37,000 total funds to reflect the FY 2022-23 impact of bills passed in previous sessions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	$49,721	$45,735	$2,072	$1,914	$0	0.0
HB 21-1094 Foster Youth in Transition Program	(10,244)	(10,244)	0	0	0	0.0
HB 21-1313 Immigrant Children	(2,803)	(2,803)	0	0	0	0.1
TOTAL	**$36,674**	**$32,688**	**$2,072**	**$1,914**	**$0**	**0.1**

INDIRECT COST ASSESSMENT: The request includes an increase of $14,000 cash funds for indirect costs in the Office of Public Guardianship.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net increase of $4,500 General Fund for the FY 2022-23 impact of the OCPO FY 2021-22 BA1 FTE budget item.

TECHNICAL ADJUSTMENTS: The request includes a net increase of $3,100 General Fund for two technical, annualization adjustments for the OADC Municipal Court Programs.

ISSUE: OSPD DISCOVERY DATA & FILE MANAGEMENT

The Office of the State Public Defender has requested three budget items to fundamentally address the increased and increasing volume of discovery files and data related to its clients' legal cases. These request items include: (1) an IT infrastructure project for the effective long-term storage of that data, along with associated staff and operating costs to manage the data storage system; (2) the creation of a dedicated team of data discovery clerks to manage the administrative retrieval and upload of discovery data to internal case files; and (3) a shift to the significant use of paralegals to more efficiently review and organize significantly increased discovery files for legal defense teams.

SUMMARY

- Advancements in technology have contributed to an exponential growth in the size and amount of electronic files related to criminal cases.

- Since 2016, data storage at the Office of the State Public Defender (OSPD) has increased from 50 terabytes to 875 terabytes, a compound average annual growth rate of 77.3 percent. This compares to a compound growth rate of 24.1 percent over the prior five years.

- Unlike prosecutors, the OSPD is required to comply with retention policies for all case files as defined by legal and ethical obligations including the Colorado Rules of Professional Conduct.

- In addition to the technical data storage issue, OSPD legal staff must review all electronic files in order to organize, distill, and present necessary portions with clients, experts, judges, and juries.

DISCUSSION

BACKGROUND

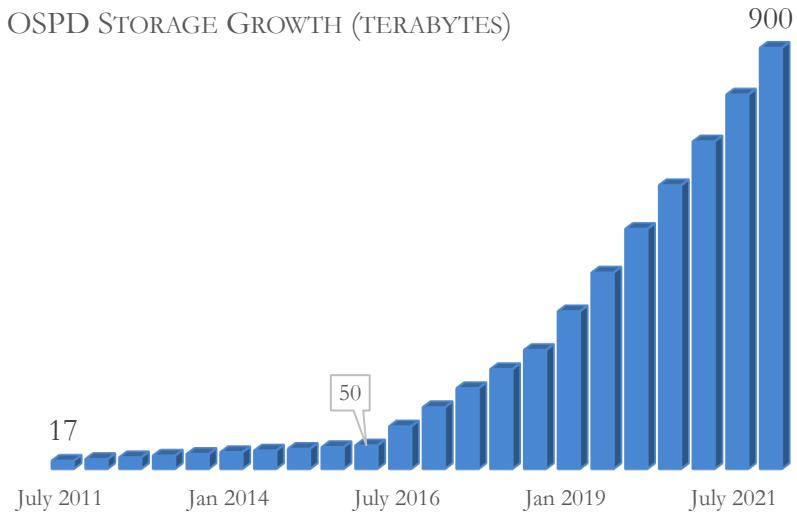
Advancements in technology have contributed to an exponential growth in the size and amount of electronic files related to criminal cases. Local, state, and federal law enforcement agencies use technology-based investigation tools like geolocation and geofencing, high resolution cameras, 3-D crime scene scans, systems like LEOVision Nighthawk, a tool that can analyze millions of digital files to develop complex evidentiary files, and various video surveillance tools such as stoplight cameras, dash cameras, and police body cameras (recently mandated across all Colorado law enforcement agencies pursuant to S.B. 20-217 *Enhance Law Enforcement Integrity*).

Witnesses, accused persons, and other parties often create potential evidence through the use of social media, smart phones, and computers, as well as through recorded calls from jail and personal phones. Collection of this evidence typically requires a download of each device's complete hard drive and the capture, transfer, and local storage of the entire volume of this data. Additional video footage of interest for legal cases from business or personal surveillance cameras may also be disclosed as discovery or otherwise discovered in the course of a criminal defense investigation.

The Office of the State Public Defender (OSPD) must store the entirety of these data files from this and an expanding range of technologies, not only while a case is active, but also once a case is closed,

in order to comply with retention policies required by legal and ethical obligations. Colorado Rules of Professional Conduct 1.16(c) requires that a lawyer in a criminal case retain the client's file, which includes all discovery received in the case: (1) for the life of the client for convictions of death, life without parole, or indeterminate sentences; (2) for eight years from sentencing for a conviction for any other felony that was appealed; and (3) for five years from sentencing for a conviction for any other felony that was not appealed.

Storage usage for the OSPD has grown from 17 terabytes in 2011 to an estimated 900 terabytes by the end of 2021. A terabyte is equal to 1,000 gigabytes, and for context, equal to about 120 DVDs. The average size of an active case is currently 5 gigabytes. Video files range in size based on quality from 0.1 gigabytes per hour for older technology to 20 gigabytes per hour for the newest high-resolution cameras utilizing 8k format. Additionally, standard business practice is to store a backup copy of data both locally and at an offsite facility to ensure recovery in the event of a major systems failure.



In 2015, the Colorado District Attorneys' Council (CDAC) was allocated $3 million per year to create and maintain a statewide eDiscovery portal that transfers most electronic discovery from law enforcement and prosecution to defense attorneys. In September 2021, the 2nd Judicial District in Denver, was the final Judicial District to transition discovery to the eDiscovery portal.

As illustrated in the chart, July 2016 began the first noticeable acceleration as terabytes increased by about 80 terabytes per year for two-and-a-half years. From about July 2018 to about January 2021, terabytes increased at about 180 terabytes per year; the increase is now about 200 terabytes per year in 2021. The Office estimates storage growth at about 43 percent per year over the last two years and that storage may grow to about 7,500 terabytes in the next five years.

As an example of the change in case file scale, five years ago discovery in a driving under the influence case typically consisted of a single, three-page police report. Today, the same type of case typically includes the same report plus several hours of video footage from police car dash cameras and police body cameras.

In addition to technical data storage growth, OSPD legal staff must review all electronic files. This includes: review of as many hours of video or audio recorded by each single recording device related to the case; determine and organize the portions of files relevant to the legal defense; and distill or isolate and share and present those portions appropriately with clients, experts, judges, and juries.

DISCOVERY MANAGEMENT-RELATED REQUESTS

The Office requests three distinct budget items that relate to the management of discovery data and files:

- *R1 Public Defense in the Digital Age*, identified as a placeholder request, totals $5.4 million General Fund in the first year and annualizes to $2.2 million General Fund in future years. This request item includes IT infrastructure and IT staff for the following:
  (1) to implement and manage a comprehensive, scalable, reliable, and accessible data storage solution;
  (2) to add seven IT staff positions to manage the data storage solution and staff the IT help desk; and
  (3) to provide network infrastructure and IT-related systems improvements for defense teams to better manage increased discovery data and improve client contact in the pandemic and post-pandemic jail and courthouse environment.

- *R2 Paralegal staff request*, totals $5.8 million General Fund to fund the first hiring phase in FY 2022-23 and annualizes to $3.8 million in future years, including funding for the second hiring phase and ongoing costs. This request seeks 104 total paralegal positions, including 66 in phase I in FY 2022-23 and 38 in phase II in FY 2023-24. These legal team positions will review and organize discovery for defense teams. This request represents a fundamental, staffing pattern shift for the OSPD to provide a more cost-effective staffing solution to handle and manage increased discovery data and files than by hiring additional attorneys.

- *R3 Discovery Clerk staff request*, totals $650,000 General Fund to create a centralized team of 15 discovery clerks. This discovery clerks team will be responsible for ensuring discovery has been assembled from all sources and placed into the OSPD's case management system across all OSPD offices.

Total costs – IT project and operating – for the three requests are outlined in the following table:

TOTAL COST - OSPD DISCOVERY MANAGEMENT				
	FY 2022-23		FY 2023-24	
	GF	FTE	GF	FTE
R1 - IT Project	$3,950,000	0.0	$0	0.0
R1 - IT Staff and Operating	1,534,683	6.4	2,221,333	7.0
R2 - Paralegals	5,795,856	63.2	9,728,775	105.3
R3 - Discovery Clerks	650,106	13.8	587,485	15.0
Total	**$11,930,645**	**$83**	**$12,537,593**	**127.3**
FY 2022-23 OSPD Base	$118,749,447	966		
1-year Total Increase percentage	10.0%	8.6%		
2-year Total Increase percentage			10.6%	13.2%

As reflected in the table, the FY 2022-23 total cost of the three request items for discovery management represent a significant General Fund increase of 10.0 percent; the second year is only slightly higher at 10.6 percent. Additionally, FTE increase by 8.6 and 13.2 percent from the FY 2022-23 base; a 4.6 percent increase in year two.

Keep in mind that the IT Project, representing a one-time – in this case one-year – implementation cost, tends to distort the actual changes in the base operating budget. The following table outlines only the operating cost elements included in the discovery management requests.

Total Operating Cost - OSPD Discovery Management				
	FY 2022-23		FY 2023-24	
	GF	FTE	GF	FTE
R1 - IT Staff and Op	$1,534,683	6.4	$2,221,333	7.0
R2 - Paralegals	5,795,856	63.2	9,728,775	105.3
R3 - Discovery Clerks	650,106	13.8	587,485	15.0
Total	**$7,980,645**	**$83**	**$12,537,593**	**127.3**
FY 2022-23 OSPD Base	$118,749,447	966		
1-year Total Increase	6.7%	8.6%		
2-year Total Increase			10.6%	13.2%

As reflected in the table, the FY 2022-23 total cost of the operating portions of the three request items for discovery management represent a lesser but still significant General Fund increase of 6.7 percent; the second year now more accurately reflects the operating base adjustment increase included in R2. The two-year increase to 10.6 percent, represents an additional 3.9 percent increase in the out-year. The FTE increase of 4.6 percent in year two is now more consistent or aligned with the General Fund increase in year two.

R1 COMPONENTS

The R1 request includes the following components:

- A comprehensive storage solution (IT project) - $4.0m (and $745,000 operating costs ongoing);
- 2.0 FTE in IT management staff for the storage solution – $142,000 in FY 2022-23 and $140,079 ongoing;
- 5.0 FTE for IT help desk support – $356,000 in FY 2022-23 and $350,000 ongoing;
- Digital litigation tools including development of programming and processes for automated downloads from eDiscovery systems and portals, audio/video transcription, and case management software – $429,000 in FY 2022-23 and $379,000 ongoing;
- Mobile connectivity to provide cell phones for all attorneys – $265,000 in FY 2022-23 and ongoing;
- Hardware improvements that incrementally increases the budget for the laptop replacement cycle to provide for hardware with improved data usage and processing – $179,055 in FY 2022-23 and ongoing; and
- Bandwidth increases across all offices – $163,000 in FY 2022-23 and ongoing.

R1 IT PROJECT

The R1 request is submitted as a placeholder primarily due to the IT project portion of the request. The Office states in its narrative that this placeholder amount is based on a previous quote for Isilon by Dell Technologies, a storage provider used by many Colorado prosecutor offices. The Office has

tried multiple solutions over the years, within its existing budget, including the use of standalone servers, virtual desktops, dedicated file arrays, and when the pandemic began, a cloud-based document management solution from Dropbox. None of the solutions, including Dropbox, could adequately provide a long-term solution to the recent data storage volume and accessibility challenges.

The Office is anticipating receiving a recommendation from its consulting vendor for a defined data storage project by early December. The details of this proposed project would be submitted as a budget amendment, clarifying the November R1 placeholder request. At this time, staff has not received an update from the Office further clarifying its potential budget amendment.

STAFF CONSIDERATION

Staff will bring the Committee recommendations on Office requests at figure setting. However, staff recommends approaching this group of requests as follows:

- Refer the IT project portion of the request to the Joint Technology Committee (JTC) for review, recommendation, and prioritization as an IT Capital project.

Based on the information presented, staff is supportive of the Office's request for a comprehensive data storage solution. This request appears to have a greater sense of and more elements that relate to program mission criticality, and that potentially rise to immanent public safety and mission service breakdowns, than many IT projects that have been prioritized and funded over the years in IT Capital.

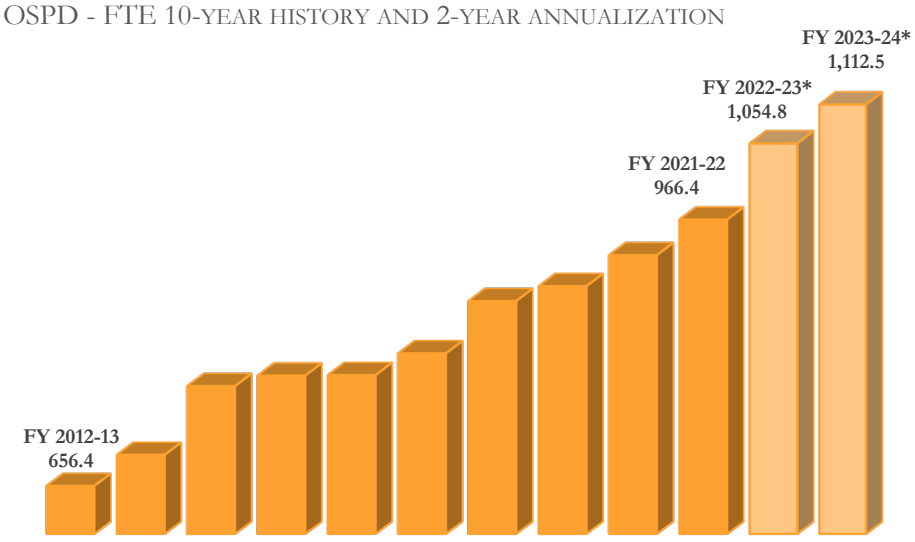
Oftentimes IT Capital projects tend to be driven by the necessary or preferred retirement of existing legacy systems. New IT systems often consist of not only the replacement of basic administrative and programmatic process infrastructure previously accommodated in the legacy system, but also to encompass or include "wish lists" or "bells and whistles" for sleeker and improved staff or customer interface. As the history of IT project implementations bear out, such enhancements tend not to deliver significant operating efficiencies.

The overarching goal of this request appears to deliver an immediate IT infrastructure solution to address a changed operating environment. But the larger solution also requires the Office to reconsider its work processes to deliver operating efficiencies in its administrative and legal management processes and its staffing model.

Staff believes a technical assessment by the JTC, along with prioritization, will help staff and the Committee better judge the priority of need for this project in relation to statewide IT needs.

- If the JTC determines that the IT project should be funded, staff also believes that the R2 and R3 requests from the Office are critical to successfully and effectively implementing the data storage solution as it relates to administrative tasks and legal defense responsibilities.

Staff is currently inclined to be generally supportive of the Office's R2 and R3 requests. However, the scale of the requests are significant. The following chart outlines a 10-year FTE history and two-year annualization based on the FY 2022-23 requests.



As reflected in the chart, there is a significant increase in FTE over the next two fiscal years included in the Office's requests. The FY 2014-15 increase totaled 80.1 FTE and the FY 2018-19 increase totaled 60.7 FTE. The Office's requested increase for FY 2023-24 and FY 2024-25 total 88.4 and 57.7 FTE respectively; and the FY 2024-25 annualization increase does not yet include additional requests, budget decisions, or bills that may add staff to that out-year FTE count over the next two budget cycles.

It is staff's understanding that the Office is seeking a "one-hundred-percent solution" in these requests. Further, the Office believes these staff increases can be delivered and if implemented, will maximize effectiveness related to the discovery management issue. Staff generally accepts and trusts the Office's assessment that it has the capacity to deliver the staffing increase and achieve the operational efficiencies and effectiveness. However, the scale of the request may exceed that which is justified from a sense of funding fairness and equity across all state agencies.

On this basis, staff seeks some feedback from the Committee regarding the Committee's comfort with the scale of the requests. Staff is willing and able to bring options for more targeted or reduced request amounts for the R2 and R3 requests.

The R3 request in many ways is directly tied to the overarching data storage and discovery files management process. It is a significantly smaller request than the R2 request. However, it may be appropriate to consider scaling this item down, perhaps to a team of 10 discovery clerks rather than the 15 requested. While this might also be recommended as a two-year, two-phase increase as included in the R2 Paralegals request, staff would prefer to simply recommend a one-year, scaled down amount; with a recommendation that the Office bring a request in the next or another future year based on actual workload experience with the initial team and the identification of additional need.

The R2 request is substantial all unto itself. Staff supports the Office's move to hire paralegals rather than additional attorneys to gain organizational efficiencies. On that basis, staff supports the request in principle and is inclined to be supportive of the entire request as submitted. The number of positions included in the request is specific and calculated, based on a ratio of one paralegal for six

attorneys. As an option, the entire request might be funded over a three-phase implementation. The Office would still get to the same desired staffing level in three rather than two years.

A three-year ramp-up may approximate budget growth for the Office in better alignment with and proportion to statewide General Fund operating increases. As addressed in the third briefing issue, there appears to be a recent history of slightly higher appropriations growth for the Office relative to statewide operating General Fund. Staff is concerned that if this request is fully funded in two years, the Office may be inclined to request an additionally significant increase in staff at a sooner point in the future. Providing a bit more gradual pacing to the increase may be an appropriate way to honor the value and necessity of this request, while also honoring the need to reflect fairness and equity for funding requests statewide.

To conclude, the following is a list of staff-related budget items funded since FY 2011-12.

FY 2020-21 OSPD STAFFING NEEDS: Added $2.9 million General Fund and 28.8 FTE for projected caseload increases.

FY 2019-20 OSPD ATTORNEY SALARY SURVEY: Added $5.1 million General Fund for a 10 percent salary increase for attorneys.

FY 2018-19 OSPD WORKLOAD AND CASELOAD INCREASE: Added $4.2 million General Fund and 56.4 FTE to respond to caseload and workload increases.

FY 2018-19 OSPD IT SUPPORT, SECURITY, AND DEVELOPMENT: Added $871,000 General Fund and 4.0 FTE for development of a case management system, increased IT support for 21 regional offices, software licensure, hardware replacement, and security upgrades.

FY 2018-19 OSPD SUPPORT STAFF: Added $1.1 million General Fund and 23.4 FTE of investigators, paralegals, and administrative staff to improve the ratio of support staff to attorneys.

FY 2014-15 Appellate staffing: Added $840,000 General Fund and 14.7 FTE to reduce the backlog of appellate cases.

FY 2013-14 Attorney pay parity: Added $5.3 million General Fund to increase attorney salaries to a level competitive with Colorado public sector attorney compensation practices.

FY 2012-13 H.B. 07-1054 (new judges): Added $282,079 General Fund and 5.1 FTE for the final two judgeships filled July 1, 2012 pursuant to H.B. 07-1054.

FY 2012-13 Provide staff for Denver Sobriety Court: Added $187,966 General Fund and 2.5 FTE for the OSPD to represent offenders in the Denver Sobriety Court.

FY 2011-12 H.B. 07-1054 (new judges): Added $2,629,582 General Fund and 42.7 FTE for the delayed implementation of new judgeships pursuant to H.B. 07-1054.

ISSUE: COURTS IT INFRASTRUCTURE AND STAFF

The Courts request an IT infrastructure project totaling $33.2 million over four years from federal ARPA funds. The request identifies $8.5 million for FY 2022-23 and states that a supplemental will be submitted for FY 2021-22 for a first year of funding totaling $9.1 million. Additionally, the Courts have submitted a separate request for IT staff totaling $2.0 million, including $937,000 General Fund and $1.1 million cash funds and an increase of 16.0 FTE primarily to support audio-visual (A/V) operations.

SUMMARY

- The IT infrastructure request includes seven components: (1) a one-time SDWAN project over three years; (2) an ongoing A/V infrastructure increase for accelerated and enhanced A/V replacement in courtrooms; (3) ongoing Webex licensing; (4) ongoing, annual, network infrastructure "refreshes"; (5) one-time data center hardware that will require refreshes in future years; (6) a one-time disaster recovery hardware installation that will require refreshes in future years; and (7) ongoing, annual, security controls and applications.

- The IT staff request includes: (1) nine audio visual team members; (2) six technical support team members for the judicial districts; and (3) a senior network engineer for the Court's Unified Communication program.

- Additionally, the IT staff request includes a $1.5 million request over two years, including $500,000 for FY 2022-23 and $1.0 million for FY 2023-24, to issue an RFP for a management consulting firm to help select a new case management system intended to replace the Courts existing systems.

RECOMMENDATION

Due to the technical nature of these requests, staff believes they should be reviewed by the Joint Technology Committee (JTC). Further, due to the scale of the infrastructure request – in total, in the number of components, and the number of years – staff believes this is better addressed through the regular budget cycle IT Capital process that may include JTC prioritization, rather than through an "accelerated" approval in a supplemental.

DISCUSSION

R3 IT INFRASTRUCTURE REQUEST

The Courts request an IT infrastructure project that totals $33.2 million over four years from cash funds originating as federal ARPA funds in their *R3 IT Infrastructure Request*. The Courts identify the fund source as federal funds in their request and do not specify which ARPA cash fund source is intended to fund this project.

The request identifies $8.5 million for FY 2022-23. However, the request states that the Courts will submit a FY 2021-22 supplemental for a "first year" of funding totaling $9.1 million. Effectively, the first-year request totals $17.6 million over the current and next budget years.

Aspects of this request appear to include components of a one-time, IT project. However, some components appear to be ongoing service, maintenance, or operating costs for IT infrastructure. Regardless, these items have been bundled into a four-year request in the mold of a standalone IT project with a defined period of costs.

This request appears to be a three-year IT project that provides immediate spending authority to begin the project in the current fiscal year. IT Capital projects are provided spending authority upon the Governor's signature of the Long Bill. If this request were funded as an IT Capital project, this would generate a spending authority delay of about two to three months relative to a supplemental approval.

R3 COMPONENTS

The R3 request includes the components outlined in the following table:

Courts R3 IT Infrastructure Request by Component					
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Total
1. SDWAN Project	$1,304,170	$650,000	$650,000	$0	$2,604,170
2. A/V Infrastructure	2,500,000	3,600,000	3,600,000	3,600,000	13,300,000
3. Webex Platform	482,160	482,160	482,160	482,160	1,928,640
4. Network Infrastructure	2,105,446	1,285,000	1,300,000	1,300,000	5,990,446
5. Data Center Hardware	2,061,126	0	1,000,000	0	3,061,126
6. Disaster Recovery (OIT)	0	1,096,779	0	0	1,096,779
7. Security	620,226	1,427,924	1,483,739	1,691,468	5,223,357
Total	**$9,073,128**	**$8,541,863**	**$8,515,899**	**$7,073,628**	**$33,204,518**

SDWAN

The Courts seek to implement a technology called Software Defined Wide Area Network (SDWAN). This allows for network traffic to flow through multiple network connections. With this the Courts would add a secondary internet service provider (ISP) to provide Direct Internet Access (DIA) to all court locations. The Courts state that DIA is significantly cheaper than traditional network technologies currently being used. SDWAN is a three-year project. Phase 1 seeks to acquire DIA circuits to establish network backup capabilities and increase bandwidth at each courthouse.

This component appears to be a one-time IT project with costs of $1.3 million in the current year and then costs of $650,000 in the next two years, with no anticipated ongoing costs beyond FY 2023-24. The Courts confirm there are no ongoing costs anticipated.

A/V INFRASTRUCTURE

The Courts state that the cost of a single courtroom A/V system is approximately $60,000. The Courts state that this item will provide new A/V infrastructure for all 450+ courtrooms and proceeding spaces across the state. The request states that with an eight-year replacement lifecycle, the goal is to provide 60 updates per year; over four years this provides approximately 240 updated courtrooms.

This component is requested at $2.5 million in the current year, and then $3.6 million per year thereafter. While it appears that this project is intended to provide a new and higher level of A/V capacity and infrastructure, at appears that this component is intended to be ongoing beyond the four

years identified in this request. The Court's request does not clearly state its ongoing funding needs in its narrative or schedules.

The Courts confirm that this will require annual, ongoing funding. For this reason, this component would likely remain in the operating budget rather than funded in an IT Capital project.

WEBEX PLATFORM

The Courts state that the use of Cisco Webex licenses was increased from 250 to 500 concurrent host licenses during the pandemic.

This component is requested at $482,160 per year. As with A/V Infrastructure, this item appears to be an ongoing item beyond the years included in the budget request.

The Courts confirm that this will require annual, ongoing funding. For this reason, this component would likely remain in the operating budget rather than funded in an IT Capital project.

NETWORK INFRASTRUCTURE

The Courts state that their largest consumer of bandwidth is video conferencing technologies used for department collaboration, virtual proceedings, and probationer communications. The Courts state that their video conferencing solution generates over 17,500 videoconference meetings per month and nearly 1,000 hours of videoconferences per day, with 130,000 stakeholders participating in virtual proceedings each month.

This component is requested at $2.1 million in the current year, and then $1.3 million per year therafter. This component appears to be an ongoing item beyond the years included in the budget request.

The Courts confirm that this will require annual, ongoing funding. For this reason, this component would likely remain in the operating budget rather than funded in an IT Capital project.

DATA CENTER HARDWARE

The Courts have two data centers that support IT network operations – GGCC (OIT-maintained) and Ralph L. Carr (onsite at Judicial). The Courts state that they need to upgrade two groups of major components that are end of life at each data center, plus introduce new architecture that will streamline Internet Edge routing and provide more security to the Demilitarized Zone (DMZ) design. The DMZ segregates internet traffic from the internal network traffic. The Courts state that new internet and DMZ design will improve internet security as well as add reliability and faster convergence time to external connectivity.

This component appears to be a one-time IT project, with costs of $2.1 million in the current year and $1.0 million in FY 2023-24. However, the Courts state that this component will require occasional refreshes, including one in FY 2025-26. Despite the need for occasional refreshes, this component could be included in an IT Capital project.

DISASTER RECOVERY

The Courts request a one-time disaster recovery hardware installation that will require refreshes in future years.

This component appears to be a one-time IT project with a cost of $1.1 million in FY 2022-23. However, the Courts state that this component will require occasional refreshes, including one in FY 2025-26. Despite the need for occasional refreshes, this component could be included in an IT Capital project.

SECURITY
This component includes security hardware items that are one-time and application access items that will require annual, ongoing funding.

This component is requested at $620,000 in the current year, increasing to $1.4 million, $1.5 million, and $1.7 million over the next three years.

This component includes items that are one-time and items that will require annual, ongoing funding. This component would likely remain in the operating budget, but may have aspects that would be better addressed in an IT Capital project.

STAFF CONSIDERATION OF R3 IT INFRASTRUCTURE REQUEST
The Courts' R3 request appears to be a mix of one-time and ongoing IT-related infrastructure enhancements. Three of the seven components appear to be one-time, IT project implementation costs; the additional four appear to require annual, ongoing funding.

While the components may not be best situated together in a single budget consideration, the Courts have submitted this omnibus-type infrastructure request seeking funding from cash funds that originated as federal ARPA funds. Due to the limited nature of funding from that source, the Courts' have opted to package this group of IT infrastructure costs in a four-year request for such funding.

However, a complexity built into the funding structure of this request is that some of these components may need to be backfilled with General Fund beyond the years identified in this request. The FY 2024-25 cost is identified as $7.1 million and includes four components which appear to be ongoing. It is reasonable to anticipate that ongoing costs of at least $7.1 million may have to be funded with General Fund or other agency cash fund sources. However, the request does not address that potential out-year need once federal ARPA funds are no longer available.

The lack of consideration or explanation in the narrative regarding the long term fiscal sustainability of this request is shortsighted and should be addressed by the Courts at their hearing and in a formal, written response. In staff's opinion, this request is not an extraordinary request for the purpose of addressing necessary IT infrastructure needs that may be ongoing. Staff does not understand why the request narrative would not simply address the long-term needs, both forthrightly and transparently.

Based on the information presented in the narrative and in communications with staff, it appears that there may be necessary and critical IT infrastructure enhancements that would be conducive to the operations of Courts and Probation and may even rise to a level of criticality for public safety issues. However, based on the lack of information on or a statement about long-term funding needs beyond the period of federal ARPA funding, staff cannot definitively or comfortably recommend providing funding for any components that require continuation beyond FY 2024-25.

By staff's judgment, in its current state, this is a very rough and raw request that will require significantly more vetting through the budget process. Due to the IT infrastructure designation and

actual components, staff believes this request would be aided by a referral to the JTC for consideration and prioritization as an IT Capital project. The proper scoping and costing of this project is likely to be more appropriately and thoroughly addressed within the technical review process conducted by the JTC.

Additionally, due to the scale of this request, staff believes this should be addressed through the regular budget cycle rather than through a supplemental decision. For both of these reasons, staff recommends that this project, including the forthcoming FY 2021-22 supplemental request, be instead considered for regular cycle funding in FY 2022-23 rather than through an "accelerated" approval for a supplemental.

While new projects may be added to IT Capital through a supplemental, technically, this project has not been previously approved and should be considered along with all other projects and accorded a regular budget cycle review by the JTC. Even if determined by the JTC that this project, or portions of this project, should remain in the operating budget, staff believes this should be accorded regular budget cycle consideration at figure setting and its approval should not be accelerated through a supplemental request.

At this time, staff does not recommend funding this project in a supplemental due to the significant scale of the project and due to the lack of specificity included in the request narrative.

Due to the technical nature of this request, staff recommends referring this request to the JTC as follows:

- Refer R3 to the Joint Technology Committee (JTC) for review and recommendation for all aspects of the request;
- Request that JTC incorporate the anticipated supplemental request into the FY 2022-23 request to be considered as a single year appropriation for FY 2022-23, and for consideration of a one-time appropriation for a three-year IT Capital project with three-year spending authority;
- Request JTC consideration of whether all components should remain contained in a single IT Project, or be severed into distinct IT Capital and operating portions;
- Request JTC prioritization as an IT Capital project for the project or identified project portion of the request;
- Request JTC recommendation for any JTC-identified operating portion.

R2 IT STAFF REQUEST

Additionally, the Courts have submitted a request for IT staff totaling $2.0 million, including $937,000 General Fund and $1.1 million cash funds from the Judicial Department Information Technology Cash Fund, and an increase of 16.0 FTE for nine A/V team members, six technical support team members for the judicial districts, and a senior network engineer for the Court's Unified Communication program. The Courts request: nine additional A/V team members to augment the current staff of six; one senior network engineer to augment the current staff of two engineers; and six technical support technicians to augment the current staff of 26 distributed across the state.

Finally, the Courts also request $500,000 for FY 2022-23, and $1.0 million for FY 2023-24, to issue an RFP for a management consulting firm to help select a new case management system intended to replace the existing systems.

Due to the technical nature of this request, and because there is overlap with components included in the IT infrastructure request, staff recommends referring this request to the JTC as follows:

- Refer R2 to the Joint Technology Committee (JTC) for review and recommendation for all aspects of the request, particularly as they relate to the R3 request, to include JTC intentions for ongoing oversight if approved.

ISSUE: GENERAL SCALE OF INCREASE REQUESTS BY JUDICIAL AGENCY

This informational issue provides overview tables and charts to describe the scale of increase for requested budgets by Judicial Department agency in comparison to recent trends in funding history.

SUMMARY

- The Courts and Probation divisions comprise 73.2 percent of total funds and 64.5 percent of General Fund in the FY 2021-22 Judicial Department budget. The General Fund increase in the FY 2022-23 request is $27.0 million or 6.7 percent.

- The Office of the State Public Defender comprises 13.9 percent of total funds and 19.0 percent of General Fund in the FY 2021-22 Judicial Department budget. The General Fund increase in the FY 2022-23 request is $15.8 million or 13.3 percent.

- The Office of the Alternate Defense Counsel comprises 5.6 percent of total funds and 7.6 percent of General Fund in the FY 2021-22 Judicial Department budget. The General Fund increase in the FY 2022-23 request is $2.9 million or 6.0 percent.

- The Office of the Child's Representative comprises 3.9 percent of total funds and 4.8 percent of General Fund in the FY 2021-22 Judicial Department budget. The General Fund increase in the FY 2022-23 request is $1.8 million or 6.1 percent.

- The Office of the Respondent Parents' Counsel comprises 4.7 percent of total funds and 3.8 percent of General Fund in the FY 2021-22 Judicial Department budget. The General Fund increase in the FY 2022-23 request is $1.7 million or 7.1 percent.

DISCUSSION

The Judicial Department budget is unusual in that it includes the Courts and Probation and seven additional independent agencies. These state agencies reside within the judicial branch and therefore reside in the single, Judicial Department section of the budget. However, because they are independent, they do not submit their budget requests to the Governor's Office of State Planning and Budgeting (OSPB), but rather submit directly to the Joint Budget Committee (JBC) in the same manner as the departments comprising the other elected officials of the State and the Legislative Department.

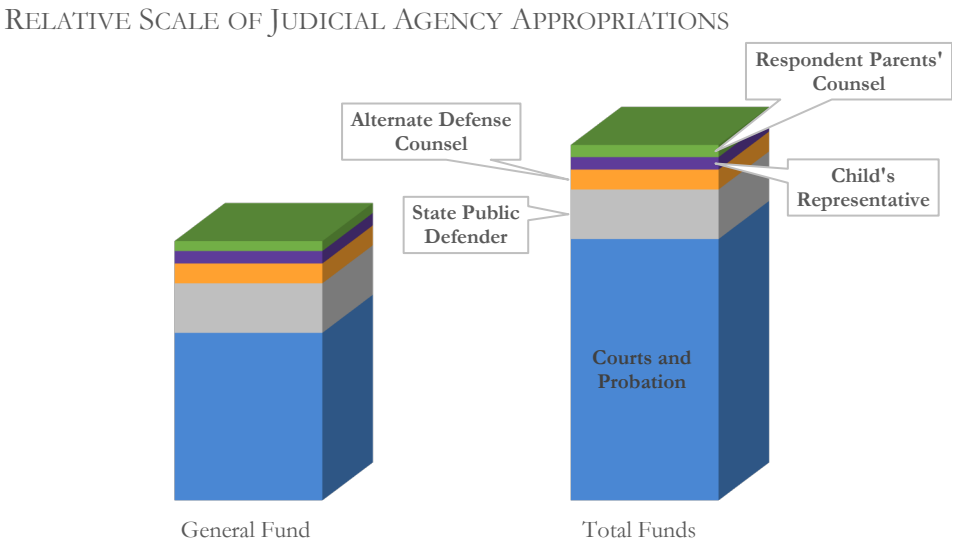
Given the scale of state funding provided in this department budget, particularly for the Courts, it is critical that the JBC and the General Assembly assess the requests from the judicial branch agencies in a manner that provides a fair budget consideration for program needs while maintaining a sense of general budget equity across all state agencies and policy areas.

For this reason, this informational issue is intended to present some analysis of the scale of requests by agency for Courts and Probation and the four largest independent agencies, 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. The analysis will include comparisons to recent trends in funding history for these agencies compared to statewide operating appropriations as a way of placing this year's requests in context with recent history.

The additional three independent agencies, the Office of the Child Protection Ombudsman, the Independent Ethics Commission, and the Office of the Public Guardian, are much smaller agencies totaling $2.2 million, including $1.4 million General Fund, representing 0.3 percent Total Funds and 0.2 percent General Fund in the FY 2021-22 Judicial Department budget. Additionally, the Office of the Public Guardian is entirely cash funded. For that reason, a similar analysis for these agencies would not provide meaningful information in the same way.

The following chart illustrates the relative scale of appropriations by agency.



COURTS AND PROBATION

The Courts and Probation divisions comprise 73.2 percent of total funds and 64.5 percent of General Fund in the FY 2021-22 Judicial Department budget.

The following table outlines a 10-year General Fund appropriations history for Courts and Probation that includes the compound average annual growth rates for five years and 10 years in comparison to statewide operating General Fund.

COURTS AND PROBATION GF APPROPRIATIONS HISTORY					
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	$348,513,230	$368,777,123	$398,906,710	$365,346,612	$402,826,411
$ Change	17,545,068	20,263,893	30,129,587	(33,560,098)	37,479,799
Percent change	5.3%	5.8%	8.2%	(8.4%)	10.3%
	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
General Fund	$248,213,201	$265,593,553	$308,656,283	$334,987,498	$330,968,162
$ Change		17,380,352	43,062,730	26,331,215	(4,019,336)
Percent change		7.0%	16.2%	8.5%	(1.2%)

COURTS AND PROBATION GF APPROPRIATIONS HISTORY			
5-yr C&P CAAGR	2.9%	10-yr C&P CAAGR	5.0%
5-yr Statewide Op GF CAAGR	3.3%	10-yr Statewide Op GF CAAGR	5.1%

As reflected in the table, the Courts and Probation budget has increased consistently with, if just slightly below, statewide operating General Fund over five years and over 10 years.

The following table outlines the FY 2022-23 request by Courts and Probation by increase category.

COURTS AND PROBATION FY 2022-23 REQUEST BY COMPONENT						
	GENERAL FUND	CASH FUNDS	REAPPROP FUNDS	FEDERAL FUNDS	TOTAL FUNDS	GF PERCENT CHANGE BY CATEGORY
FY21-22 Appropriation (Base)	$402,826,411	$174,175,497	$46,369,865	$4,425,000	$627,796,773	
FY2022-23 Increase Categories						
Base adjustments	4,470,359	(4,896,215)	127,339	0	(298,517)	1.1%
Centrally appropriated	10,797,613	201,694	0	0	10,999,307	2.7%
Non-prioritized/non-discretionary	4,926,216	(362,761)	1,152,964	0	5,716,419	1.2%
IT infrastructure request	0	0	0	8,541,863	8,541,863	0.0%
New operating requests	6,830,713	3,145,367	0	0	9,976,080	1.7%
TOTAL	**$429,851,312**	**$172,263,582**	**$47,650,168**	**$12,966,863**	**$662,731,925**	6.7%
Increase/(Decrease)	27,024,901	(1,911,915)	1,280,303	8,541,863	34,935,152	
Percentage change	6.7%	(1.1%)	2.8%	193.0%	5.6%	

As outlined in the table, the total General Fund increase in the FY 2022-23 request is 6.7 percent.

When isolated by increase category:

- Base adjustments, which represent budget decisions already made for annualized out-year impacts from budget decisions and fiscal notes represent 1.1 percent (of the 6.7 percent total increase);
- Centrally appropriated adjustments, which represent centralized statewide adjustments for compensation and operating common policies represent 2.7 percent of the total increase;
- Courts-defined non-prioritized, non-discretionary, and technical items, which include statutorily-required adjustments and pass-through budget requests from other independent entities that reside in the Courts budget, represent 1.2 percent of the total increase; and
- New operating requests represent 1.7 percent of the total increase.

One item to keep in mind related to the Courts and Probation budget request is that the $8.5 million request for federal funds is for the IT infrastructure project requested from state cash funds originating from federal ARPA funds. This request identifies federal funds, therefore that is what is reflected in the table. Additionally, this request is structured as a four-phase project totaling $33.2 million over four years. Nevertheless, this analysis table addresses General Fund impact only.

If this project were funded by General Fund, the FY 2022-23 portion of this item would add 2.1 percent to the General Fund percentage change in the table. Staff points this out to relate the significance of reflecting one-time costs for IT projects in the operating budget, which will tend to skew or exaggerate actual program operating costs. Additionally, this provides a reference to the scale of increase for potential ongoing General Fund costs for project components beyond the request years.

One of the more significant takeaways from the analysis included in the preceding table is that base adjustments and centrally appropriated adjustments account for 3.8 percent of the Courts and Probation increases reflected in the budget request. Prior to addressing agency-specific budget items for the year, the Courts and Probation budget is already reflecting an increase of 3.8 percent based on prior year decisions and for statewide common policies as requested by the executive branch.

OFFICE OF THE STATE PUBLIC DEFENDER

The Office of the State Public Defender comprises 13.9 percent of total funds and 19.0 percent of General Fund in the FY 2021-22 Judicial Department budget.

The following table outlines a 10-year General Fund appropriations history for the Office of the State Public Defender that includes the compound average annual growth rates for five years and 10 years in comparison to statewide operating General Fund.

OFFICE OF THE STATE PUBLIC DEFENDER GF APPROPRIATIONS HISTORY					
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	$89,573,459	$97,248,793	$106,837,415	$108,116,486	$118,749,447
$ Change	3,150,138	7,675,334	9,588,622	1,279,071	10,632,961
Percent change	3.6%	8.6%	9.9%	1.2%	9.8%
	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
General Fund	$63,309,835	$74,631,451	$83,105,824	$86,669,239	$86,423,321
$ Change		11,321,616	8,474,373	3,563,415	(245,918)
Percent change		17.9%	11.4%	4.3%	(0.3%)

5-yr OSPD CAAGR	5.8%	10-yr OSPD CAAGR	6.5%
5-yr Statewide Op GF CAAGR	3.3%	10-yr Statewide Op GF CAAGR	5.1%

As reflected in the table, the Office of the State Public Defender budget has increased at a significantly higher rate than statewide operating General Fund over five years and over 10 years.

The following table outlines the FY 2022-23 request by the Office of the State Public Defender by increase category.

OFFICE OF THE STATE PUBLIC DEFENDER FY 2022-23 REQUEST BY COMPONENT						
	GENERAL FUND	CASH FUNDS	REAPPROP FUNDS	FEDERAL FUNDS	TOTAL FUNDS	GF PERCENT CHANGE BY CATEGORY
FY21-22 Appropriation (Base)	$118,749,447	$155,000	$0	$0	$118,904,447	
FY2022-23 Increase Categories						
Base adjustments	209,564	0	0	0	209,564	0.2%
Centrally appropriated	3,462,544	0	0	0	3,462,544	2.9%
IT project request	3,950,000	0	0	0	3,950,000	3.3%
New operating requests	8,169,302	0	0	0	8,169,302	6.9%
TOTAL	**$134,540,857**	**$155,000**	**$0**	**$0**	**$134,695,857**	13.3%
Increase/(Decrease)	15,791,410	0	0	0	15,791,410	
Percentage change	13.3%	0.0%	n/a	n/a	13.3%	

As outlined in the table, the total General Fund increase in the FY 2022-23 request is 13.3 percent.

When isolated by increase category:
- Base adjustments represent 0.2 percent of the total increase;
- Centrally appropriated adjustments for statewide common policies represent 2.9 percent of the total increase;
- The IT project portion of the Office's request represents 3.3 percent of the total increase; and
- New operating requests represent 6.9 percent of the total increase.

The Office's $4.0 million state funds request for its IT project represents a 3.3 percent increase, as compared to the Courts request of $8.5 million, equivalent to a 2.1 percent increase in that budget. As previously stated, reflecting one-time costs for IT projects in the operating budget will tend to exaggerate actual program operating costs.

Somewhat consistent with the Courts and Probation experience, base adjustments and centrally appropriated adjustments account for 3.1 percent of the Office's increases.

However, after accounting for the atypical IT project request and the base and centrally appropriated adjustments, the Office's new operating requests account for a fairly significant 6.9 percent increase. While staff is not prepared to make recommendations on the Office's requests at this time, it is critical for the Committee to consider the scale of the increase requested, particularly in context to the prior table outlining five-year and 10-year appropriations experiences.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL

The Office of the Alternate Defense Counsel comprises 5.6 percent of total funds and 7.6 percent of General Fund in the FY 2021-22 Judicial Department budget.

The following table outlines a 10-year General Fund appropriations history for the Office of the Alternate Defense Counsel that includes the compound average annual growth rates for five years and 10 years in comparison to statewide operating General Fund.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL GF APPROPRIATIONS HISTORY					
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	$35,313,329	$43,603,415	$45,863,981	$47,466,547	$47,610,846
$ Change	3,329,822	8,290,086	2,260,566	1,602,566	144,299
Percent change	10.4%	23.5%	5.2%	3.5%	0.3%
	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
General Fund	$22,540,446	$26,035,789	$29,681,082	$31,536,293	$31,983,507
$ Change		3,495,343	3,645,293	1,855,211	447,214
Percent change		15.5%	14.0%	6.3%	1.4%

5-yr OADC CAAGR	6.2%	10-yr OADC CAAGR	7.8%
5-yr Statewide Op GF CAAGR	3.3%	10-yr Statewide Op GF CAAGR	5.1%

As reflected in the table, the Office of the Alternate Defense Counsel budget has increased at a greater rate than statewide operating General Fund over five years and over 10 years. Additionally, the

increases are slightly higher than those experienced by the Office of the State Public Defender. This suggests that there may be structural issues related to funding legal defense over the last 10 years that both agencies have experienced somewhat consistently over this period.

The following table outlines the FY 2022-23 request by the Office of the Alternate Defense Counsel by increase category.

OFFICE OF THE ALTERNATE DEFENSE COUNSEL FY 2022-23 REQUEST BY COMPONENT						
	GENERAL FUND	CASH FUNDS	REAPPROP FUNDS	FEDERAL FUNDS	TOTAL FUNDS	GF PERCENT CHANGE BY CATEGORY
FY21-22 Appropriation (Base)	$47,610,846	$80,000	$0	$0	$47,690,846	
FY2022-23 Increase Categories						
Base adjustments	22,138	0	0	0	22,138	0.0%
Centrally appropriated	70,620	0	0	0	70,620	0.1%
Contractor rate increase	2,535,769	0	0	0	2,535,769	5.3%
New operating requests	250,228	0	0	0	250,228	0.5%
TOTAL	**$50,489,601**	**$80,000**	**$0**	**$0**	**$50,569,601**	6.0%
Increase/(Decrease)	2,878,755	0	0	0	2,878,755	
Percentage change	6.0%	0.0%	n/a	n/a	6.0%	

As outlined in the table, the total General Fund increase in the FY 2022-23 request is 6.0 percent.

When isolated by increase category:

- Base adjustments represent 0.0 percent of the total increase;
- Centrally appropriated adjustments for statewide common policies represent 0.1 percent of the total increase; this is consistent with this Office's much smaller staffing model (14.0 FTE) when compared to the Office of the State Public Defender (966.4 FTE) or Courts and Probation (3,957.8 FTE);
- The contractor rate increase represents 5.3 percent of the total increase; and
- New operating requests represent 0.5 percent of the total increase.

The contractor rate increase – a requested 6.0 percent increase together with the Office of the Child's Representative and the Office of the Respondent Parents' Counsel – represents a fairly significant request comprising most of the Office's total increase. Staff estimates that a 5.0 percent contractor rate increase, an increase of an estimated $2.1 million, would represent a 4.4 percent increase and reduce the total increase to approximately 5.2 percent.

OFFICE OF THE CHILD'S REPRESENTATIVE

The Office of the Child's Representative comprises 3.9 percent of total funds and 4.8 percent of General Fund in the FY 2021-22 Judicial Department budget.

The following table outlines a 10-year General Fund appropriations history for the Office of the Child's Representative that includes the compound average annual growth rates for five years and 10 years in comparison to statewide operating General Fund.

OFFICE OF THE CHILD'S REPRESENTATIVE GF APPROPRIATIONS HISTORY					
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	$26,949,582	$29,314,385	$29,740,081	$31,305,822	$29,841,104
$ Change	1,243,175	2,364,803	425,696	1,565,741	(1,464,718)
Percent change	4.8%	8.8%	1.5%	5.3%	(4.7%)
	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
General Fund	$19,123,343	$20,621,086	$24,490,292	$23,883,552	$25,706,407
$ Change		1,497,743	3,869,206	(606,740)	1,822,855
Percent change		7.8%	18.8%	(2.5%)	7.6%

5-yr OCR CAAGR	2.1%	10-yr OCR CAAGR	4.6%
5-yr Statewide Op GF CAAGR	3.3%	10-yr Statewide Op GF CAAGR	5.1%

As reflected in the table, the Office of the Child's Representative budget has increased at a lower rate than statewide operating General Fund over five years and over 10 years.

The following table outlines the FY 2022-23 request by the Office of the Child's Representative by increase category.

OFFICE OF THE CHILD'S REPRESENTATIVE FY 2022-23 REQUEST BY COMPONENT						
	GENERAL FUND	CASH FUNDS	REAPPROP FUNDS	FEDERAL FUNDS	TOTAL FUNDS	GF PERCENT CHANGE BY CATEGORY
FY21-22 Appropriation (Base)	$29,841,104	$0	$1,772,933	$0	$31,614,037	
FY2022-23 Increase Categories						
Base adjustments	3,710	0	873	0	4,583	0.0%
Centrally appropriated	196,973	0	17,678	0	214,651	0.7%
Contractor rate increase	1,426,732	0	86,514	0	1,513,246	4.8%
New operating requests	186,516	0	225,476	0	411,992	0.6%
TOTAL	**$31,655,035**	**$0**	**$2,103,474**	**$0**	**$33,758,509**	6.1%
Increase/(Decrease)	1,813,931	0	330,541	0	2,144,472	
Percentage change	6.1%	n/a	18.6%	n/a	6.8%	

As outlined in the table, the total General Fund increase in the FY 2022-23 request is 6.1 percent.

When isolated by increase category:

- Base adjustments represent 0.0 percent of the total increase;
- Centrally appropriated adjustments for statewide common policies represent 0.7 percent of the total increase; this is consistent with this Office's smaller staffing model (34.9 FTE) when compared to the Office of the State Public Defender (966.4 FTE) or Courts and Probation (3,957.8 FTE);
- The contractor rate increase represents 4.8 percent of the total increase; and
- New operating requests represent 0.6 percent of the total increase.

The contractor rate increase – a requested 6.0 percent increase together with the Office of the Alternate Defense Counsel and the Office of the Respondent Parents' Counsel – represents a fairly significant request comprising most of the Office's total increase. Staff estimates that a 5.0 percent contractor rate increase, an increase of an estimated $1.2 million General Fund, would represent a 4.0

percent General Fund increase and reduce the total General Fund increase to approximately 5.3 percent.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL

The Office of the Respondent Parents' Counsel comprises 4.7 percent of total funds and 3.8 percent of General Fund in the FY 2021-22 Judicial Department budget.

The following table outlines a seven-year General Fund appropriations history for the Office of the Respondent Parents' Counsel that includes the compound average annual growth rates for five years and three years in comparison to statewide operating General Fund.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL GF APPROPRIATIONS HISTORY					
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	$16,169,328	$20,449,078	$22,802,612	$24,163,073	$23,826,319
$ Change	977,855	4,279,750	2,353,534	1,360,461	(336,754)
Percent change	6.4%	26.5%	11.5%	6.0%	(1.4%)
	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
General Fund	$0	$0	$0	$950,493	$15,191,473
$ Change		0	0	950,493	14,240,980
Percent change		n/a	n/a	n/a	1,498.3%

5-yr OCR CAAGR	8.1%	3-yr OCR CAAGR	1.5%
5-yr Statewide Op GF CAAGR	3.3%	3-yr Statewide Op GF CAAGR	0.8%

The Office was first funded in FY 2015-16, therefore a 10-year comparison is not available. Appropriations from about FY 2018-19 represent a more "mature" and stable funding base for the Office. As reflected in the table, the Office of the Respondent Parents' Counsel budget has increased at about double the rate of statewide operating General Fund over five years as well as over three years. However, these figures are more representative of a newer program still in the process of establishing itself.

The following table outlines the FY 2022-23 request by the Office of the Respondent Parents' Counsel by increase category.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL FY 2022-23 REQUEST BY COMPONENT						
	GENERAL FUND	CASH FUNDS	REAPPROP FUNDS	FEDERAL FUNDS	TOTAL FUNDS	GF PERCENT CHANGE BY CATEGORY
FY21-22 Appropriation (Base)	$23,826,319	$48,000	$5,309,231	$0	$29,183,550	
FY2022-23 Increase Categories						
Base adjustments	8,836	0	741	0	9,577	0.0%
Centrally appropriated	106,367	0	(149)	0	106,218	0.4%
Contractor rate increase	1,293,347	0	303,583	0	1,596,930	5.4%
New operating requests	285,735	0	0	0	285,735	1.2%
TOTAL	**$25,520,604**	**$48,000**	**$5,613,406**	**$0**	**$31,182,010**	7.1%
Increase/(Decrease)	1,694,285	0	304,175	0	1,998,460	
Percentage change	7.1%	0.0%	5.7%	n/a	6.8%	

As outlined in the table, the total General Fund increase in the FY 2022-23 request is 7.1 percent.

When isolated by increase category:

- Base adjustments represent 0.0 percent of the total increase;
- Centrally appropriated adjustments for statewide common policies represent 0.4 percent of the total increase; this is consistent with this Office's smaller staffing model (14.0 FTE) when compared to the Office of the State Public Defender (966.4 FTE) or Courts and Probation (3,957.8 FTE);
- The contractor rate increase represents 5.4 percent of the total increase; and
- New operating requests represent 1.2 percent of the total increase.

The contractor rate increase – a requested 6.0 percent increase together with the Office of the Alternate Defense Counsel and the Office of the Child's Representative – represents a fairly significant request comprising most of the Office's total increase. Staff estimates that a 5.0 percent contractor rate increase, an increase of an estimated $1.1 million General Fund, would represent a 4.5 percent General Fund increase and reduce the total General Fund increase to approximately 6.2 percent.

ISSUE: COURTS AND PROBATION RESTORATION AND NON-DISCRETIONARY REQUESTS

The Courts and Probation have submitted 10 requests that are described as restoration, technical, pass-through, or otherwise non-discretionary increases. These include three requests for General Fund for the restoration of amounts previously decreased in FY 2020-21; and seven requests that identify amounts that are technical, pass-through, or non-discretionary budget items. Initial analysis of the restoration requests suggest that only one of the three requests for General Fund restoration was entirely General Funded, another was partially General Funded, and the third is historically cash funded. Initial analysis of the non-prioritized requests suggest that none should be labeled as non-prioritized as they are not addressed at any other Committee decision point in any state agency budget requests.

SUMMARY

- The Courts requests include: R6, R7, and R11 for restoration; and R8, R12, NP1, NP2, NP3, NP4, and NP5 for technical, pass-through, and non-discretionary items. These requests total $9.0 million, including $8.2 million General Fund.

- The *R6 Judicial Education Restoration* requests $400,000 General Fund for a line item that is historically cash funded. Although this represents a fairly incremental increase of General Fund, the request does not specify a request for a refinance to General Fund.

- The *R7 Problem Solving Court Operating Restoration* requests $359,000 General Fund for a FY 2020-21 decrease of $231,839 General Fund and $127,161 cash funds. Although this represents a fairly incremental increase of General Fund, the request does not specify a request for a refinance to General Fund.

- The *R11 Underfunded Facilities GF Restoration* requests $2.5 million General Fund for a FY 2020-21 decrease of $2.5 million General Fund.

- The R8 and R12 requests are generally, straightforward technical adjustments.

- Non-prioritized requests refer to requests which will be decided by the Committee in another agency's budget or at another decision point, but which affects the agency budget submitting the non-prioritized request. The Courts "NP" requests will not be considered in any other agency's budget request, therefore they are not "non-prioritized requests".

- Two of the NP requests are pass-through requests from independent entities, staff will treat these as discretionary requests for those entities. Two of the NP requests are framed as statutorily-specified costs; staff will address these as discretionary requests guided by statutory specifications. The final NP is a technical adjustment related to the financing costs of the Carr Judicial Center building; staff will address this as a discretionary request guided by contractual specifications.

DISCUSSION

COURTS RESTORATION REQUESTS

This group of requests includes an increase of $3.3 million General Fund for the restoration of funding for items eliminated or reduced in FY 2020-21 due to the revenue downturn.

R6 JUDICIAL EDUCATION RESTORATION

This request includes an increase of $400,000 General Fund, which includes the restoration of $350,000 for the annual Colorado Judicial Conference and $50,000 for the Colorado Institute for Faculty Excellence (COIFE), a six-month program for education program and project planning and design.

The Courts' request narrative states (emphasis added):

> *The Judicial Department (Courts and Probation) requests $400,000 General Fund to restore funding for the annual Judicial Conference and for the Department's Colorado Institute for Faculty Excellence in Judicial Education. … due to the COVID-19 pandemic, the in-person event was cancelled in FY21 and FY22. This request will enable the Department to resume the conference in FY23…*
> *Due to the FY21 COVID-induced budget crisis, funding for the annual Judicial Conference was eliminated. …*
> *Similarly, funding for the Department's Colorado Institute for Faculty Excellence (COIFE) was also eliminated.*

Based on a review of the appropriations history, this line item was funded as follows since FY 2013-14:

R6 JUDICIAL EDUCATION FUNDING RESTORATION				
	TF	GF	CF	FTE
FY 2022-23 Base	$555,986	$30,000	$525,986	2.0
R6 Request	400,000	400,000	0	0.0
FY 2022-23 Requested Appropriation	962,974	430,941	532,033	0.0
Appropriations History				
FY 2013-14	1,462,036	0	1,462,036	2.0
FY 2014-15	1,448,906	0	1,448,906	2.0
FY 2015-16	1,453,718	4,812	1,448,906	2.0
FY 2016-17	1,456,806	4,812	1,451,994	2.0
FY 2017-18	1,460,283	8,289	1,451,994	2.0
FY 2018-19	1,464,342	12,348	1,451,994	2.0
FY 2019-20	1,525,938	73,944	1,451,994	2.0
FY 2020-21	525,938	0	525,938	2.0
FY 2021-22	555,986	30,000	525,986	2.0

As outlined in the table, this line item was never traditionally funded with General Fund. Funding has historically been provided by fee revenue collected in the Judicial Stabilization Cash Fund.

In FY 2019-20, S.B. 19-223 *Actions Related to Competency to Proceed*, added a one-time appropriation of $50,000 General Fund, which was annualized out for FY 2020-21. In FY 2021-22, $30,000 General Fund was added for a one-time appropriation for the BA4 *Magistrates* request, and is annualized out for FY 2022-23.

Staff is not able to explain why annualizations for salary survey and merit pay were added to this entirely cash funded line item in FY 2015-16, FY 2017-18, and FY 2018-19. These random General Fund amounts that had accumulated based on salary increase annualizations in three of four years were reversed as a part of FY 2020-21 balancing actions.

The FY 2020-21 budget actions included a Courts request for a cash funds decrease of $456,056 for the R1 *Judicial Budget Adjustments* request and a cash funds decrease of $470,000 for a balancing action.

Based on this history that appears to show an entirely cash funded line item, and based on the Courts' request for a "restoration" of funding and not a request for refinancing to General Fund, at figure setting, staff will likely recommend a restoration of cash funds for the amount requested.

R7 PROBLEM SOLVING COURT OPERATING RESTORATION

This request includes an increase of $359,000 General Fund, which includes $200,000 for statewide training and education and $159,000 for local support, program development, and evaluation of outcomes.

The Courts' request narrative states (emphasis added):

> *The Judicial Department (Courts and Probation) requests $359,000 General Fund for the Problem-Solving Courts program to reinstate funding lost due to the COVID-19 budget crisis. …*
> *In response to the FY21 COVID-19 pandemic budget crisis, the Problem-Solving Court program budget was reduced by $539,000. …*
> *Restoring the $359,000 in program funding that was reduced in FY21 will enable the Unit to better respond to the issues presented in maintaining continued operational fidelity to the problem-solving court model.*

Based on a review of the appropriations history, this line item was funded as follows since FY 2013-14:

R7 PROBLEM SOLVING COURT OPERATING RESTORATION				
	TF	GF	CF	FTE
FY 2022-23 Base	$3,149,032	$0	$3,149,032	36.7
Base adjustments	143,809	143,809	0	0.0
R7 Request	359,000	359,000	0	0.0
FY 2022-23 Requested Appropriation	3,651,841	502,809	3,149,032	36.7
Appropriations History				
FY 2013-14	3,045,535	0	3,045,535	41.5
FY 2014-15	3,133,985	0	3,133,985	41.5
FY 2015-16	3,509,361	375,376	3,133,985	44.3
FY 2016-17	3,603,032	398,446	3,204,586	44.3
FY 2017-18	4,079,624	875,038	3,204,586	50.6
FY 2018-19	4,621,027	1,416,441	3,204,586	57.6
FY 2019-20	3,390,923	186,337	3,204,586	43.6
FY 2020-21	3,148,757	0	3,148,757	36.7
FY 2021-22	3,149,032	0	3,149,032	36.7

As outlined in the table, this line item was not historically funded with General Fund. Funding has historically been provided by fee revenue collected in the Judicial Stabilization Cash Fund.

In FY 2015-16, approval of the *R12 Problem-solving Courts FTE* request item added $170,107 General Fund and 2.8 FTE. The additional $205,269 were annualizations for salary survey and merit pay added to this entirely cash funded line item prior to the R12 request in FY 2015-16.

In FY 2016-17, additional annualizations for salary survey and merit pay, and an annualization for R12 from the prior year added $23,070 General Fund to this line item.

In FY 2017-18, a Long Bill conference committee amendment replaced $473,699 of funding from the Marijuana Tax Cash Fund added in a Long Bill amendment, with an equivalent amount of General Fund. There was an additional annualization of salary survey for $2,893 General Funded included as a base adjustment in that fiscal year.

In FY 2018-19, annualizations for salary survey and merit pay added $73,642 General Fund in base adjustments. Additionally, $467,761 General Fund and 7.0 FTE were added for the *R3 Problem Solving Court Coordinators* request item.

In FY 2019-20, $183,250 General Fund was added for annualizations for salary survey, S.B. 18-200 *PERA Unfunded Liability*, for the FY 2018-19 R3 item. Adjustments for that year's *BA8 Clean-up problem solving courts approp* included a decrease of $942,689 General Fund and a decrease of 14.0 FTE. In the 2020 Long Bill, a Long Bill balancing action add-on, identified as a reversion, further decreased the FY 2019-20 General Fund appropriation by $470,665. These adjustments totaled a net decrease of $1,227,104 General Fund, leaving a remaining General Fund appropriation of $186,337.

In FY 2020-21, $680,808 General Fund was added for annualizations for salary survey, merit pay, S.B. 18-200 *PERA Unfunded Liability*, and the prior year one-time reversion decrease. Adjustments for the *R16 Technical Adjustments* item included a decrease of $635,306 General Fund and a decrease of 6.9 FTE. Adjustments for that year's budget balancing action included a decrease of $359,000 total funds, including $231,839 General Fund and a decrease of $127,161 cash funds from the Judicial Stabilization Cash Fund.

Based on this history that appears to show a generally cash funded line item, historically, and based on the Courts' request for a "restoration" of funding and not a request for refinancing to General Fund, at figure setting, staff will likely recommend a restoration of the budget balancing action taken in FY 2020-21.

R11 UNDERFUNDED FACILITIES GF RESTORATION

This request includes an increase of $2.5 million General Fund for the General Fund appropriation to the Underfunded Courthouse Facility Cash Fund. The current appropriation is $500,000.

The Courts' request narrative states (emphasis added):

> *The Judicial Department (Courts and Probation) requests reinstatement of $2,500,000 General Fund transfer to the Underfunded Courthouse Facility Cash Fund. This appropriation was reduced from $3,000,000 in FY20 to $500,000 in FY21 and FY22 due to the COVID-19 induced budget crisis.*

Based on a review of the appropriations history, this line item was funded as follows since FY 2014-15:

R11 UNDERFUNDED FACILITIES GF RESTORATION				
	TF	GF	CF	FTE
FY 2022-23 Base	$500,000	$500,000	$0	0.0
R7 Request	2,500,000	2,500,000	0	0.0
FY 2022-23 Requested Appropriation	3,000,000	3,000,000	0	0.0
Appropriations History				
FY 2014-15	700,000	700,000	0	0.0
FY 2015-16	2,000,000	2,000,000	0	0.0
FY 2016-17	2,000,000	2,000,000	0	0.0
FY 2017-18	2,000,000	2,000,000	0	0.0
FY 2018-19	3,000,000	3,000,000	0	0.0
FY 2019-20	3,000,000	3,000,000	0	0.0
FY 2020-21	500,000	500,000	0	0.0
FY 2021-22	500,000	500,000	0	0.0

In FY 2020-21, an adjustments for that year's budget balancing action included a decrease of $2.5 million General Fund. At figure setting, staff will likely recommend a restoration of the budget balancing action taken in FY 2020-21.

COURTS TECHNICAL, PASS-THROUGH, AND NON-DISCRETIONARY REQUESTS

This group of requests includes an increase of $5.7 million total funds, including $4.9 million General Fund, and 0.3 FTE, for technical, pass-through, or non-discretionary request items located in the Courts budget.

R8 LAW LIBRARY FUNDING ADJUSTMENT

This request includes a net-zero adjustment to refinance $250,000 cash funds with General Fund. The cash funds source are law license fees from the Office of Attorney Regulation Counsel. These cash funds were intended to temporarily support the Law Library in 2007; however, due to the economic downturn at that time, state funds were not available to backfill this support and the temporary support became long-term support. The request is to return the cash funds to a more appropriate use of that fee revenue and backfill with General Fund. Based on an initial review of this item, at figure setting, staff will likely recommend approval of this request.

R12 CONSOLIDATION AND TECHNICAL ADJUSTMENT OF LONG BILL LINES

This request includes a net increase of $50,000 General Fund. This increased General Fund amount is intended to fund an administrative position to manage the Underfunded Facilities Grant Program. While the program may spend from the Program cash fund for administrative expenses, the Courts instead request a General Funded staff position in order to maximize the issuance of grants from the cash fund, which originates as General Fund appropriation to the cash fund.

Additionally, this request moves FTE and consolidates line items to align with how the Courts actually administer/position staff and related appropriations. Based on an initial review of this item, at figure setting, staff will likely recommend approval of this portion of the request.

Staff supports aligning the budget to accurately reflect the Courts actual use of resources and therefore supports the technical adjustment of appropriations across line items and programs.

Staff is inclined to generally support the request for an administrative position for the Underfunded Facilities Grant Program; however, despite the fact that funding for this program (from the cash fund) originates as General Fund, staff believes that a necessary degree of fiscal control and transparency is enhanced by retaining the intended program source of funding for such a position. On that basis, staff would prefer to fund an additional $50,000 in the transfer from General Fund to the Underfunded Courthouse Facility Cash Fund to ensure that such a position, once created, remains attached to this responsibility. Once this position is funded with General Fund, the Courts may use this position and additional General Fund for any purpose that may be paid for in the larger General Courts Administration program line.

Therefore, whether an additional $50,000, representing 1.7 percent, should be added to a requested $3.0 million line item appears to be the fundamental issue at hand. This request, if paid for from the existing appropriation, does not appear to significantly adversely impact the program for this purpose. Additionally, based on the line item history researched in the prior section, the Courts appear to seek opportunities to annualize salary increases and other base adjustments with General Fund. Although such a "request" is not technically wrong, staff believes this is generally inappropriate for cash funded line items. Such refinancing adjustments with General Fund should be more forthrightly requested as affirmative technical adjustments rather than simply inserted and assumed as base adjustments.

If this position is General Funded, it will automatically receive General Fund salary increase annualizations in future years. This may be a reasonable outcome; however, the fiscal nexus that ties this position to serve this cash funded program will continue to lessen and at some point it may be easier for a future Courts administration to redeploy this staff position for other purposes.

NP1 COUNTY INITIATED COURTHOUSE FURNISHINGS

This request includes a net increase of $3.2 million General Fund for the State's share of county-initiated courthouse infrastructure projects. The FY 2022-23 request includes projects in six counties including Pitkin, Moffat, Otero, Adams, Arapahoe, and Mesa Counties. The Courts also request two-year spending authority for this line item due to the calendar-year basis of county budgets.

The Courts' request narrative states (emphasis added):

> *The Judicial Department requests $3,183,641 General Fund for the State's share of county-initiated courthouse infrastructure projects that six counties are undertaking in FY23. …*
> *Pursuant to sections 13-3-104 and 108, C.R.S. (2021), Colorado counties provide and maintain adequate courtrooms, and other court and probation facilities, while the State provides the furnishings and staffing that allow those facilities to function… Once a new or remodeled facility is constructed, statute requires the Judicial Department to provide the furnishings to make the facility useable for its intended purpose (courts or probation).*

Section 13-3-104 (1), C.R.S., states:

> ***13-3-104. State shall fund courts.*** *(1) The state of Colorado shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts.*

Section 13-3-108, C.R.S., states (emphasis added):

> ***13-3-108. Maintenance of court facilities - capital improvements.*** *(1) The board of county commissioners in each county shall continue to have the responsibility of providing and*

maintaining adequate courtrooms and other court facilities including janitorial service, except as otherwise provided in this section.

(2) The court administrator, subject to the approval of the chief justice, shall prepare annually a capital construction budget. The capital construction budget shall specify: The additional court housing facilities required for each court; the estimated cost of such additional structures or facilities and whether such additional court structures or facilities will include space used by other governmental units for nonjudicial purposes; and a detailed report on the present court facilities currently in use and the reasons for their inadequacy.

(3) (Deleted by amendment, L. 97, p. 1482, § 38, effective June 3, 1997.)

(4) (a) The chief justice **is authorized to approve payment** *of state funds for the construction of any capital improvement facilities to be used for judicial purposes* **authorized and approved by the general assembly.**

(b) The court administrator, with the approval of the chief justice, shall enter into leasing agreements with the governing body of the appropriate local unit of government when joint construction is authorized, or when the approved facilities are also to be used for nonjudicial purposes. The leasing agreement shall provide for the payment of state funds for that portion of the construction costs related to the operation of the courts.

(5) Construction or remodeling of any court or court-related facility shall be commenced only with prior approval of the chief justice of the Colorado supreme court after consultation with the board of county commissioners; except that a board of county commissioners, at its discretion, may take such actions.

There may be a history of interpretation related to these statutory provisions that generally accord with the statements included in the Courts' narrative request. However, staff is only able to discern that the State Court Administrator shall prepare a capital construction budget and that the Chief Justice may pay for capital improvements with state funds as authorized and approved by the General Assembly. This does not appear to be a requirement that the State must participate in capital improvement funding for court facilities.

The Courts' request identifies costs for architectural services, furniture, A/V and IT network infrastructure, and technical services. Furniture appears to have been considered a state responsibility historically. However, it is unclear that building infrastructure, including IT infrastructure, that is more often addressed through capital projects should be considered a state responsibility. Staff does not question that the state may help fund capital improvement projects as it does with the Underfunded Courthouse Facility Cash Fund and program. However, staff is not convinced that funding this request is simply a pro forma matter of statutory responsibility or otherwise required by statute.

Staff has conferred with the Office of Legislative Legal Services (OLLS) about this question, and staff's understanding of the lack of clear statutory responsibility – outside of any traditional practice or understanding – is informed by and consistent with the OLLS reading of statute.

Due to the Courts' assessment that statute requires this funding, this request has been submitted as a non-prioritized request. Technically, non-prioritized requests refer to requests which will be decided by the Committee in another agency's budget, but which decision affects the agency budget with the non-prioritized request. This request item will not be considered in any other agency's budget request, therefore this is not a "non-prioritized request".

This request is the only decision point for the Committee related to this appropriation adjustment. Staff will treat this request as a discretionary increase request, guided by the practice of the provision of furnishings and A/V and IT infrastructure for state courts. Additionally, staff supports the request for two-year spending authority for this appropriation.

NP2 CORRECTIONAL TREATMENT BOARD REQUEST

This request from the Correctional Treatment Board (CTB) includes a net increase of $2.3 million total funds. This includes a $1.3 million General Fund appropriation to the Correctional Treatment Cash Fund (CTCF) and $1.0 million reappropriated funds spending authority from the CTCF.

Section 18-19-103 (5)(a), C.R.S., requires that "The judicial department shall include the annual treatment funding plan in its annual presentation to the joint budget committee."

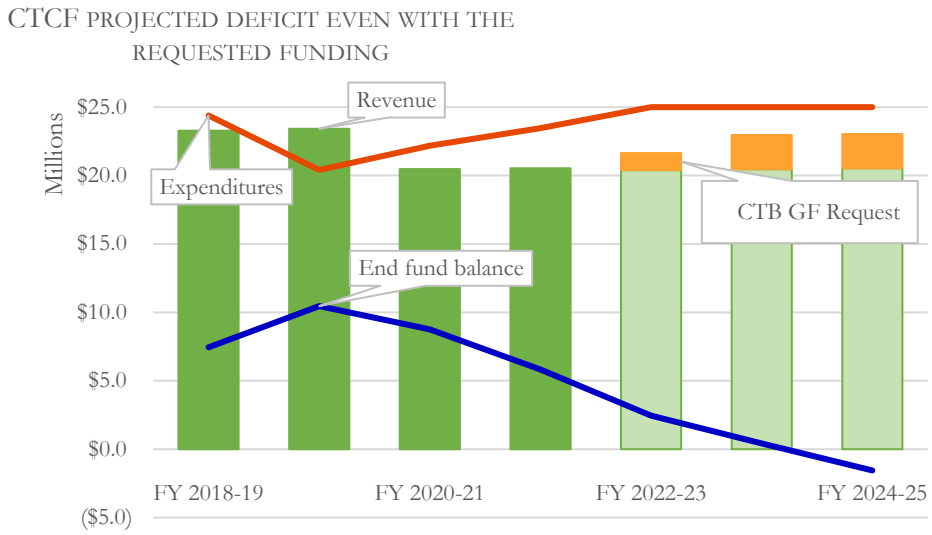
The Courts are required to submit this request from the CTB and on that basis have submitted this request as a non-prioritized request. As previously stated, a non-prioritized request refers to a request which will be decided by the Committee at another decision point. While this is not a Courts request, this is a request from a statutorily-created independent board that requires the Courts to submit this in its budget request. However, this request item will not be considered at any other decision point, therefore, this is not a "non-prioritized request".

Staff will treat this request as a discretionary increase request from the CTB.

CTB GF REINSTATEMENT REQUEST AND CTCF BALANCE

The CTB requests a reinstatement of the General Fund transfer to the Correctional Treatment Cash Fund that was reduced by $2.5 million in FY 2020-21 from a budget balancing action. The request is to increase the transfer by $1.25 million in FY 2022-23 and by an additional $1.25 million in FY 2023-24.

The CTB states that it relied on reserve fund balance to maintain funding for local initiatives over this two-year period. The following chart outlines recent and projected activity for the CTCF.



The CTB identifies a CTCF fund balance of $10.5 million at the end of FY 2019-20. CTCF operating deficits of $1.7 million in FY 2020-21 and $2.9 million in FY 2021-22, reduced the reserve to $5.8 million. The CTB proposes spending of $25.0 million in FY 2022-23 and future years. At proposed spending of $25.0 million in FY 2022-23 and future years, without the requested additional General Fund, the cash fund will experience a deficit of $3.3 million at the end of FY 2023-24. With the reinstatement of General Fund, the cash fund will nevertheless experience a deficit of $1.5 million at the end of FY 2024-25.

Regardless of the restoration of General Fund, projected expenditures of $25.0 million per year are unsustainable. It is unclear to staff whether the projections included in the CTB request that identify anticipated expenditures to be $25.0 million in FY 2022-23 and future years are actual, anticipated budget amounts or whether they are simply aspirational amounts intended to illustrate the need for General Fund.

Unsustainable operating deficits would appear to be a violation of Section 18-19-103 (5)(a), C.R.S., which states that the CTB "shall prepare an annual treatment funding plan that includes a fair and reasonable allocation of resources for program throughout the state." Statute requires an "allocation of resources" which suggests that the allocation should not exceed the resources available in the CTCF.

Because the request only includes a restoration of previously decreased General Fund, to be restored over two years, and does not include enough to meet the $25.0 million expenditures identified, staff will assume that the CTB has submitted aspirational spending amounts and does not intend to maintain spending at a level that will generate a deficit in any future year.

CTB REQUEST BACKGROUND AND DETAILS

The CTCF and the CTB were created to support a coordinated and collaborative effort for the assessment and treatment of criminal justice clients with substance use and co-occurring disorders. The CTB includes representatives from each of the four state agencies with criminal justice programming, including Probation Service in the Judicial Department, the Department of Public Safety, the Department of Corrections, and The Division of Human Services, as well as representatives from the Public Defender's Office, the District Attorney's Council, and the County Sheriff's Association.

The CTB allocates annual funding to state agencies and local drug offender treatment board initiatives. At the state level, these include:

- treatment services for individuals sentenced to probation supervision and to pretrial adult diversion programs in the Judicial Department;
- drug and alcohol treatment in Parole and Community Supervision Subprograms in the Department of Corrections;
- the Intensive Residential Treatment (IRT) Program, outpatient substance abuse treatment services, and for the training and technical assistance position for standardized substance abuse assessments in the Division of Criminal Justice in the Department of Public Safety; and
- jail-based behavioral health services, strategic individualized remediation treatment and outpatient treatment services, and the Colorado Circle Program for co-occurring residential treatment in the Office of Behavioral Health in the Department of Human Services.

A formal application process was initiated four years ago by the CTB to annually fund and provide support to local drug offender treatment boards initiatives for reducing locally identified treatment and service gaps for criminal justice involved populations.

The CTB's request includes appropriation adjustments across agencies as follow:

- An increase of $1.25 million General Fund to the Correctional Treatment Cash Fund in FY 2022-23; and an additional increase of $1.25 million General Fund in FY 2023-24;

- An increase of $252,806 reappropriated funds for Correctional Treatment Cash Fund Expenditures;

- An increase of $786,848 reappropriated funds for Offender Treatment and Services in Probation;

- An increase of $183,215 reappropriated funds for the Parolee Supervision and Support Services in the Department of Corrections;

- A decrease of $277,627 reappropriated funds for the Jail Based Behavioral Health Services in the Department of Human Services;

- A decrease of $1,000,000 reappropriated funds for the Circle Program in the Department of Human Services;

- An increase of $96,500 reappropriated funds for the Community Corrections CTCF Residential Placements in the Department of Public Safety; and

- A decrease of $64,736 reappropriated funds for the Community Corrections Services for Substance Abuse and Co-occurring Disorders in the Department of Public Safety.

NP3 DISTRICT ATTORNEY MANDATED COSTS

This request includes a net increase of $83,000 General Fund for a 3.0 percent increase for statutorily-specified state costs for district attorneys on this $2.8 million base appropriation.

Pursuant to Section 16-18-101, C.R.S., mandated costs are reimbursement payments for costs expended by local District Attorneys' offices for prosecution of state matters are not part of any offices' local budget. The Mandated Costs Committee of the Colorado District Attorneys' Council manages the mandated costs budget through an allocation system based on historical usage, monthly expenditure reports, additional allocation requests, and quarterly meetings for the allocation of reimbursements to the 22 judicial districts.

As previously stated, a non-prioritized request refers to a request which will be decided by the Committee in another agency's budget. While this is not a Courts request, this is a request from an independent council for a budget item that has traditionally been included in the Courts budget. However, this request item will not be considered in any other agency's budget request, therefore, this is not a "non-prioritized request".

Staff will treat this request as a discretionary increase request from the Colorado District Attorneys' Council. At figure setting, staff will likely recommend approval of this incremental increase.

NP4 COUNTY COURT JUDGE FTE ADJUSTMENT

This request includes a net increase of $59,000 General Fund and 0.3 FTE for the statutorily defined annual calculations of salary levels for Class C and D county court judges.

Section 13-30-103 (1)(l), C.R.S., specifies a methodology for calculating the salary of Class C and D county court judges. The Courts' request is based on this methodology.

As previously stated, a non-prioritized request refers to a request which will be decided by the Committee in another agency's budget. This request is calculated based on a statutory methodology. However, this request item will not be considered in any other agency's budget request, therefore, this is not a "non-prioritized request".

Staff will treat this request as a discretionary increase request that is guided by standards specified in statute for the provision of county court judges. At figure setting, staff will confirm the calculation included in the request for a figure setting recommendation.

NP5 CARR BUILDING LEASE ADJUSTMENT

This request includes a net increase of $51,000 total funds, including $50,000 General Fund for the 1.8 percent annual increase in leased space payments for the Ralph L. Carr Judicial Center for all Judicial Department agencies.

The Courts request narrative states:

> *Tenants in the Ralph L. Carr Judicial Center are charged an annual lease space payment which is used to pay the operating expenses of the building and the bi-annual (twice a year) debt service payment. The annual lease costs increase by 1.8% annually. The Lease Space appropriation in the Central Appropriations section of the Judicial Department Long Bill includes the lease costs of all Judicial Department tenants (excluding the Department of Law, Attorney Regulation, the State Internet Portal Authority – SIPA) occupying space within the Ralph L. Carr Judicial Center.*

While the scale of the request is fairly insignificant, there is not enough information presented in the narrative for staff to determine whether this is simply an annual, mechanical or technical adjustment related to debt servicing payments.

However, the cash fund projection for the Judicial Center Cash Fund included in the request narrative identifies operating deficits totaling $6.4 million over FY 2022-23 and FY 2023-24, leaving an ending fund balance of $2.5 million, representing an 11.0 percent reserve on $22.9 million in expenditures, from a beginning fund balance of $15.6 million at the beginning of FY 2019-20.

As previously stated, a non-prioritized request refers to a request which will be decided by the Committee in another agency's budget. However, this request item will not be considered in any other agency's budget request, therefore, this is not a "non-prioritized request".

Staff will treat this request as a discretionary increase request guided by contractual specifications.

APPENDIX A
NUMBERS PAGES
(DIGITAL ONLY)

Appendix A details actual expenditures for the last two fiscal years, the appropriation for the current fiscal year, and the requested appropriation for next fiscal year. This information is listed by line item and fund source. ***Appendix A is only available in the online version of this document.***

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation

JUDICIAL DEPARTMENT
Nathan Coates, Chief Justice

(1) SUPREME COURT AND COURT OF APPEALS

ration 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.

Appellate Court Programs	15,621,792	15,488,443	15,205,414	15,995,120	*
FTE	139.3	137.8	137.8	140.8	
General Fund	15,557,519	15,425,084	15,133,414	15,923,120	
Cash Funds	64,273	63,359	72,000	72,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Office of Attorney Regulation Counsel	11,657,272	12,100,212	11,168,712	11,168,712	
FTE	70.0	70.0	70.0	70.0	
General Fund	0	0	0	0	
Cash Funds	11,657,272	12,100,212	11,168,712	11,168,712	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Law Library	788,201	951,007	1,056,728	1,073,309	*
FTE	5.1	6.3	9.5	6.5	
General Fund	215,307	332,190	482,890	749,471	
Cash Funds	499,997	545,920	500,941	250,941	
Reappropriated Funds	72,897	72,897	72,897	72,897	
Federal Funds	0	0	0	0	

* Includes a decision item.

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Indirect Cost Assessment	131,305	158,410	208,309	224,732	
General Fund	0	0	0	0	
Cash Funds	131,305	158,410	208,309	224,732	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
TOTAL - (1) Supreme Court and Court of Appeals	28,198,570	28,698,072	27,639,163	28,461,873	3.0%
FTE	214.4	214.1	217.3	217.3	0.0%
General Fund	15,772,826	15,757,274	15,616,304	16,672,591	6.8%
Cash Funds	12,352,847	12,867,901	11,949,962	11,716,385	(2.0%)
Reappropriated Funds	72,897	72,897	72,897	72,897	0.0%
Federal Funds	0	0	0	0	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(2) COURTS ADMINISTRATION					
centrally rather than at the judicial district level; and operations of the Ralph L. Carr Colorado Judicial Center.					
(A) Administration and Technology					
.					
General Courts Administration	24,611,011	27,764,117	26,612,170	31,706,298	*
FTE	226.7	221.2	251.3	294.0	
General Fund	19,598,766	19,584,559	17,039,620	20,504,546	
Cash Funds	2,535,116	6,097,872	7,318,958	8,745,107	
Reappropriated Funds	2,477,129	2,081,686	2,253,592	2,456,645	
Federal Funds	0	0	0	0	
Information Technology Infrastructure	12,937,199	14,492,262	15,976,260	25,552,042	*
General Fund	890,046	0	125,230	1,148,917	
Cash Funds	12,047,153	14,492,262	15,851,030	15,861,262	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	8,541,863	
Information Technology Cost Recoveries	3,699,481	3,795,474	3,860,800	3,860,800	
General Fund	0	0	0	0	
Cash Funds	3,699,481	3,795,474	3,860,800	3,860,800	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Indirect Cost Assessment	1,353,429	890,348	920,795	945,846	
General Fund	0	0	0	0	
Cash Funds	1,353,429	890,348	920,795	945,846	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (A) Administration and Technology	42,601,120	46,942,201	47,370,025	62,064,986	31.0%
FTE	226.7	221.2	251.3	294.0	17.0%
General Fund	20,488,812	19,584,559	17,164,850	21,653,463	26.2%
Cash Funds	19,635,179	25,275,956	27,951,583	29,413,015	5.2%
Reappropriated Funds	2,477,129	2,081,686	2,253,592	2,456,645	9.0%
Federal Funds	0	0	0	8,541,863	0.0%

(B) Central Appropriations

d, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Correctional Treatment Cash Fund, and the Alcohol and Drug Driving Safety Program Fund.

Health, Life, and Dental	37,626,475	31,480,890	41,118,276	44,171,824	
General Fund	36,110,745	28,386,540	39,695,403	42,700,511	
Cash Funds	1,515,730	3,094,350	1,422,873	1,471,313	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	327,047	324,795	436,858	457,665	
General Fund	316,944	291,506	426,279	447,055	
Cash Funds	10,103	33,289	10,579	10,610	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
S.B. 04-257 Amortization Equalization Disbursement	11,553,878	12,277,556	13,702,122	14,152,752	
General Fund	11,247,976	11,476,518	13,369,919	13,821,394	
Cash Funds	305,902	801,038	332,203	331,358	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	11,375,724	12,277,556	13,702,122	14,152,752	
General Fund	11,069,822	11,476,518	13,369,919	13,821,394	
Cash Funds	305,902	801,038	332,203	331,358	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
PERA Direct Distribution	8,860,947	0	9,016,683	6,778,707	
General Fund	8,294,414	0	8,641,747	6,496,831	
Cash Funds	566,533	0	374,936	281,876	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	995,002	0	8,954,081	9,455,573	
General Fund	995,002	0	8,736,666	9,237,745	
Cash Funds	0	0	217,415	217,828	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	0	0	0	472,689	
General Fund	0	0	0	457,778	
Cash Funds	0	0	0	14,911	

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Workers' Compensation	1,464,056	1,404,569	1,365,003	898,894	
General Fund	1,464,056	1,404,569	1,365,003	898,894	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Legal Services	573,207	511,963	442,924	468,355	
General Fund	573,207	479,784	386,825	397,022	
Cash Funds	0	32,179	56,099	71,333	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payment to Risk Management and Property Funds	1,058,074	845,759	1,439,403	2,338,151	*
General Fund	1,058,074	845,759	1,439,403	2,338,151	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Vehicle Lease Payments	95,737	123,715	124,412	140,649	*
General Fund	95,737	123,715	124,412	140,649	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Capital Outlay	0	5,945	800,972	280,430	*
General Fund	0	5,945	774,572	280,430	
Cash Funds	0	0	26,400	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Ralph L. Carr Colorado Judicial Center Leased Space	2,673,314	2,721,674	2,770,056	2,820,097	*
General Fund	2,673,314	2,721,674	2,770,056	2,820,097	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payments to OIT	7,401,965	8,076,214	5,575,523	4,178,215	*
General Fund	7,401,965	8,076,214	5,575,523	4,178,215	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
CORE Operations	1,218,149	1,877,756	1,595,667	1,862,574	
General Fund	1,218,149	1,877,756	1,595,667	1,862,574	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Merit Pay	7,560,667	0	0	0	
General Fund	7,560,667	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
SUBTOTAL - (B) Central Appropriations	92,784,242	71,928,392	101,044,102	102,629,327	1.6%
FTE	0.0	0.0	0.0	0.0	0.0%
General Fund	90,080,072	67,166,498	98,271,394	99,898,740	1.7%
Cash Funds	2,704,170	4,761,894	2,772,708	2,730,587	(1.5%)
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

(C) Centrally Administered Programs

l funds transferred from the Department of Human Services.

Victim Assistance	15,386,388	12,801,523	19,375,000	16,375,000
General Fund	0	0	0	0
Cash Funds	15,386,388	12,801,523	19,375,000	16,375,000
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Victim Compensation	12,089,609	11,244,900	13,400,000	13,400,000
General Fund	0	0	0	0
Cash Funds	10,145,554	9,359,091	13,400,000	13,400,000
Reappropriated Funds	0	0	0	0
Federal Funds	1,944,055	1,885,809	0	0
Collections Investigators	7,245,715	6,803,636	7,561,958	7,781,193
FTE	100.6	99.1	121.2	121.2
General Fund	0	0	0	0
Cash Funds	6,413,018	6,196,065	6,664,417	6,883,652
Reappropriated Funds	832,697	607,571	897,541	897,541
Federal Funds	0	0	0	0

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Problem-solving Courts	3,043,569	2,999,125	3,149,032	3,651,841	*
FTE	37.1	29.4	36.7	36.7	
General Fund	186,337	0	0	502,809	
Cash Funds	2,857,232	2,999,125	3,149,032	3,149,032	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Language Interpreters and Translators	5,744,617	6,407,113	6,461,187	6,846,899	*
FTE	31.3	32.0	33.0	37.0	
General Fund	5,722,165	6,404,673	6,411,187	6,796,899	
Cash Funds	22,452	2,440	50,000	50,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Courthouse Security	2,745,788	2,345,103	2,527,329	2,530,635	
FTE	1.0	1.0	1.0	1.0	
General Fund	379,465	0	0	0	
Cash Funds	2,366,323	2,345,103	2,527,329	2,530,635	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to Underfunded Courthouse Facility Cash Fund	3,000,000	500,000	500,000	3,000,000	*
General Fund	3,000,000	500,000	500,000	3,000,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Underfunded Courthouse Facilities Grant Program	1,973,130	2,261,241	3,000,000	3,000,000	*
FTE	0.0	0.0	1.0	0.0	
General Fund	0	0	0	0	
Cash Funds	0	0	2,500,000	2,500,000	
Reappropriated Funds	1,973,130	2,261,241	500,000	500,000	
Federal Funds	0	0	0	0	
Courthouse Furnishings and Infrastructure Maintenance	2,796,613	1,228,658	1,384,262	3,183,641	*
General Fund	2,796,613	1,228,658	1,384,262	3,183,641	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Senior Judge Program	1,564,482	2,601,837	2,281,770	2,290,895	
General Fund	381,769	1,315,298	981,770	990,895	
Cash Funds	1,182,713	1,286,539	1,300,000	1,300,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Judicial Education and Training	752,811	330,687	555,986	962,974	*
FTE	2.0	2.0	2.0	2.0	
General Fund	73,944	0	30,000	430,941	
Cash Funds	678,867	330,687	525,986	532,033	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Office of Judicial Performance Evaluation	600,383	668,317	853,713	863,433	
FTE	2.0	1.9	2.0	2.0	
General Fund	314,500	289,500	214,500	214,500	
Cash Funds	285,883	378,817	639,213	648,933	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Family Violence Justice Grants	2,650,001	2,170,000	2,920,000	2,170,000	
General Fund	2,500,000	2,000,000	2,000,000	2,000,000	
Cash Funds	150,001	170,000	920,000	170,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Restorative Justice Programs	968,417	645,498	1,008,030	1,010,825	
FTE	1.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	968,417	645,498	1,008,030	1,010,825	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
District Attorney Adult Pretrial Diversion Programs	462,550	178,616	675,000	2,660,500	*
General Fund	400,000	99,778	100,000	100,000	
Cash Funds	62,550	0	406,000	2,391,500	
Reappropriated Funds	0	78,838	169,000	169,000	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Family-friendly Court Program	218,638	198,828	270,000	270,000	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	218,638	198,828	270,000	270,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Child Support Enforcement	116,145	109,063	114,719	0	*
FTE	1.0	1.0	1.0	0.0	
General Fund	38,832	36,791	39,005	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	75,714	0	
Federal Funds	77,313	72,272	0	0	
Mental Health Criminal Justice Diversion Grant Program	365,874	100,000	100,000	0	*
FTE	1.0	1.0	1.0	0.0	
General Fund	365,874	100,000	100,000	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Statewide Behavioral Health Court Liaison Program	2,503,907	2,229,134	2,376,727	2,776,126	*
FTE	1.0	7.0	11.0	12.0	
General Fund	2,503,907	2,229,134	2,376,727	2,776,126	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Appropriation to the Eviction Legal Defense Fund	750,000	721,546	600,000	600,000	
General Fund	750,000	600,000	600,000	600,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	121,546	0	0	
Eviction Legal Defense Grant Program	592,081	808,486	3,500,000	2,000,000	
General Fund	0	0	0	0	
Cash Funds	592,081	208,486	2,900,000	1,400,000	
Reappropriated Funds	0	600,000	600,000	600,000	
Federal Funds	0	0	0	0	
Compensation for Exonerated Persons	0	64,939	0	0	
General Fund	0	64,939	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (C) Centrally Administered Programs	65,570,718	57,418,250	72,614,713	75,373,962	3.8%
FTE	178.0	175.4	210.9	212.9	0.9%
General Fund	19,413,406	14,868,771	14,737,451	20,595,811	39.8%
Cash Funds	41,330,117	36,922,202	55,635,007	52,611,610	(5.4%)
Reappropriated Funds	2,805,827	3,547,650	2,242,255	2,166,541	(3.4%)
Federal Funds	2,021,368	2,079,627	0	0	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(D) Ralph L. Carr Colorado Judicial Center					
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.					
Building Management and Operations	1,525,299	1,584,543	5,492,700	5,428,192	*
FTE	1.0	1.4	14.0	14.0	
General Fund	0	0	0	0	
Cash Funds	1,525,299	1,584,543	5,492,700	5,428,192	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	3,951,677	0	0	0	
General Fund	0	0	0	0	
Cash Funds	3,951,677	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Justice Center Maintence Fund Expenditures	652,118	627,081	1,288,538	1,288,538	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	652,118	627,081	1,288,538	1,288,538	
Federal Funds	0	0	0	0	
Debt Service Payments	15,904,107	15,859,221	15,352,767	15,353,316	*
General Fund	4,492,915	883,418	883,418	883,418	
Cash Funds	5,358,243	8,813,358	8,197,416	8,084,655	
Reappropriated Funds	6,052,949	6,162,445	6,271,933	6,385,243	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Appropriation to the Justice Center Maintenance Fund	4,600,000	0	0	0	
General Fund	0	0	0	0	
Cash Funds	4,600,000	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (D) Ralph L. Carr Colorado Judicial Center	26,633,201	18,070,845	22,134,005	22,070,046	(0.3%)
FTE	1.0	1.4	14.0	14.0	0.0%
General Fund	4,492,915	883,418	883,418	883,418	0.0%
Cash Funds	15,435,219	10,397,901	13,690,116	13,512,847	(1.3%)
Reappropriated Funds	6,705,067	6,789,526	7,560,471	7,673,781	1.5%
Federal Funds	0	0	0	0	0.0%
TOTAL - (2) Courts Administration	227,589,281	194,359,688	243,162,845	262,138,321	7.8%
FTE	405.7	398.0	476.2	520.9	9.4%
General Fund	134,475,205	102,503,246	131,057,113	143,031,432	9.1%
Cash Funds	79,104,685	77,357,953	100,049,414	98,268,059	(1.8%)
Reappropriated Funds	11,988,023	12,418,862	12,056,318	12,296,967	2.0%
Federal Funds	2,021,368	2,079,627	0	8,541,863	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(3) TRIAL COURTS					
ents of Public Safety and Human Services.					
Trial Court Programs	159,920,990	164,287,769	174,722,776	183,525,066	*
FTE	1,822.4	1,753.6	1,951.6	1,956.2	
General Fund	135,016,968	135,513,731	140,896,635	149,698,925	
Cash Funds	22,868,456	26,750,142	31,876,141	31,876,141	
Reappropriated Funds	0	0	1,950,000	1,950,000	
Federal Funds	2,035,566	2,023,896	0	0	
Court Costs, Jury Costs, and Court-appointed Counsel	7,527,949	7,397,222	8,876,977	8,876,977	
General Fund	7,504,865	7,376,041	8,711,728	8,711,728	
Cash Funds	23,084	21,181	165,249	165,249	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
District Attorney Mandated Costs	2,126,790	1,916,649	2,772,436	2,855,609	*
General Fund	1,941,075	1,735,239	2,572,436	2,655,609	
Cash Funds	185,715	181,410	200,000	200,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
ACTION and Statewide Discovery Sharing Systems	3,240,000	3,240,000	3,240,000	3,240,000	
General Fund	3,170,000	3,170,000	3,170,000	3,170,000	
Cash Funds	70,000	70,000	70,000	70,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Federal Funds and Other Grants	2,879,255	2,464,744	2,900,000	2,900,000	
FTE	3.5	3.5	13.0	13.0	
General Fund	0	0	0	0	
Cash Funds	258,193	309,320	975,000	975,000	
Reappropriated Funds	0	0	300,000	300,000	
Federal Funds	2,621,062	2,155,424	1,625,000	1,625,000	
TOTAL - (3) Trial Courts	175,694,984	179,306,384	192,512,189	201,397,652	4.6%
FTE	1,825.9	1,757.1	1,964.6	1,969.2	0.2%
General Fund	147,632,908	147,795,011	155,350,799	164,236,262	5.7%
Cash Funds	23,405,448	27,332,053	33,286,390	33,286,390	0.0%
Reappropriated Funds	0	0	2,250,000	2,250,000	0.0%
Federal Funds	4,656,628	4,179,320	1,625,000	1,625,000	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(4) PROBATION AND RELATED SERVICES					
Treatment Cash Fund; Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section; and funds transferred from other Departments.					
Probation Programs	92,059,871	113,169,396	96,016,659	99,875,491	
FTE	1,204.3	1,149.3	1,245.7	1,249.9	
General Fund	82,441,534	103,065,600	87,133,702	90,992,534	
Cash Funds	9,618,337	10,103,796	8,882,957	8,882,957	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Treatment and Services	16,654,963	14,346,159	19,758,142	20,544,990	*
FTE	0.0	0.0	0.0	0.0	
General Fund	924,453	269,463	276,201	276,201	
Cash Funds	12,285,060	10,172,576	15,335,322	15,335,322	
Reappropriated Funds	3,445,450	3,904,120	4,146,619	4,933,467	
Federal Funds	0	0	0	0	
Appropriation to the Correctional Treatment Cash Fund	17,326,198	14,652,936	15,019,259	16,269,259	*
General Fund	15,722,879	13,065,651	13,392,292	14,642,292	
Cash Funds	1,603,319	1,587,285	1,626,967	1,626,967	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
S.B. 91-94 Juvenile Services	1,203,801	1,280,748	1,596,837	1,596,837	
FTE	13.0	12.0	15.0	15.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	1,203,801	1,280,748	1,596,837	1,596,837	
Federal Funds	0	0	0	0	
Correctional Treatment Cash Fund Expenditures	20,326,296	22,072,881	24,747,194	25,000,000	*
FTE	0.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	20,326,296	22,072,881	24,747,194	25,000,000	
Federal Funds	0	0	0	0	
Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer	133,255	95,148	187,500	187,500	
General Fund	0	0	0	0	
Cash Funds	133,255	95,148	187,500	187,500	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Victims Grants	177,649	147,302	650,000	650,000	
FTE	1.5	1.6	6.0	6.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	177,649	147,302	650,000	650,000	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Federal Funds and Other Grants	1,284,459	1,315,509	5,600,000	5,600,000	
FTE	10.0	15.0	32.0	32.0	
General Fund	0	0	0	0	
Cash Funds	1,029,640	1,073,432	1,950,000	1,950,000	
Reappropriated Funds	0	0	850,000	850,000	
Federal Funds	254,819	242,077	2,800,000	2,800,000	
Indirect Cost Assessment	689,874	920,535	906,985	1,010,002	
General Fund	0	0	0	0	
Cash Funds	689,874	920,535	906,985	1,010,002	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
TOTAL - (4) Probation and Related Services	149,856,366	168,000,614	164,482,576	170,734,079	3.8%
FTE	1,228.8	1,178.9	1,299.7	1,303.9	0.3%
General Fund	99,088,866	116,400,714	100,802,195	105,911,027	5.1%
Cash Funds	25,359,485	23,952,772	28,889,731	28,992,748	0.4%
Reappropriated Funds	25,153,196	27,405,051	31,990,650	33,030,304	3.2%
Federal Funds	254,819	242,077	2,800,000	2,800,000	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(5) OFFICE OF THE STATE PUBLIC DEFENDER					
This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants.					
Personal Services	69,411,612	81,236,960	82,543,008	90,127,216	*
FTE	862.3	877.7	965.3	1,053.7	
General Fund	69,411,612	81,236,960	82,543,008	90,127,216	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	8,694,528	5,266,749	10,047,591	11,233,921	*
General Fund	8,694,528	5,266,749	10,047,591	11,233,921	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	115,983	119,436	117,636	132,665	*
General Fund	115,983	119,436	117,636	132,665	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	3,406,851	3,506,546	3,671,416	3,901,908	*
General Fund	3,406,851	3,506,546	3,671,416	3,901,908	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization Disbursement	3,406,851	3,506,546	3,671,416	3,901,908	*
General Fund	3,406,851	3,506,546	3,671,416	3,901,908	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	4,539,548	0	2,353,529	2,463,110	
General Fund	4,539,548	0	2,353,529	2,463,110	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	0	0	0	175,143	*
General Fund	0	0	0	175,143	
Operating Expenses	1,679,797	779,975	1,942,678	2,516,628	*
General Fund	1,660,897	779,975	1,912,678	2,486,628	
Cash Funds	18,900	0	30,000	30,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Vehicle Lease Payments	92,094	99,060	139,454	111,197	
General Fund	92,094	99,060	139,454	111,197	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Capital Outlay	108,469	118,438	286,000	655,200	*
General Fund	108,469	118,438	286,000	655,200	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Leased Space/Utilities	7,115,521	7,053,437	7,827,383	8,646,170	*
General Fund	7,115,521	7,053,437	7,827,383	8,646,170	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Automation Plan	1,867,848	3,091,739	2,160,164	6,686,619	*
General Fund	1,867,848	3,091,739	2,160,164	6,686,619	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Attorney Registration	149,794	153,404	156,634	156,634	
General Fund	149,794	153,404	156,634	156,634	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Contract Services	14,610	81,473	49,395	49,395	
General Fund	14,610	81,473	49,395	49,395	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Mandated Costs	3,569,410	2,236,144	3,813,143	3,813,143	
General Fund	3,569,410	2,236,144	3,813,143	3,813,143	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Grants	25,000	25,000	125,000	125,000	
FTE	0.3	0.3	1.1	1.1	
General Fund	0	0	0	0	
Cash Funds	25,000	25,000	125,000	125,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Merit Pay	2,185,039	0	0	0	
General Fund	2,185,039	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
TOTAL - (5) Office of the State Public Defender	106,382,955	107,274,907	118,904,447	134,695,857	13.3%
FTE	862.6	878.0	966.4	1,054.8	9.1%
General Fund	106,339,055	107,249,907	118,749,447	134,540,857	13.3%
Cash Funds	43,900	25,000	155,000	155,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL					
for training.					
Personal Services	1,590,802	1,748,177	1,661,709	2,198,529	*
FTE	14.0	14.0	14.0	18.5	
General Fund	1,590,802	1,748,177	1,661,709	2,198,529	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	188,187	196,543	220,887	271,685	*
General Fund	188,187	196,543	220,887	271,685	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	2,170	2,133	2,700	3,140	*
General Fund	2,170	2,133	2,700	3,140	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	70,649	69,406	84,375	98,132	*
General Fund	70,649	69,406	84,375	98,132	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization Disbursement	70,649	69,406	84,375	98,132	*
General Fund	70,649	69,406	84,375	98,132	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	0	0	55,221	56,984	
General Fund	0	0	55,221	56,984	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	0	0	0	4,417	*
General Fund	0	0	0	4,417	
Operating Expenses	269,467	164,639	120,887	131,637	*
General Fund	269,467	164,639	120,887	131,637	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Capital Outlay	3,473	0	0	31,000	*
General Fund	3,473	0	0	31,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Training and Conferences	97,808	60,445	100,000	100,000	
General Fund	47,405	20,000	20,000	20,000	
Cash Funds	50,403	40,445	80,000	80,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Conflict-of-interest Contracts	35,160,936	33,678,521	42,262,813	44,430,312	*
General Fund	35,160,936	33,678,521	42,262,813	44,430,312	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Mandated Costs	1,689,070	1,381,156	2,895,573	2,895,573	
General Fund	1,689,070	1,381,156	2,895,573	2,895,573	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Municipal Court Program	191,583	202,306	202,306	250,060	
FTE	2.0	2.0	2.0	2.0	
General Fund	191,583	202,306	202,306	250,060	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Merit Pay	47,462	0	0	0	
General Fund	47,462	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
TOTAL - (6) Office of the Alternate Defense Counsel	39,382,256	37,572,732	47,690,846	50,569,601	6.0%
FTE	16.0	16.0	16.0	20.5	28.1%
General Fund	39,331,853	37,532,287	47,610,846	50,489,601	6.0%
Cash Funds	50,403	40,445	80,000	80,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(7) OFFICE OF THE CHILD'S REPRESENTATIVE					
This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.					
Personal Services	2,908,753	2,958,130	3,429,223	3,787,760	*
FTE	33.0	32.4	34.9	35.9	
General Fund	2,908,753	2,889,332	3,223,090	3,433,354	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	68,798	206,133	354,406	
Federal Funds	0	0	0	0	
Health, Life, and Dental	302,931	229,421	391,182	505,309	*
General Fund	302,931	229,421	379,834	456,929	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	11,348	48,380	
Federal Funds	0	0	0	0	
Short-term Disability	3,793	5,045	4,723	5,277	*
General Fund	3,793	4,754	4,415	4,788	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	291	308	489	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	126,173	149,422	147,606	164,874	*
General Fund	126,173	140,802	137,967	149,643	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	8,620	9,639	15,231	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization Disbursement	126,173	149,422	147,606	164,874	*
General Fund	126,173	140,802	137,967	149,643	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	8,620	9,639	15,231	
Federal Funds	0	0	0	0	
Salary Survey	0	0	99,620	100,389	
General Fund	0	0	93,115	94,481	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	6,505	5,908	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	0	0	0	6,872	
General Fund	0	0	0	6,468	
Reappropriated Funds	0	0	0	404	
Operating Expenses	276,772	349,213	329,250	440,900	*
General Fund	276,772	296,713	288,700	352,800	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	52,500	40,550	88,100	
Federal Funds	0	0	0	0	
Leased Space	121,380	121,491	128,952	133,133	
General Fund	121,380	121,491	128,952	133,133	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
CASA Contracts	1,550,000	1,550,000	1,550,000	1,550,000	
General Fund	1,550,000	1,550,000	1,550,000	1,550,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Training	51,264	34,121	78,000	78,000	
General Fund	51,264	34,121	58,000	58,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	20,000	20,000	
Federal Funds	0	0	0	0	
Court-appointed Counsel	22,042,792	20,515,061	25,220,766	26,734,012	*
General Fund	22,042,792	20,479,617	23,778,864	25,205,596	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	35,444	1,441,902	1,528,416	
Federal Funds	0	0	0	0	
Mandated Costs	52,605	57,650	60,200	60,200	
General Fund	52,605	57,650	60,200	60,200	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Grants	66,344	28,859	26,909	26,909	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	66,344	28,859	26,909	26,909	
Federal Funds	0	0	0	0	

* Includes a decision item.

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
TOTAL - (7) Office of the Child's Representative	27,628,980	26,147,835	31,614,037	33,758,509	6.8%
FTE	33.0	32.4	34.9	35.9	2.9%
General Fund	27,562,636	25,944,703	29,841,104	31,655,035	6.1%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	66,344	203,132	1,772,933	2,103,474	18.6%
Federal Funds	0	0	0	0	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(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	1,500,525	1,662,059	1,912,724	2,193,112	*
FTE	12.8	11.9	14.0	16.0	
General Fund	1,500,525	1,593,274	1,760,249	2,035,852	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	68,785	152,475	157,260	
Federal Funds	0	0	0	0	
Health, Life, and Dental	159,549	112,070	187,275	252,628	*
General Fund	159,549	99,398	166,890	237,234	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	12,672	20,385	15,394	
Federal Funds	0	0	0	0	
Short-term Disability	2,108	2,344	2,437	2,963	*
General Fund	2,058	2,108	2,239	2,759	
Cash Funds	0	0	0	0	
Reappropriated Funds	50	236	198	204	
Federal Funds	0	0	0	0	
S.B. 04-257 Amortization Equalization Disbursement	64,247	70,467	76,137	91,990	*
General Fund	64,247	64,247	69,955	85,627	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	6,220	6,182	6,363	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization Disbursement	64,247	70,467	76,137	91,990	*
General Fund	64,247	64,247	69,955	85,627	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	6,220	6,182	6,363	
Federal Funds	0	0	0	0	
Salary Survey	0	0	49,829	54,090	
General Fund	0	0	45,785	49,902	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	4,044	4,188	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	0	0	0	4,196	*
General Fund	0	0	0	3,910	
Reappropriated Funds	0	0	0	286	
Operating Expenses	108,365	105,166	126,400	141,500	*
General Fund	108,365	105,166	125,450	140,550	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	950	950	
Federal Funds	0	0	0	0	
Title IV-E Legal Representation	0	909,094	4,741,480	5,025,969	*
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	909,094	4,741,480	5,025,969	
Federal Funds	0	0	0	0	

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Training	55,212	30,827	106,000	106,000	
General Fund	25,714	20,473	30,000	30,000	
Cash Funds	29,498	10,354	48,000	48,000	
Reappropriated Funds	0	0	28,000	28,000	
Federal Funds	0	0	0	0	
Court-appointed Counsel	17,781,549	18,527,743	19,918,541	22,247,566	*
General Fund	17,781,549	18,527,743	19,918,541	21,910,232	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	337,334	
Federal Funds	0	0	0	0	
Mandated Costs	2,269,012	2,352,569	1,955,495	938,911	*
General Fund	2,269,012	2,352,569	1,637,255	938,911	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	318,240	0	
Federal Funds	0	0	0	0	
Grants	64,580	36,360	31,095	31,095	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	64,580	36,360	31,095	31,095	
Federal Funds	0	0	0	0	
Merit Pay	34,215	0	0	0	
General Fund	34,215	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

* Includes a decision item.

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
TOTAL - (8) Office of the Respondent Parents' Counsel	22,103,609	23,879,166	29,183,550	31,182,010	6.8%
FTE	12.8	11.9	14.0	16.0	14.3%
General Fund	22,009,481	22,829,225	23,826,319	25,520,604	7.1%
Cash Funds	29,498	10,354	48,000	48,000	0.0%
Reappropriated Funds	64,630	1,039,587	5,309,231	5,613,406	5.7%
Federal Funds	0	0	0	0	0.0%

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN					
protection services.					
Program Costs	943,586	930,231	1,161,653	1,336,698 *	
FTE	8.0	8.0	9.9	10.5	
General Fund	943,586	930,231	1,161,653	1,336,698	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
TOTAL - (9) Office of the Child Protection Ombudsman	943,586	930,231	1,161,653	1,336,698	15.1%
FTE	8.0	8.0	9.9	10.5	6.1%
General Fund	943,586	930,231	1,161,653	1,336,698	15.1%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request		Request vs. Appropriation
(10) INDEPENDENT ETHICS COMMISSION						
ment employees.						
Program Costs	175,798	172,876	193,231	263,924	*	
FTE	1.0	1.0	1.0	1.5		
General Fund	175,798	172,876	193,231	263,924		
Cash Funds	0	0	0	0		
Reappropriated Funds	0	0	0	0		
Federal Funds	0	0	0	0		
TOTAL - (10) Independent Ethics Commission	175,798	172,876	193,231	263,924		36.6%
FTE	1.0	1.0	1.0	1.5		50.0%
General Fund	175,798	172,876	193,231	263,924		36.6%
Cash Funds	0	0	0	0		0.0%
Reappropriated Funds	0	0	0	0		0.0%
Federal Funds	0	0	0	0		0.0%

* Includes a decision item.

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(11) OFFICE OF PUBLIC GUARDIANSHIP					
The Office of Public Guardianship is a pilot program that provides legal guardianship services for incapacitated and indigent adults in Denver who have no other guardianship prospects.					
Program Costs	647,886	662,072	841,253	1,336,695 *	
FTE	4.5	6.0	7.0	11.0	
General Fund	427,000	0	0	0	
Cash Funds	220,886	662,072	751,569	1,243,918	
Reappropriated Funds	0	0	89,684	92,777	
Federal Funds	0	0	0	0	
TOTAL - (11) Office of Public Guardianship	647,886	662,072	841,253	1,336,695	58.9%
FTE	4.5	6.0	7.0	11.0	57.1%
General Fund	427,000	0	0	0	0.0%
Cash Funds	220,886	662,072	751,569	1,243,918	65.5%
Reappropriated Funds	0	0	89,684	92,777	3.4%
Federal Funds	0	0	0	0	0.0%
TOTAL - Judicial Department	778,604,271	767,004,577	857,385,790	915,875,219	6.8%
FTE	4,612.7	4,501.4	5,007.0	5,161.5	3.1%
General Fund	593,759,214	577,115,474	624,209,011	673,658,031	7.9%
Cash Funds	140,567,152	142,248,550	175,210,066	173,790,500	(0.8%)
Reappropriated Funds	37,345,090	41,139,529	53,541,713	55,459,825	3.6%
Federal Funds	6,932,815	6,501,024	4,425,000	12,966,863	193.0%

* Includes a decision item.

APPENDIX B
FOOTNOTES AND INFORMATION REQUESTS

UPDATE ON LONG BILL FOOTNOTES

The General Assembly includes footnotes in the annual Long Bill to: (a) set forth purposes, conditions, or limitations on an item of appropriation; (b) explain assumptions used in determining a specific amount of an appropriation; or (c) express legislative intent relating to any appropriation. Footnotes to the 2021 Long Bill (S.B. 21-205) can be found at the end of each departmental section of the bill at https://leg.colorado.gov/bills/SB21-205. The Long Bill footnotes relevant to this document are listed below.

58 Judicial Department, Supreme Court and Court of Appeals; Courts Administration; Trial Courts; Probation and Related Services -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 10.0 percent of the total appropriation to the following divisions may be transferred between line items: Supreme Court and Court of Appeals, Courts Administration, Trial Courts, Probation and Related Services. Appropriations may be transferred within these divisions and between these divisions.

COMMENT: This footnote provides line item transfer authority as described for the Courts and Probation.

59 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 2020-21 Salary	Increase	FY 2021-22 Salary
Chief Justice, Supreme Court	$192,256	$5,780	$198,036
Associate Justice, Supreme Court	188,151	5,661	193,812
Chief Judge, Court of Appeals	184,837	5,567	190,404
Associate Judge, Court of Appeals	180,697	5,435	186,132
District Court Judge, Denver Juvenile Court Judge, and Denver Probate Court Judge	173,248	5,204	178,452
County Court Judge	165,795	4,989	170,784

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 specifies salaries as defined in statute for FY 2021-22.

Background: Precursors of 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 Long Bill footnote. The footnote also establishes the salaries for the individuals who head four of the independent judicial agencies by tying them to specific judicial salaries.

Implications for elected official salaries. Senate Bill 15-288, which modified Sections 2-2-307, 24-9-101, and 30-2-102, C.R.S., replaced the existing fixed dollar salaries listed in statute for certain state and legislative offices with a new method that set those salaries equal to percentages of the January 20, 2019 salaries of designated judicial officers. The resulting January 2019 salaries are given in the following table.

SALARIES OF SELECTED STATE OFFICIALS PER S.B. 15-288, BEGINNING JAN. 20, 2019

STATE OR LEGISLATIVE OFFICE	PRIOR SALARY (ESTABLISHED JANUARY 1999)	REFERENCE JUDICIAL OFFICER	PERCENT OF REFERENCE SALARY	JAN. 2019 ANNUAL SALARY OF JUDICIAL OFFICER[1]	JAN. 2019 ANNUAL SALARY OF STATE OR LEGISLATIVE OFFICE
Governor	$90,000	Chief Justice, Colorado Supreme Court	66%	$186,656	$123,193
Lieutenant Governor	68,500	County Court Judges, Class B Counties	58%	160,966	93,360
Attorney General	80,000	Chief Judge, Colorado Court of Appeals	60%	179,453	107,672
State Legislators	30,000	County Court Judges, Class B Counties	25%	160,966	40,242
Secretary of State	68,500	County Court Judges, Class B Counties	58%	160,966	93,360
Treasurer	68,500	County Court Judges, Class B Counties	58%	160,966	93,360

[1] Judicial officer salaries are based footnote 58 of the FY 2018-19 Long Bill (H.B. 18-1322).

Because the salaries of justices and judges cannot be reduced while they are in office, all judicial salary increases raise the future salaries for the linked offices in the above table.

H.B. 20-1423 suspended schedule pay increase for members of the Colorado General Assembly. For the period commencing on the first day of the legislative session beginning in January of 2021, and ending on the day before the first day of the legislative session beginning in January of 2022, the act freezes the annual base compensation of members of the general assembly at $40,242, which is the same amount as the annual base compensation for members of the general assembly whose terms commenced on the first day of the legislative session beginning in January of 2019.

60 Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the General Assembly's intent 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 expresses legislative intent.

61 Judicial Department, Probation and Related Services, Correctional Treatment Cash Fund Expenditures -- This appropriation includes the following transfers: $3,529,400 to the Department of Corrections, $10,510,241 to the Department of Human Services, $5396,755 to the Department of Public Safety, $3,535,141 to the Offender Treatment and Services line item in the Probation Division, and $169,000 to the District Attorney Adult Pretrial Diversion Programs line in the Centrally Administered Program Section of the Courts Administration Division.

COMMENT: This footnote increases transparency for the flow of Correctional Treatment Cash Funds throughout the Long Bill.

62 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 5.0 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

COMMENT: This is the first of four footnotes that authorize the largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized. Until FY 2020-21, these footnotes authorized a 2.5 percent transfer limit. This was increased to 5.0 percent for FY 2020-21 to provide flexibility during the economic downturn.

63 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 5.0 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 is the second of four footnotes that authorize the largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

64 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 5.0 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 is the third of four footnotes that authorize the largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

65 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 is the fourth of four footnotes that authorize the largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

UPDATE ON LONG BILL REQUESTS FOR INFORMATION

The Joint Budget Committee annually submits requests for information to executive departments and the judicial branch via letters to the Governor, the Chief Justice, and other elected officials. Each request is associated with one or more specific Long Bill line item(s), and the requests have been prioritized by the Joint Budget Committee as required by Section 2-3-203 (3), C.R.S. Copies of these letters are included as Appendix L of the annual Appropriations Report. The requests for information relevant to this document are listed below.

JUDICIAL BRANCH ONLY

1 Judicial Department, Office of the State Public Defender – The State Public Defender is requested to provide by November 1, 2021, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY 2020-21: 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, 2021.

COMMENT: The Department submitted its response as requested by November 1, 2021.

In 2013, the Office of the State Public Defender (OSPD) received 16.0 additional FTE to address a growing backlog of appellate cases (i.e. cases awaiting an opening brief). The backlog peaked at 749 cases in FY 2013-14, which was 470 cases above the National Legal Aid & Defender Association (NLADA) standard for backlogged cases. Subsequently, the JBC annually requested that the OSPD report its progress in reducing the backlog.

For FY 2020-21, the OSPD provided the following information:

- Number of new cases – 256;
- Number of initial briefs filed - 433;
- Number of cases resolved in other ways - 66;
- Number of cases closed - 499; and
- Number of cases awaiting an opening brief - 287.

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 because of violations.

COMMENT: The Department submitted its response as requested by November 1, 2021.

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: The Judicial Department's budget request includes the requested information, which was prepared by the Colorado District Attorneys' Council (CDAC).

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: The Department submitted its response as requested by November 1, 2021.

5 Judicial Department, Probation and Related Services – The State Court Administrator's Office is requested to provide a report to the Joint Budget Committee by November 1, 2021, concerning the Judicial Department's use of private probation. It is requested that the report:

a. Evaluate the relative effectiveness of private probation and state probation for clients with similar characteristics, using suitable measures of effectiveness such as pre- and post-release recidivism and unsuccessful terminations. To the extent possible, the report should examine the relative effectiveness of state and private probation for differing types of offenders. To the extent possible, it should examine the relative effectiveness of the various private probation providers. This analysis should be based on Colorado data
b. Examine problems that arise with private probation and propose ways that these problems can be mitigated. If a problem cannot be mitigated, the report should discuss whether it is a serious problem and the reasons it cannot be mitigate.
c. Explain why the number of clients on private probation has declined, including the extent to which the decline may reflect the growth of new probation practices, such as telephone reporting.
d. Explain who makes the decision to place a client on state probation verses private probation and how those decisions are made.
e. Propose ways to encourage the use of private probation, including ways to encourage private probation providers to begin supplying services in a Judicial District that lacks private probation providers.

f. Describe and evaluate instances in which private probation providers in judicial districts have ended services.
g. Evaluate the cost of providing private probation services and, based on estimates of cost, propose a suitable amount of monthly revenue that private probation providers should receive for private probation supervision.
h. Estimate the number of probationers who could be effectively and safely placed on private probation if sufficient private probation providers were available.

COMMENT: The Department submitted its response as requested by November 1, 2021.

6 Judicial Department, Courts Administration, Centrally-administered Programs, Eviction Legal Defense Fund – The State Court Administrator's Office is requested to provide by November 1, 2021, a report on eviction filing indicators for each fiscal year FY 2017-18 through FY 2020-21. In addition to total filings, it is requested the Office provide the following information for each filing:

a. Filing date
b. Status of representation by counsel for both parties
c. Case outcome (specify from the following)
    a. Answer filed
    b. Answer including counterclaim filed
    c. Judgment entered
    d. Stipulated agreement entered
    e. Stipulated agreement including entry of judgment language entered
    f. Writ of resolution issued
d. Money judgment at the end of the case
e. Whether it was a residential or commercial eviction
f. Zip code of the address where the eviction occurred

If any of this data is not already collected and available, the Department is requested to submit a report with the November 1st budget request that includes: an estimate of funding needed to collect this data; options the Department could pursue, including working with external partners to obtain this data; and, estimate of the costs that the Denver County Court would incur to also collect this data.

COMMENT: The Department submitted its response as requested by November 1, 2021, as follows.

> Of the requested information, the following fields need to be programmed for the Eviction data collection:
> - Residential or Commercial Property
> - Zip Code of Property
>
> The Department would need one contract software engineer to accomplish this request if legislation is enacted that requires the Department collect and report this

information. The Information Technology Services Unit estimates this work to take approximately 6 months (1,040 hours) of programming. Change will need to be made in the following systems:

- ICON
- Eclipse
- JPOD
- EFM
- CCE

The cost for programming 1,040 hours is 1,040 hours x $120/hour = $124,800. The Department will then need to replicate this data over to the reporting system so that the Court Services Data team may provide the data. Please note adding these new data points will only be point forward. The Department will not have the ability to backload this data for pervious cases.

Denver County Court currently collects all but one data point noted in the request; they anticipate very minimal programming and cost impact related to this request.

The data requested to accompany this request response will be provided electronically, via a file share.

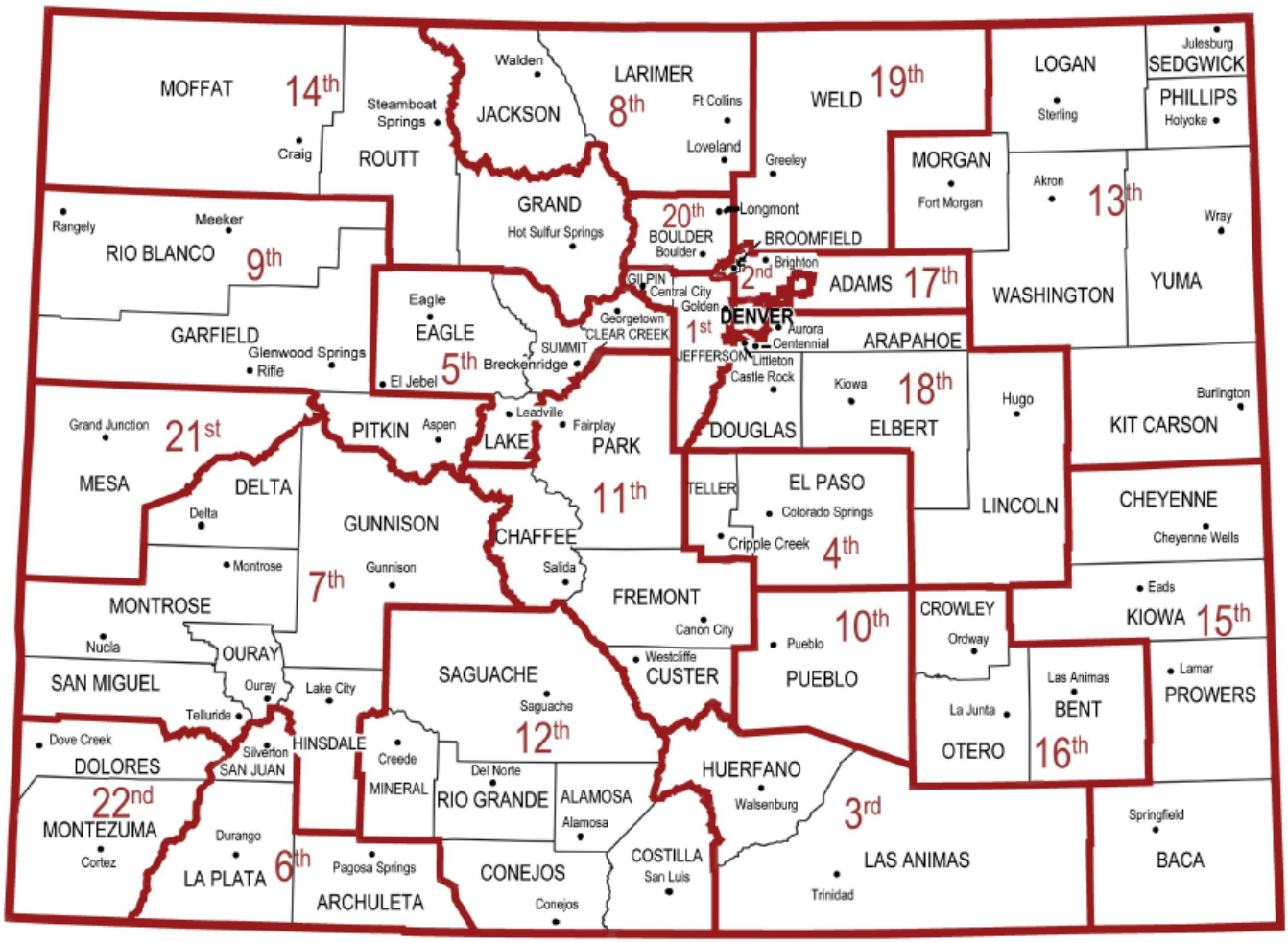
APPENDIX C
DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Judicial Branch is required to publish an **Annual Performance Report** for the *previous fiscal year* by November 1 of each year. This report is to include a summary of the department's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year.

For consideration by the Joint Budget Committee in prioritizing the department's FY 2022-23 budget request, the FY 2020-21 Annual Performance Report and the FY 2021-22 Performance Plan can be found at the following link:

https://operations.colorado.gov/performance-management/department-performance-plans

APPENDIX D
COLORADO JUDICIAL DISTRICTS MAP WITH COURT LOCATIONS



Courts are located in the towns and cities displayed on this map.