

# JOINT BUDGET COMMITTEE



## STAFF BUDGET BRIEFING FY 2024-25

### JUDICIAL DEPARTMENT Courts and Probation (Judicial Branch) 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 2023 legislative sessions that had a fiscal impact on this department are available in Appendix A of the annual Appropriations Report:

<https://spl.cde.state.co.us/artemis/gaserials/ga39internet/ga39202324internet.pdf>

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](https://leg.colorado.gov/content/budget/budget-documents). Once on the budget 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 DEPARTMENT

## DEPARTMENT OVERVIEW

### JUDICIAL BRANCH AND JUDICIAL DEPARTMENT

The term, *Judicial Branch* articulates the constitutional designation as one of the three branches of state government. The term, *Judicial Department* specifically articulates the budgetary designation as one of 23 primary agencies of state government referred to as departments for state budget purposes.

### JUDICIAL BRANCH – COURTS AND PROBATION

One of three branches of Colorado state government, the Judicial Branch is established in Section 1 of Article VI 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 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 23<sup>rd</sup> effective in January 2025. The General Assembly establishes the number of justices and judges at each level of the state court system<sup>1</sup>.

The state court system consists of county, district, and appellate courts as follow:

- *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

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<sup>1</sup> 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.] Effective January 7, 2025. House Bill (H.B.) 20-1026 creates the 23rd Judicial District comprised of Douglas, Elbert, and Lincoln counties.

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. The State is responsible for funding staff and operations of the state court system while counties are required to provide and maintain adequate court facilities for their district and county courts.

### *Probation*

The Judicial Branch is also charged with supervising offenders on probation. Individuals sentenced to probation, as an alternative to incarceration, remain under the supervision of the court. Managed by a chief probation officer in each judicial district, 1,300 probation employees statewide 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.

- The Courts and Probation are appropriated \$710.6 million total funds, including \$467.1 million General Fund in FY 2023-24.
- The appropriation represents 70.3 percent of total funds and 61.7 percent of General Fund appropriations to the Judicial Department.
- The Courts and Probation 4,093.5 FTE represent 76.4 percent of FTE in the Judicial Department.

## INDEPENDENT AGENCIES OF THE JUDICIAL DEPARTMENT

While the Courts and Probation make up the Judicial Branch, as traditionally referenced, the Judicial Department also includes eight constitutional or statutory independent agencies located in the Judicial Department budget. Each independent agency is governed by a constitutional or statutory governing board and submits its own independently determined and autonomous agency budget request, neither reviewed nor approved by the Chief Justice (nor by the Governor's Office of State Planning and Budgeting).

The current, 11 independent agencies and the year of their establishment as an independent agency, include:

- Office of State Public Defender (OSPD), established 1970
- Office of Alternate Defense Counsel (OADC), established 1996
- Office of the Child's Representative (OCR), established 2000
- Independent Ethics Commission (IEC), established 2006
- Office of the Respondent Parents' Counsel (ORPC), established 2014
- Office of the Child Protection Ombudsman (OCPO), established 2015 (originally est. 2010)
- Office of Public Guardianship (OPG), established 2017
- Commission on Judicial Discipline (CJD), established 2022
- Statewide Behavioral Health Court Liaison known as Bridges of Colorado (BRI), established 2023

- Office of Administrative Services for Independent Agencies (ASIA), established 2023
- Office of Judicial Ombudsman (OJO), established 2023, begins operation 2024

### **INDEPENDENT AGENCY CATEGORIES**

The independent agencies can be categorized as follows (agencies may be included in more than one category):

#### Legal representation for indigent defendants

- Office of State Public Defender (OSPD)
- Office of Alternate Defense Counsel (OADC)
- Office of the Child's Representative (OCR)
- Office of the Respondent Parents' Counsel (ORPC)

*Social benefit:* Civil rights access to competent legal counsel for indigent defendants.

*Budget impact:* Discrete, identified, and directed management oversight of legal defense costs for indigent defendants (relative to court-appointed counsel costs in the Courts budget prior to agency creation); reduced system costs related to reduced incarceration and inconsistent or extended involvement in the judicial system.

#### Child welfare-related

- Office of the Child's Representative (OCR)
- Office of the Respondent Parents' Counsel (ORPC)
- Office of the Child Protection Ombudsman (OCPO)

*Social benefit:* Civil rights access to competent legal counsel for children and indigent parents involved in dependency and neglect proceedings; decreased trauma to children and improved parental and family outcomes for those involved in the child welfare system; improved attention to child welfare system culture and policies that lead to the overrepresentation in the child welfare system of people living in poverty, people of color, and people with disabilities.

*Budget impact:* Discrete, identified, and directed management oversight of legal defense costs for children and indigent parents (relative to court-appointed counsel costs in the Courts budget prior to agency creation); reduced child welfare system costs related to the higher cost for placement of children removed from their homes; and reduced judicial system costs related to inconsistent or extended involvement in the judicial system.

#### Public Trust

- Independent Ethics Commission (IEC)
- Commission on Judicial Discipline (CJD)
- Office of the Child Protection Ombudsman (OCPO)
- Office of Judicial Ombudsman (OJO)

*Social benefit:* Constitutional or statutory approved oversight, investigation, and recommendations intended to increase public trust in the institutions overseen by these agencies.

*Budget impact:* Increased system and process oversight costs; potentially reduced public system costs related to reduced abuse of public resources, institutions, and offices.

Public system cost reduction through improved/enhanced placement, criminal justice diversion, and provision of central services

- Office of Public Guardianship (OPG)
- Bridges of Colorado (BRI)
- Administrative Services for Independent Agencies (ASIA)

*Social benefit:* OPG provides access to guardianship services for incapacitated and indigent adults without family, friends, or resources for guardianship care; increased quality of life for incapacitated adults and increased access to community healthcare system placements through more appropriate placement for individuals unable to seek more appropriate home and healthcare placement options. Bridges behavioral health court liaisons provide case management, identification of community stabilization resources, and diversion from incarceration and criminal justice system involvement for individuals in the judicial competency process or at risk of entering the competency process due to behavioral health issues. ASIA is intended to provide central administrative and fiscal support services for the smaller and newer independent agencies who have not previously been provided internal support staff for those services.

*Budget impact:* Increased guardianship oversight costs for adults; reduced healthcare system costs related to more appropriate long-term housing and healthcare facility placement decisions. Increased liaison costs in each judicial district; reduced incarceration and involvement in the criminal justice system through connection to and enrollment and participation in community resources that provide stabilization and holistic behavioral health outcomes for individuals.

**INDEPENDENT AGENCY DETAIL (IN BUDGET ORDER)**

The *OFFICE OF STATE PUBLIC DEFENDER* (OSPD) was established in Section 21-1-101, et seq., C.R.S., as follows:

- Established in 1970 as an independent agency within the Judicial Department for the provision of legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of incarceration.
- Governed by the Public Defender Commission, comprised of five members appointed by the Supreme Court.
- Comprised of a central administrative office, an appellate office, and 21 regional trial offices, and a staff that includes attorneys, paralegals, investigators, and administrative support staff.

- The OSPD is appropriated \$155.7 million total funds, including \$155.5 million General Fund, in FY 2023-24.
- The appropriation represents 15.4 percent of total funds and 20.5 percent of General Fund appropriations to the Judicial Department.
- The OSPD's 1,098.7 FTE represent 20.5 percent of FTE in the Judicial Department.

The *OFFICE OF ALTERNATE DEFENSE COUNSEL* (OADC) was established by S.B. 96-205 (Office of Alternate Defense Counsel) in Section 21-2-101, et seq., C.R.S., as follows:

- Established in 1996 as an independent agency within the Judicial Department for the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest.
- Governed by the Alternate Defense Counsel Commission, comprised of nine members appointed by the Supreme Court.
- Comprised of a staff of 36.3 FTE providing legal representation by contracting with licensed attorneys across the state, except for the Post Conviction Unit comprised of 10.0 FTE of legal services staff.

- The OADC is appropriated \$57.5 million total funds, including \$57.4 million General Fund, in FY 2023-24.
- The appropriation represents 5.7 percent of total funds and 7.6 percent of General Fund appropriations to the Judicial Department.
- The OADC's 36.3 FTE represent 0.7 percent of FTE in the Judicial Department.

The *OFFICE OF THE CHILD'S REPRESENTATIVE* (OCR) was established by H.B. 00-1371 (Office of Child's Representative) in Section 13-91-101, et seq., C.R.S., as follows:

- Established in 2000 as an independent agency within the Judicial Department for the provision of guardian *ad litem* (GAL), best interests legal representation to children and youth involved in the court system, primarily due to abuse, neglect, or delinquency.
- Governed by the Child's Representative Board, comprised of nine members appointed by the Supreme Court.
- Provides legal representation by contracting with attorneys across the state, except in the 4<sup>th</sup> Judicial District (El Paso County), where the OCR employs staff attorneys and support staff to provide legal services (pursuant to S.B. 99-215, footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services in the year prior to the establishment of the OCR).
- Comprised of a staff of 38.0 FTE, including 17.0 FTE of legal services staff in the El Paso County office.

- The OCR is appropriated \$38.9 million total funds, including \$36.4 million General Fund, in FY 2023-24.
- The appropriation represents 3.9 percent of total funds and 4.8 percent of General Fund appropriations to the Judicial Department.
- The OCR's 38.0 FTE represent 0.7 percent of FTE in the Judicial Department.

The *OFFICE OF THE RESPONDENT PARENTS' COUNSEL* (ORPC) was established by S.B. 14-203 (Office of Respondent Parents' Counsel) in Section 13-92-101, et seq., C.R.S., as follows:



- Established in 2014 as an independent agency within the Judicial Department for the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings.
- Governed by the Respondent Parents' Counsel Governing Commission, comprised of nine members appointed by the Supreme Court.
- Comprised of a staff of 19.0 FTE providing legal representation by contracting with licensed attorneys across the state.

- The ORPC is appropriated \$36.7 million total funds, including \$31.0 million General Fund, in FY 2023-24.
- The appropriation represents 3.6 percent of total funds and 4.1 percent of General Fund appropriations to the Judicial Department.
- The ORPC's 19.0 FTE represent 0.3 percent of FTE in the Judicial Department.

The *OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES* (ASIA) was established in 2023 by S.B. 23-228 (Office of Admin Services for Independent Agencies) in Section 13-100-101, et seq., C.R.S., as follows:

- Established to more efficiently and effectively provide centralized administrative and fiscal support services, previously provided by the State Court Administrator's Office (SCAO), for the smaller, newer, and any future independent agencies not otherwise appropriated central support services staff. Central support services include payroll, accounting, budgeting, and human resources. ASIA will also provide payroll services for the OADC, the OCR, and the ORPC.
- Governed by the ASIA Board, comprised of the directors of each independent agency, excluding the OPSD, the OADC, the OCR, and the ORPC.
- ASIA is currently in its implementation process, including transition of central support service provision from the SCAO by the end of FY 2023-24, and is anticipated to begin officially providing services in FY 2024-25.

- ASIA is appropriated \$747,000 General Fund and 6.0 FTE in FY 2023-24.

The *OFFICE OF THE CHILD PROTECTION OMBUDSMAN* (OCPO) was established in 2010 by S.B. 10-171 (Child Protection Ombudsman Program), operating as a contracted program managed by the Department of Human Services, and then as an independent agency in the Judicial Department by S.B. 15-204 (Independent Office of Child Protection Ombudsman) in Section 19-3.3-101, et seq., C.R.S., as follows:

- Established in 2015 as an independent agency within the Judicial Department to serve as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system.

- Governed by the Child Protection Ombudsman Board, comprised of up to 12 members, of which four are appointed by the Chief Justice of the Supreme Court, four are appointed by the Governor, two are appointed by the president and minority leader of the Senate, and two are appointed by the speaker and minority leader of the House of Representatives.

- The OCPO is appropriated \$2.2 million General Fund, in FY 2023-24.
- The appropriation represents 0.2 percent of total funds and 0.3 percent of General Fund appropriations to the Judicial Department.
- The OCPO's 12.0 FTE represent 0.2 percent of FTE in the Judicial Department.

The *INDEPENDENT ETHICS COMMISSION* (IEC) was created in 2006 pursuant to voter-initiated Amendment 41 in Section 5 (1) of Article XXIX of the Colorado Constitution and codified in statute in 2007 pursuant to S.B. 07-210 (Independent Ethics Commission) in Section 24-18.5-101, C.R.S., as follows:

- Established in 2006 as an independent agency within the Judicial Department to 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.
- Governed by the Independent Ethics Commission, comprised of five members, of which one is appointed by the Chief Justice of the Supreme Court, one is appointed by the Governor, one is appointed by the Senate, one is appointed by the House of Representatives, and one is appointed by the other four members.

- The IEC is appropriated \$353,000 General Fund and 1.5 FTE in FY 2023-24.

The *OFFICE OF PUBLIC GUARDIANSHIP* (OPG) originated as a pilot program through June 30, 2024, and established as an independent agency by H.B. 17-1087 (Office of Public Guardianship), amended pursuant to H.B. 19-1045 (Funding Office of Public Guardianship), and extended as a permanent program pursuant to S.B. 23-064 (Continue Office of Public Guardianship) in Section 13-94-101, et seq., C.R.S., as follows:

- Established as a pilot program in 2017, with cash funding from gifts, grants, and donations, as an independent agency within the Judicial Department to provide legal guardianship services for incapacitated and indigent adults who generally have no assets and therefore have no other guardianship prospects in the 2<sup>nd</sup> (Denver), 7<sup>th</sup> (Southwest Colorado), and 16<sup>th</sup> (Southeast Colorado) Judicial Districts.
- Amended in 2019 to provide cash funding of \$19 from each probate fee, pursuant to Section 15-12-623 (1)(c), C.R.S., in order to allow OPG to begin funded operations.
- Continued in 2023, with increasing General Fund appropriations over three years beginning in FY 2025-26, to provide guardianship services statewide by December 31, 2030.

- Governed by the Public Guardianship Commission, comprised of five members, of which three are appointed by the Supreme Court and two are appointed by the Governor.

- The OPG is appropriated \$1.9 million cash and reappropriated funds and 14.0 FTE in FY 2023-24.

The *COMMISSION ON JUDICIAL DISCIPLINE* (CJD) is established in Section 23 (3) of Article VI of the Colorado Constitution. Senate Bill 22-201 (Commission on Judicial Discipline) codified in statute and established the Office of Judicial Discipline as an independent agency in the Judicial Department to support the operations of the Commission in Section 13-5.3-101, et seq., C.R.S., as follows:

- Established in 2022 as an independent agency within the Judicial Department to support the operations of the Commission to investigate and resolve potential judicial misconduct.
- Governed by the Commission on Judicial Discipline, comprised of 10 members, two district judges and two county judges selected by the Supreme Court and two attorneys and four non-judge/non-attorney citizens appointed by the Governor.

- The CJD is appropriated \$1.3 million General Fund and 4.8 FTE in FY 2023-24.

The *STATEWIDE BEHAVIORAL HEALTH COURT LIAISON KNOWN AS BRIDGES OF COLORADO* (BRI) originated as a program located in the state courts in 2018 by S.B. 18-251 (Statewide Behavioral Health Court Liaison Program) and located in Section 16-11.9-201, et seq., C.R.S., prior to 2023, and established as an independent agency in 2023 by S.B. 23-229 (Statewide Behavioral Health Court Liaison Office) in Section 13-95-101, et seq., C.R.S., as follows:

- Established in 2023 as an independent agency within the Judicial Department to provide court liaisons in each judicial district who serve participants involved in the criminal justice system who have entered the court competency process or who are at risk of entering the competency process due to behavioral health issues.
- Liaisons are charged with reporting to the court related to the provision of case management, identification of community stabilization resources, and diversion from incarceration and criminal justice system involvement for individuals who have entered the competency evaluation and restoration process or at risk of entering the competency process due to behavioral health issues.
- Governed by the Bridges Program Commission, comprised of 11 members, including five designated in statute and six appointed by the Chief Justice.

- As a courts program in FY 2022-23, Bridges was appropriated \$2.8 million General Fund and 11.9 FTE.
- As an independent agency, Bridges is appropriated \$5.2 million General Fund and 33.7 FTE in FY 2023-24.
- The fiscal note for S.B. 23-229 identifies a required appropriation of \$13.9 million General Fund and 99.0 FTE for FY 2024-25.

The *OFFICE OF JUDICIAL OMBUDSMAN* (OJO) was established in 2023 by H.B. 23-1205 (Office of Judicial Ombudsman) in Section 13-3-120, C.R.S., as follows:

- Established in 2023 as an independent agency within the Judicial Department, to begin operations in 2024, "to act as an independent, confidential, informal, impartial, neutral, and nonpartisan office that responds to questions or concerns from a complainant about misconduct that occurs within the department".
- Governed by its board comprised of five members, with individual appointments by the Governor, the president and minority leader of the Senate, and the speaker and minority leader of the House.

- The OJO is provided no appropriation in FY 2023-24.
- The fiscal note for H.B. 23-1205 identifies a required appropriation of \$409,000 General Fund and 1.8 FTE for FY 2024-25.

## DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25 *
General Fund	\$620,585,050	\$670,675,697	\$757,088,755	\$868,218,049
Cash Funds	184,341,883	185,322,748	192,266,589	200,698,480
Reappropriated Funds	53,699,065	57,595,340	57,162,888	60,279,622
Federal Funds	4,425,000	4,425,000	4,425,000	4,425,000
<b>TOTAL FUNDS</b>	<b>\$863,050,998</b>	<b>\$918,018,785</b>	<b>\$1,010,943,232</b>	<b>\$1,133,621,151</b>
Full Time Equiv. Staff	5,009.9	5,177.9	5,357.5	5,700.1

\*Requested appropriation.

Funding for the entire Judicial Department in FY 2023-24 consists of 74.9 percent General Fund, 19.0 percent cash funds, 5.7 percent reappropriated funds, and 0.4 percent federal funds.

### COURTS AND PROBATION RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25 *
General Fund	\$404,715,874	\$429,787,767	\$467,064,607	\$529,856,906
Cash Funds	183,307,314	183,519,072	190,277,694	198,359,738
Reappropriated Funds	46,527,217	49,688,748	48,804,765	51,601,546
Federal Funds	4,425,000	4,425,000	4,425,000	4,425,000
<b>TOTAL FUNDS</b>	<b>\$638,975,405</b>	<b>\$667,420,587</b>	<b>\$710,572,066</b>	<b>\$784,243,190</b>
Full Time Equiv. Staff	3,960.7	4,024.9	4,093.5	4,192.0

\*Requested appropriation.

Funding for Courts and Probation consists of 65.7 percent General Fund, 26.8 percent cash funds, 6.9 percent reappropriated funds, and 0.6 percent federal funds in FY 2023-24.

### JUDICIAL INDEPENDENT AGENCIES RECENT APPROPRIATIONS

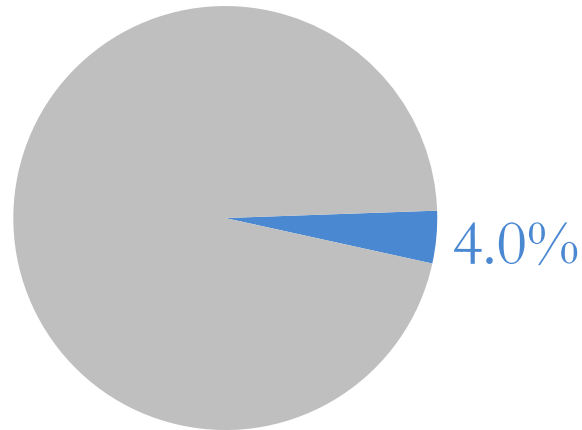
FUNDING SOURCE	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25 *
General Fund	\$215,869,176	\$240,887,930	\$290,024,148	\$338,361,143
Cash Funds	1,034,569	1,803,676	1,988,895	2,338,742
Reappropriated Funds	7,171,848	7,906,592	8,358,123	8,678,076
Federal Funds	0	0	0	0
<b>TOTAL FUNDS</b>	<b>\$224,075,593</b>	<b>\$250,598,198</b>	<b>\$300,371,166</b>	<b>\$349,377,961</b>
Full Time Equiv. Staff	1,049.2	1,153.0	1,264.0	1,508.1

\*Requested appropriation.

Funding for the Judicial Independent Agencies consists of 96.6 percent General Fund, 0.7 percent cash funds, and 2.8 percent reappropriated funds in FY 2023-24.

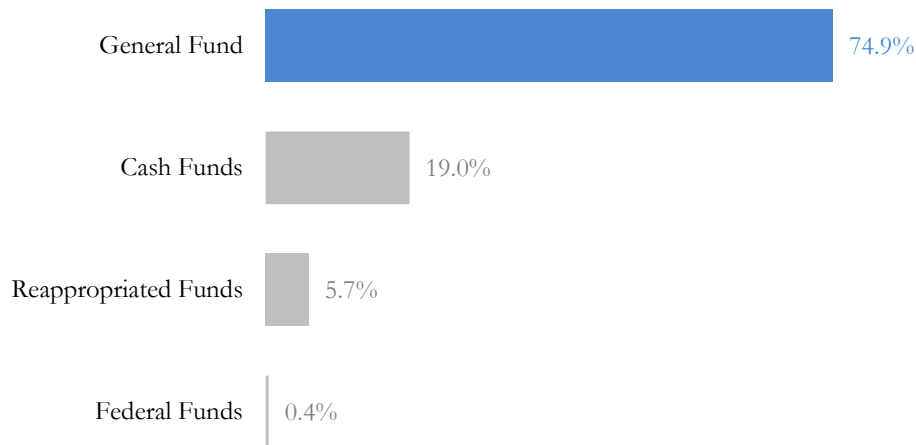
## DEPARTMENT BUDGET: GRAPHIC OVERVIEW

### DEPARTMENT'S SHARE OF STATEWIDE GENERAL FUND



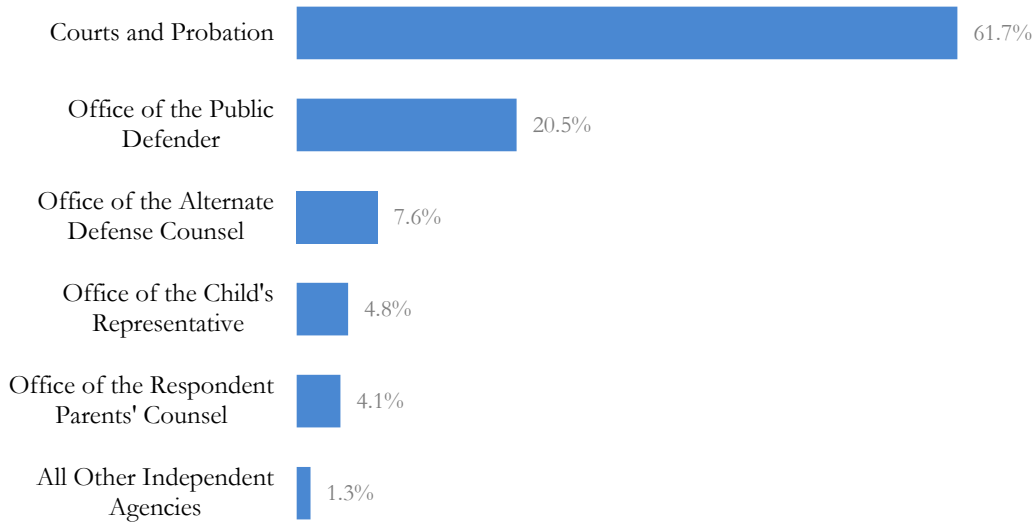
Based on the FY 2023-24 appropriation.

### DEPARTMENT FUNDING SOURCES



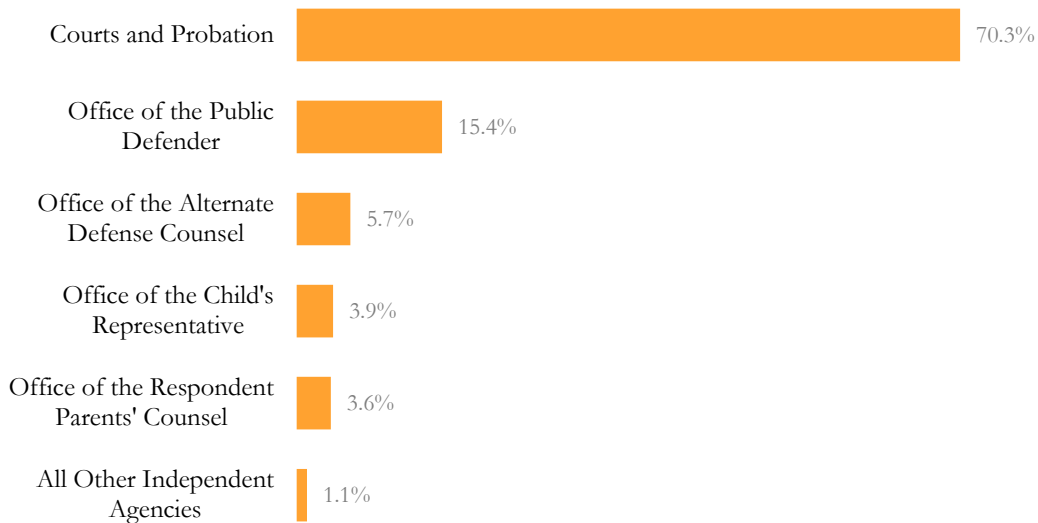
Based on the FY 2023-24 appropriation.

#### DISTRIBUTION OF GENERAL FUND BY AGENCY



Based on the FY 2023-24 appropriation.

#### DISTRIBUTION OF TOTAL FUNDS BY AGENCY



Based on the FY 2023-24

## CASH FUNDS DETAIL

JUDICIAL DEPARTMENT CASH FUNDS APPROPRIATION DETAIL					
FUND NAME OR GROUP	FY 2023-24 APPROP.		FY 2022-23 ACTUAL REV	PRIMARY SOURCES OF FUND REVENUE	PRIMARY USES IN THIS DEPARTMENT
Judicial IT Cash Fund	\$37,671,840		\$29,722,697	Fees and cost recoveries from electronic filings, network access, electronic court database and court records searches, private probation fees to access the case management system, and any other IT services.	To replace hardware and maintain the network on which the e-filing and public access programs operate; annual maintenance of hardware and software; and costs related to the in-house public access/e-filing automated system.
Judicial Stabilization Cash Fund	35,729,872		33,160,207	This fund was established in S.B. 03-186, that increased court docket fees to offset GF that support Trial Court appropriations.	Supports personal services of over 300 trial court FTE and 13.5 appellate FTE, and the activities of the problem-solving courts. Operating and capital outlay are also supported by this fund.
Offender Services Fund	21,739,783		24,626,156	Monthly supervision fee of \$50 per month per offender and cost of care for juveniles.	Personnel and operating costs for 55 probation supervision FTE, continuation of drug courts statewide, and administration of basic probation services, including treatment, monitoring, program development, polygraph, treatment, offense-specific assessment and DNA testing of sex offenders.
Justice Center Cash Fund	19,935,523		18,624,803	S.B. 08-206 increased certain civil docket fees to fund the Ralph L Carr Justice Center.	Design, construction, lease purchase (COP) payments, operating and maintenance, and interim accommodations; incl. CF and RF.
Victims and Witnesses Assistance and Law Enforcement Fund	16,375,000	<sup>2</sup>	14,304,533	Each adult convicted of a felony, misdemeanor, or traffic offense pays a surcharge in an amount equal to any fine imposed.	Judicial's portion pays for victim and witness assistance services in each judicial district.
Attorney registration and bar exam fees	14,423,390	<sup>2</sup>	13,920,077	Annual attorney registration fees, application fees for law examinations, and other various fees.	Supports the attorney registration and regulation programs, the prosecution of the unauthorized practice of law, and the Attorney's Fund for Client Protection which compensates clients due to any dishonest conduct by any Colorado attorney. Supports 2.2 FTE to administer the Continuing Legal Education Program and 9.0 FTE to administer the Board of Law Examiner program.
Crime Victim Compensation Fund	13,400,000	<sup>2</sup>	14,698,265	Each adult convicted of a felony, misdemeanor, or traffic offense pays a surcharge in an amount equal to any fine imposed.	Judicial's portion pays for compensation to victims. 2.5 percent of the surcharge is retained by the clerk for administrative costs incurred and is credited to the General Fund.
Judicial Collection Enhancement Fund	7,394,557		9,377,175	Time payment fees, late payment fees, and various cost recoveries	Supports a portion of the Office of Restitution Services program which includes 104.2 FTE.
Alcohol and Drug Driving Safety	3,822,124		3,240,778	All DWAI/DUI offenders are assessed an alcohol and drug evaluation fee.	Program expenses to evaluate and monitor offenders convicted of DWAI/DUI and sentenced to education and treatment programs. The Division of Alcohol and



JUDICIAL DEPARTMENT CASH FUNDS APPROPRIATION DETAIL				
FUND NAME OR GROUP	FY 2023-24 APPROP.	FY 2022-23 ACTUAL REV	PRIMARY SOURCES OF FUND REVENUE	PRIMARY USES IN THIS DEPARTMENT
Program Fund				Drug Abuse in the Department of Human Services also uses resources for data management and to license DWAI/DUI treatment agencies.
Marijuana Tax Cash Fund	2,734,691		State marijuana tax revenue.	\$1,626,967 in the appropriation to the Correctional Treatment Cash Fund; \$1,107,724 in the Trial Courts.
Court Security Cash Fund	2,662,024	1,925,519	A surcharge is assessed on various criminal and civil court filings.	Supports 1.0 FTE and grants to Colorado counties to fund courthouse security needs.
Office of Public Guardianship Cash Fund	1,705,895	1,318,638	\$19 from each probate fee, pursuant to Section 15-12-623 (1)(c), C.R.S.	OPG staff and operating expenses. <u>OPG is an independent agency and this cash fund is not a Courts cash fund.</u>
Eviction Legal Defense Fund	1,434,018	1,655,684	\$1.1 million from General Fund and \$500,000 from Tobacco tax through FY 2022-23.	Grants to nonprofit organizations providing legal advice, counseling, and representation to clients facing eviction.
Restorative Justice Surcharge Fund	1,061,322	767,883	H.B. 13-1254 established a \$10 surcharge levied on persons convicted or adjudicated of a crime. 95 percent of the surcharge is deposited in this fund	1.0 FTE to administer the program; Restorative Justice Coordinating Council administrative expenses; restorative justice program operating expenses.
Correctional Treatment Cash Fund	893,773	24,147,058	Convicted drug offenders pay a surcharge based on the offense. GF and MTCF are also appropriated to this fund pursuant to Sections 18-9-103 (3.5)(b), (c), and (4)(a) and 39-28.8-501 (2)(b)(IV)(D), C.R.S.	Judicial's allocation pays for 1.0 FTE, substance abuse assessment and treatment programs, and funding for risk assessment licensing fee and system improvement research. The Correctional Treatment Board consisting of representatives from the Courts, the State Public Defender, the statewide associations representing District Attorneys and County Sheriffs, and the Departments of Corrections, Public Safety, and Human Services, exercises allocation authority over this fund.
State Commission on Judicial Performance Cash Fund	673,528	489,209	H.B. 03-1378 increased criminal and traffic court docket fees. The fee increase is deposited in the fund.	Supports 2.0 FTE to coordinate and administer the Judicial Performance evaluation process, including evaluation services and surveys associated with judicial retention.
Various	13,011,415		Various	Various, including Sex Offender Surcharge Fund, Interstate Compact Probation Transfer Fund, Family-friendly Court Program Fund, Supreme Court Library Fund, Family Violence Justice Fund, Discovery Surcharge Fund, Underfunded Courthouse Facility Fund, Fines Collection Fund, Offender ID Fund, user fees, gifts, grants, and donations, and state cash funds originating from federal ARPA funds.
<b>Total</b>	<b>\$192,266,589</b>			

<sup>1</sup> TABOR exempt.

<sup>2</sup> Not appropriated by the General Assembly. Amounts shown in the Long Bill are for informational purposes only.

## GENERAL FACTORS DRIVING THE BUDGET

There are two ways to consider factors that drive the budget: immediate, current, or recent resource needs to accommodate fiscal adjustments related to economic and statewide adjustments and department-specific policy issues; and long-term, structural components related to department-specific policy costs.

### CURRENT: COMPENSATION – STEP ADJUSTMENT SYSTEM

This budget cycle includes additional increases related to compensation, consistent with the movement to a step-increase system in the executive branch. Both the Courts and Probation (traditional judicial branch) and the Office of State Public Defender (OSPD), together represent 96.9 percent of FTE in the Judicial Department budget (5,192.2 FTE of 5,357.5 FTE), and have each submitted adjustments for their equivalent step-increase systems.

The Courts and Probation identifies a step adjustment total of \$13.5 million, including \$12.2 million General Fund; an adjustment equal to a 4.3 percent increase on total salary base (and a 4.2 percent increase on General Fund salary base).

The OSPD identifies a step adjustment total of \$3.7 million General Fund, an adjustment equal to a 3.3 percent increase on salary base.

For comparison, the executive branch identifies a statewide step adjustment total of \$121.9 million, including \$71.1 million General Fund; an adjustment equal to a 4.9 percent increase on total salary base (and a 5.2 percent increase on General Fund salary base).

The compensation request also includes equivalent adjustments for the 3.0 percent across-the-board increases totaling \$9.8 million, including \$9.0 million General Fund for the Courts and Probation and totaling \$3.0 million General Fund for the OSPD. Total step adjustment and across-the-board increases for the two largest employers in the Judicial Department budget totals \$33.7 million, including \$31.3 million General Fund. The salary increase components of the Judicial Department budget request for FY 2024-25 represents a 3.3 percent increase on the FY 2023-24 total funds appropriation and a 4.1 percent increase on the prior year General Fund appropriation.

In other words, the salary increase components of the Court and Probation and the OSPD represent 3.3 percent of the total 12.1 percent increase in requested total fund department-wide; and represents 4.1 percent of the 14.7 percent increase in requested General Fund department-wide. All other base adjustments and request adjustments represent an 8.8 percent total funds increase and a 10.6 percent General Fund increase.

### CURRENT: COURTS CASE MANAGEMENT SYSTEM

The Courts and Probation R2 request for a replacement, statewide Case Management System reflects the highest priority request for the Courts and Probation (the C&P R1 request reflects the changes related to the step adjustment system and is included in compensation policy adjustments). This request item totals \$11.8 million including \$7.8 million General Fund in FY 2024-25. Additionally, this item annualizes to \$26.7 million total funds, including \$21.5 million General Fund, in FY 2024-25.

For the budget year portion (FY 2024-25), this item represents 1.0 percent of the General Fund increase over the prior year and 1.2 percent of the total funds increase over the prior year.

Additional information is provided in issue brief 2.

## CURRENT: OSPD ATTORNEYS

This budget cycle includes a significant increase request from the OSPD for additional attorneys and related support staff. This item (OSPD-R1) totals \$14.7 million General Fund and 128.0 FTE, including 70.0 FTE of attorneys. This item represents 1.9 percent of the General Fund increase over the prior year, and 1.5 percent of the total funds increase over the prior year.

Additional information is provided in issue brief 3.

## CURRENT: COURTS FISCAL RESTRUCTURE OF THE JUDICIAL CENTER

Judicial Center appropriations are funded by the JCCF and by General Fund. Through FY 2019-20, more than \$4.5 million General Fund was provided to support Judicial Center funding; a \$3.6 million General Fund cut was taken in FY 2020-21 and never restored.

The JCCF earned revenue totaling \$18.6 in FY 2022-23 and \$17.8 million in FY 2021-22. The JCCF had a balance of \$11.0 million at the beginning of the current fiscal year (FY 2023-24), is projected to have a balance of \$5.2 million at the end of the year, and without increasing appropriations for controlled maintenance, will be approaching insolvency by the end of FY 2024-25.

Structurally, current cash fund support from the Judicial Center Cash Fund (JCCF), with revenue generated from statutory court filing fees can no longer independently support the financing and operations of the Judicial Center. Additionally, the Judicial Center, completed in December 2010, has entered its initial period for the need to support annual controlled maintenance for the replacement of building systems at the end of their economic or physical life.

The Courts R7 request identifies a current year (FY 2023-24) General Fund need of \$5.6 million and a budget year (FY 2024-25) General Fund need of \$8.9 million in order to keep the JCCF from insolvency and provide controlled maintenance funding. Current request projections identify a need for a total appropriation of \$29.9 million for FY 2025-26, including a General Fund appropriation of \$12.9 million.

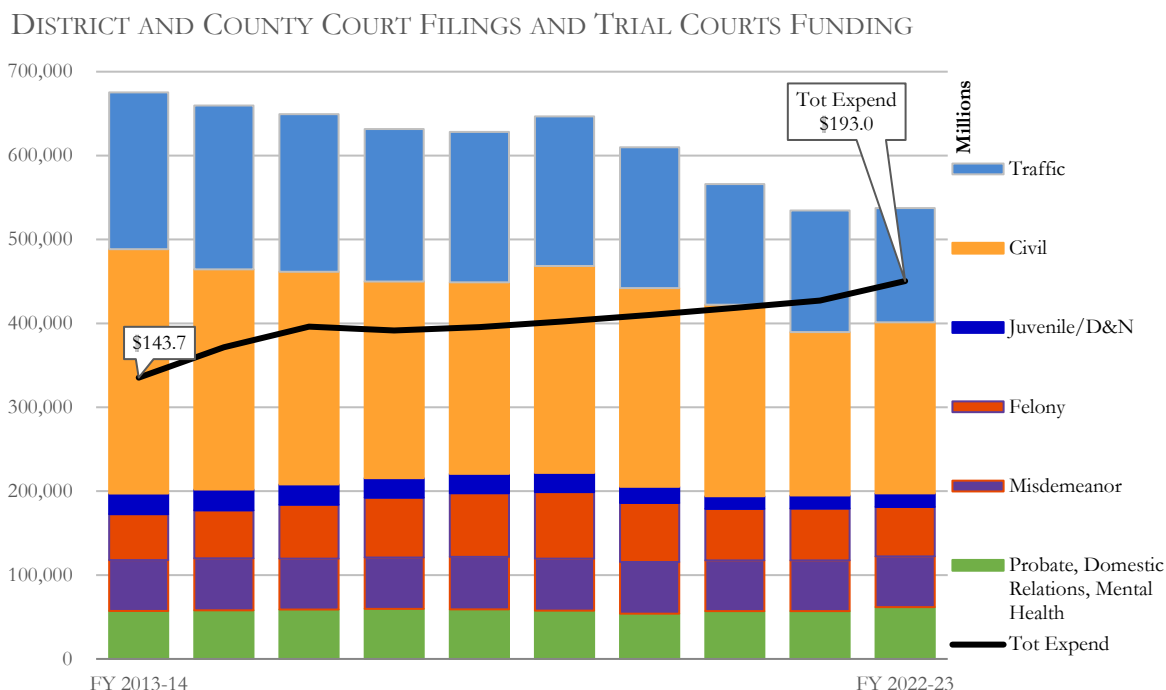
Additional information is provided in issue brief 4.

## LONG-TERM AND STRUCTURAL

Historically, caseload is identified as the main factor driving the Judicial Department budget. This would suggest that increasing caseload should correlate to increasing cost. However, as illustrated in the following chart, over the prior 10 years there appears to be slightly increasing cost with slightly decreasing caseload; with most of the decrease in caseload occurring over the pandemic period of the last three fiscal years shown in the chart. It is anticipated that caseload will increase to the prior baseline in the post-pandemic period.

## DISTRICT AND COUNTY COURT FILINGS

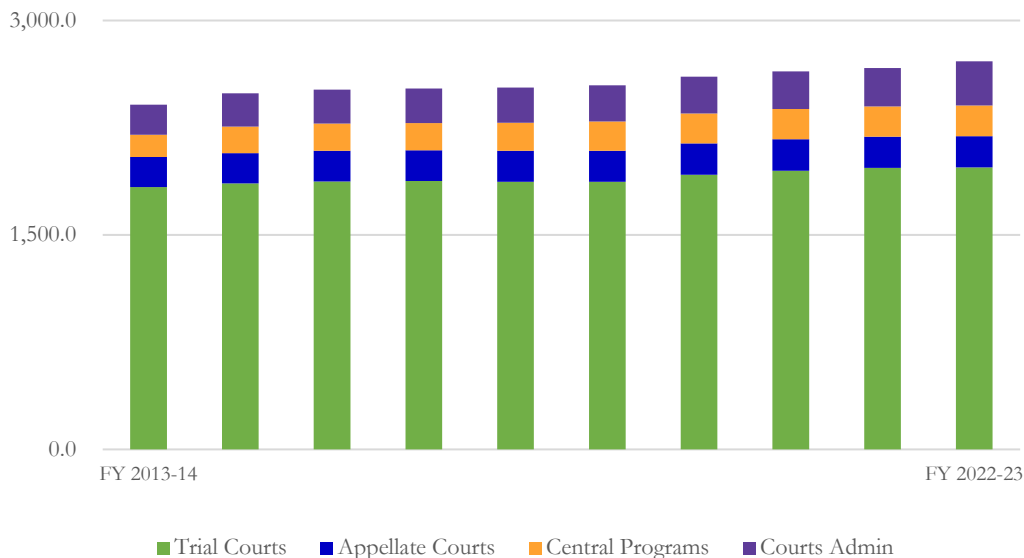
The following chart illustrates a 10-year history of District and County Court Filings along with Trial Courts expenditures. Total expenditures increased at a 3.0 percent compound average annual growth rate (CAAGR) over the most recent 10-year period.



### STAFFING TREND – COURTS

The following chart illustrates FTE changes by division for the Courts, illustrating a nominal increase in staffing, at a 1.2 percent CAAGR.

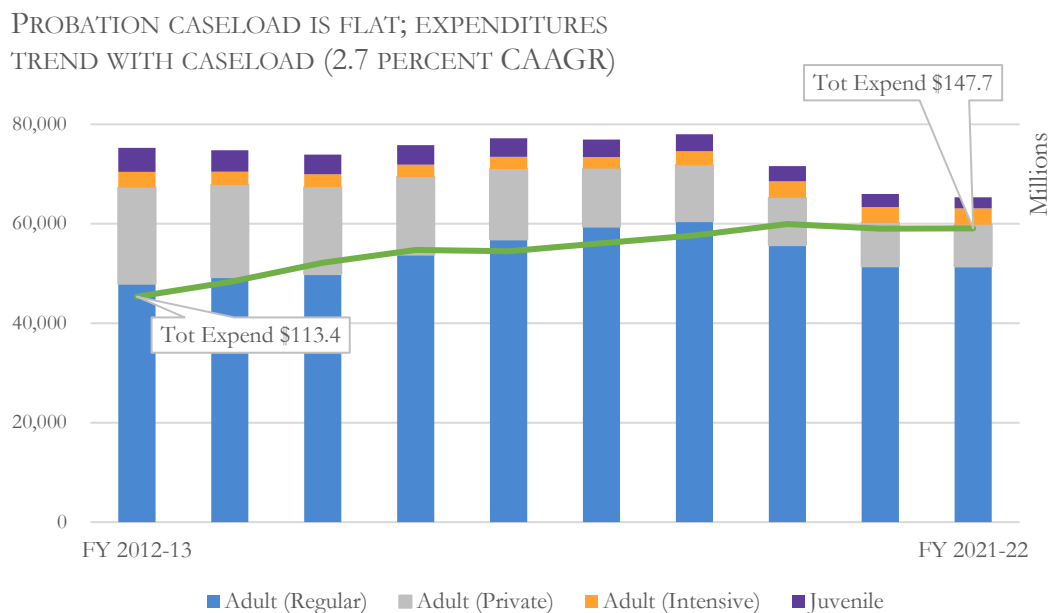
COURTS DIVISIONS FTE TRENDS ARE GENERALLY FLAT; FTE INCREASED AT A 1.2 PERCENT AVERAGE ANNUAL GROWTH RATE



## 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.

Unlike the Courts' recent experience, Probation does appear to exhibit a caseload-cost correlation. The following chart outlines probation caseload and Probation Division total appropriations for the 10-year period through FY 2021-22.



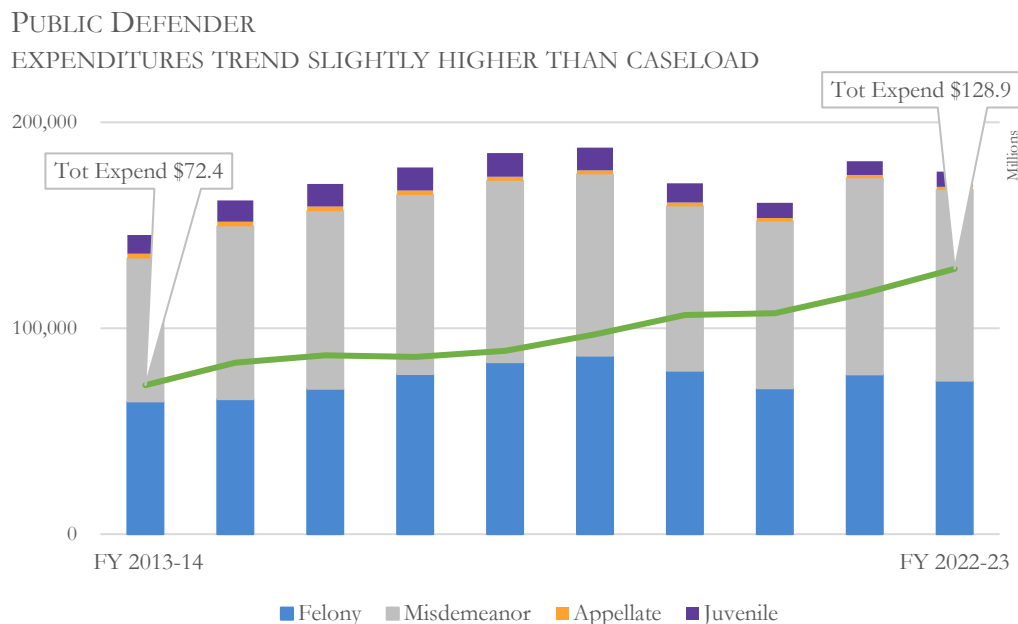
Total expenditures increase at a 2.7 percent CAAGR over the prior 10-year period. Consistent with the Courts caseload experience, most of the decrease in caseload occurred over the pandemic period of the last three fiscal years shown in the chart. While total expenditures are flat over the pandemic period it is anticipated that caseload will increase in the post-pandemic period. Additionally, criminal justice policies that reduce sentencing to corrections also have the effect of increasing probation caseload as well as generating a probation caseload that includes more complex and higher oversight probationers. While caseload may not increase significantly in coming years, it is anticipated that workload (for that caseload), associated with the management of higher oversight probationers, will increase, which may increase costs in the probation system.

## CASELOAD IMPACTS UNIQUE TO INDEPENDENT AGENCIES

Unlike the Courts' experience, but like Probation, the independent agencies that provide legal representation reflect a traditional correlation between caseload and expenditures.

### 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 2022-23.



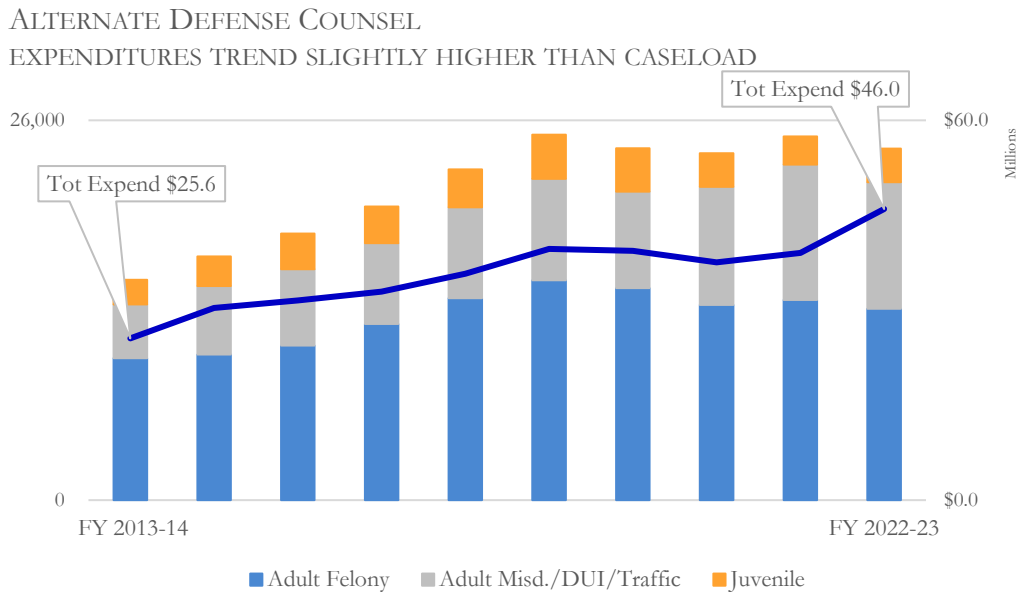
As illustrated in the chart, expenditures trend slightly higher than caseload over the last five years. Additionally, caseload shows a decline over the early pandemic period, although caseloads were trending higher in the years prior to the pandemic. The OSPD responded to that increasing caseload through attorney staffing increases in the years just prior to the pandemic. Similarly, this year's request includes a request for additional attorneys.

In recent years, the OSPD shifted its staffing model to the use of more paralegals and dedicated discovery clerks related to better managing the proliferation of digital evidence. Nevertheless, due to the following factors related to the evolution of criminal justice systems, the OSPD is requesting additional attorneys. The OSPD cites: (1) the significant increase in the amount and complexity of discovery; (2) an increase in the number of courtrooms that must be staffed, related to specialty court dockets; (3) the increase in clients experiencing significant mental illness; and (4) the additional work involved in representing children charged as adults, which caseload has increased. Although caseloads show a slight decline in FY 2022-23, it is anticipated that caseloads will increase in the years that follow.

The OSPD caseload compound average annual growth rate (CAAGR) over 10 years is 3.7 percent. The average cost per case increased from \$498 in FY 2013-14 to \$732 in FY 2022-23; a CAAGR of 4.0 percent.

## 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 another defendant. The following chart outlines OADC caseload and expenditures through FY 2022-23.



As illustrated in the chart, expenditures trend slightly higher than caseload, particularly in the most recent year. Caseload shows a slight decline in the early pandemic period, although caseloads were trending higher in the years prior to the pandemic. It is anticipated that caseloads will increase in the post-pandemic period.

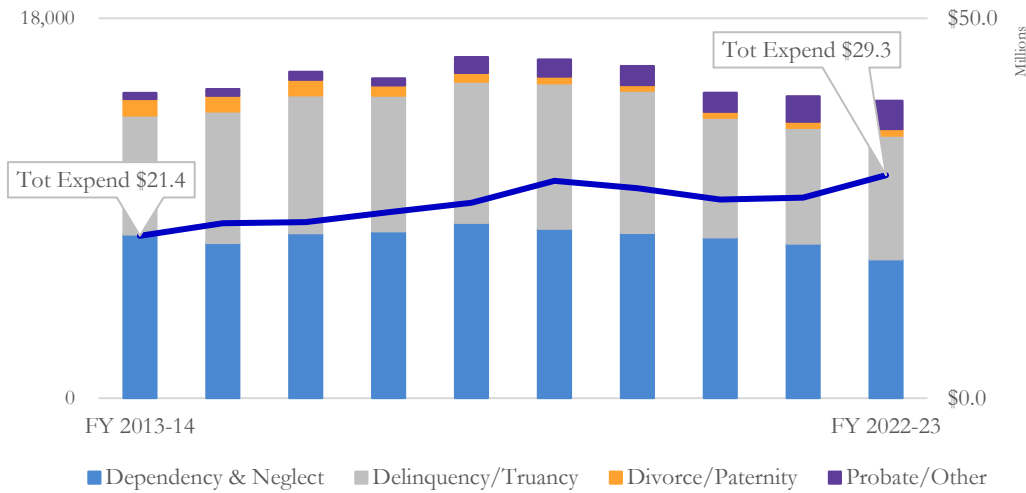
The OADC caseload compound average annual growth rate (CAAGR) over 10 years is 4.8 percent. The average cost per case increased from \$1,694 in FY 2013-14 to \$1,911 in FY 2022-23; a CAAGR of 1.2 percent.

## OFFICE OF THE CHILD'S REPRESENTATIVE

The *Office of the Child's Representative (OCR)* oversees the provision of legal representation to children and youth involved in the court system, primarily related to the child welfare system. Courts also 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 contract attorneys statewide and staff attorneys unique to its El Paso county office.

The following chart outlines OCR caseload and appropriations through FY 2022-23.

### CHILD'S REPRESENTATIVE EXPENDITURES TREND SLIGHTLY HIGHER THAN CASELOAD



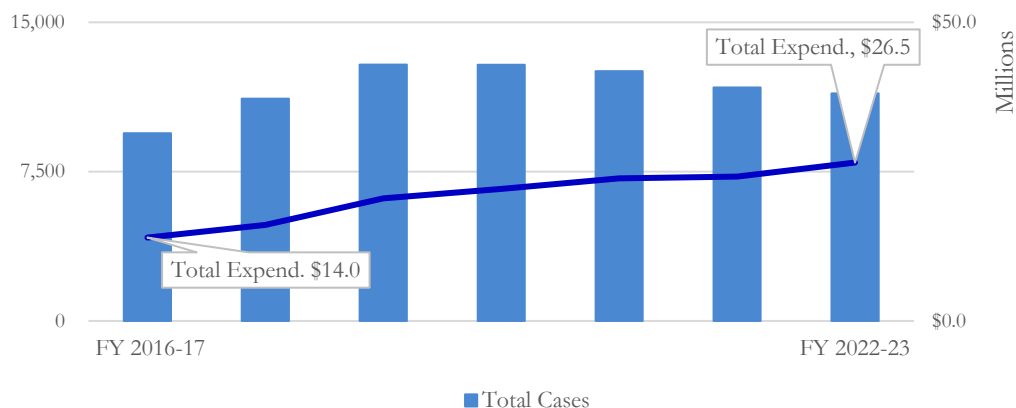
As illustrated in the chart, expenditures trend slightly higher than caseload. Caseload is generally stable from beginning to end over this 10-year period, with caseload peaking at just over 16,000 in the years prior to the pandemic.

The OCR caseload compound average annual growth rate (CAAGR) over 10 years is functionally zero (minus 0.3 percent) over this period. The average cost per case increased from \$1,477 in FY 2013-14 to \$2,081 in FY 2022-23; a CAAGR of 3.5 percent.

### OFFICE OF THE RESPONDENT PARENTS' COUNSEL

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 following chart outlines ORPC caseload and total agency expenditures for the seven years of its experience.

### RESPONDENT PARENTS' COUNSEL EXPENDITURES TREND SLIGHTLY HIGHER THAN CASELOAD





Expenditures increased significantly over the first three years as this new agency was initiating its organizational "stand-up" process. Since the third year, FY 2018-19, expenditures have increased at a compound average annual growth rate of 5.3 percent. Average cost per case has increased from \$1,594 in FY 2018-19 to \$2,320 in FY 2022-23, representing a 7.8 percent compound average annual growth rate.

## INCREASED COMPLEXITY AND TARGETED RESOLUTION

Historically, prior to the last 10-20 years, increasing caseloads generated increasing costs for the judicial system overall. However, over at least as far back as the period illustrated in the charts, the Judicial Branch, as illustrated by the Courts, has experienced a fairly steady, nominal increase in staff and cost, with an almost flat caseload. This suggests that current generation fiscal drivers in the Judicial Department are tied to:

- modest, inflationary increases to support core or baseline staff and a modest increase in central administrative staff for increased central oversight of contract, purchasing, and related fiscal oversight processes and controls;
- a modest increase in information technology (IT) staff for the adoption of increased and more complex IT systems, including the rapidly increased adoption and use of audio visual (AV) technology during the pandemic period; and
- a modest increase in program staff for the adoption of court systems and processes that better address behavioral and mental health, and discrete, targeted populations involved in the criminal justice system that may benefit from alternative adjudication processes, and a greater emphasis on improved outcomes for participants and communities.

The judicial system is a more complex system addressing more complex problems with more qualitative refinement and increased attention to participant and community outcomes. Given the stasis of caseloads and only a modest increase in staffing, the Courts' move away from the uniform production of standard "justice widgets" appears to generate cost savings system-wide.

While the independent agencies that provide legal services exhibit caseload and cost correlations, those standard, input-output impacts also appear to increase the efficiency of the judicial system broadly. While the ongoing proliferation of smaller, "independent agencies" may be experienced as generating an unwieldy budget structure, this "independent" or "sovereign" organizational structure and system provides distinct and tightly mission-focused organizations, built on discrete, statutorily-defined purposes, to further address targeted judicial system improvements.

Over the 10-year period illustrated in the charts, the Judicial Branch has moved – both from internal change and from legislation and specified program funding – to increasingly data-driven and problem- or issue-specific programs and adjudication processes. These structural system changes for targeted resolution of broadly experienced social problems – that also adversely affect the use of resources in the judicial system – appear to forestall the historical experience of an expanding use of the traditional criminal justice and judicial systems.

# COURTS AND PROBATION SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – COURTS AND PROBATION (IN REQUEST ORDER)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	710,696,774	467,548,115	189,918,894	48,804,765	4,425,000	4,095.1
Other legislation	(124,708)	(483,508)	358,800	0	0	(1.6)
<b>TOTAL</b>	<b>\$710,572,066</b>	<b>\$467,064,607</b>	<b>\$190,277,694</b>	<b>\$48,804,765</b>	<b>\$4,425,000</b>	<b>4,093.5</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$710,572,066	467,064,607	\$190,277,694	\$48,804,765	\$4,425,000	4,093.5
C&P R2 Judicial Case Management System – IT Capital	10,560,000	6,560,000	4,000,000	0	0	0.0
C&P R2 Judicial Case Management System – operating	1,242,235	1,242,235	0	0	0	9.0
Subtotal – C&P R2	11,802,235	7,802,235	4,000,000	0	0	9.0
C&P R3 Judicial District Administrative Staff	1,716,351	1,716,351	0	0	0	17.8
C&P R4 Probation Resources	788,572	788,572	0	0	0	7.0
C&P R5 Court Resources	2,754,768	2,754,768	0	0	0	28.0
C&P R6 Courthouse and Probation Security	2,000,000	2,000,000	0	0	0	0.0
C&P R7 Ralph L Carr Judicial Center	5,756,717	8,009,497	(964,242)	(1,288,538)	0	0.0
C&P R8 Digital Accessibility (HB21-1110 compliance)	2,062,719	812,719	1,250,000	0	0	6.0
C&P R9 SCAO Staffing	1,347,622	1,347,622	0	0	0	11.0
C&P R10 Office of Judicial Performance Evaluation	167,383	0	167,383	0	0	1.0
C&P R11 IT Services Infrastructure and Maintenance	1,811,547	486,547	1,325,000	0	0	5.0
C&P R12 Leadership Development	500,000	500,000	0	0	0	0.0
C&P R13 County Courthouse Infrastructure	145,000	145,000	0	0	0	0.0
C&P R14 Technical and Operational Adjustments	580,148	230,148	350,000	0	0	0.0
C&P R15 Pass-through Requests	4,354,033	294,651	8,000	4,051,382	0	0.0
C&P R16 Informational Appropriation Adjustment	653,157	0	653,157	0	0	0.0
C&P NP3 DPA Central Services Omnibus Request	1,763,854	1,763,854	0	0	0	0.0
Centrally appropriated line items	37,013,391	33,567,404	3,534,227	(88,240)	0	0.0
Annualize prior year actions	(1,546,373)	572,931	(2,241,481)	122,177	0	13.7
<b>TOTAL</b>	<b>\$784,243,190</b>	<b>\$529,856,906</b>	<b>\$198,359,738</b>	<b>\$51,601,546</b>	<b>\$4,425,000</b>	<b>4,192.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$73,671,124</b>	<b>\$62,792,299</b>	<b>\$8,082,044</b>	<b>\$2,796,781</b>	<b>\$0</b>	<b>98.5</b>
Percentage Change	10.4%	13.4%	4.2%	5.7%	0.0%	2.4%

JUDICIAL DEPARTMENT – COURTS AND PROBATION (GROUPED BY CATEGORY)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	710,696,774	467,548,115	189,918,894	48,804,765	4,425,000	4,095.1
Other legislation	(124,708)	(483,508)	358,800	0	0	(1.6)
<b>TOTAL</b>	<b>\$710,572,066</b>	<b>\$467,064,607</b>	<b>\$190,277,694</b>	<b>\$48,804,765</b>	<b>\$4,425,000</b>	<b>4,093.5</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$710,572,066	467,064,607	\$190,277,694	\$48,804,765	\$4,425,000	4,093.5
IT-related						
C&P R2 Judicial Case Management System – IT Capital	10,560,000	6,560,000	4,000,000	0	0	0.0
C&P R2 Judicial Case Management System – operating	1,242,235	1,242,235	0	0	0	9.0
C&P R8 Digital Accessibility (HB21-1110 compliance)	2,062,719	812,719	1,250,000	0	0	6.0

JUDICIAL DEPARTMENT – COURTS AND PROBATION (GROUPED BY CATEGORY)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
C&P R11 IT Services Infrastructure and Maintenance	1,811,547	486,547	1,325,000	0	0	5.0
Subtotal – IT-related	15,676,501	9,101,501	6,575,000	0	0	20.0
		1.9%				
Staff and staff-related						
C&P R3 Judicial District Administrative Staff	1,716,351	1,716,351	0	0	0	17.8
C&P R4 Probation Resources	788,572	788,572	0	0	0	7.0
C&P R5 Court Resources	2,754,768	2,754,768	0	0	0	28.0
C&P R9 SCAO Staffing	1,347,622	1,347,622	0	0	0	11.0
C&P R12 Leadership Development	500,000	500,000	0	0	0	0.0
Subtotal – Staff and staff-related	7,107,313	7,107,313	0	0	0	63.8
		1.5%				
Building and Infrastructure						
C&P R6 Courthouse and Probation Security	2,000,000	2,000,000	0	0	0	0.0
C&P R7 Ralph L Carr Judicial Center	5,756,717	8,009,497	(964,242)	(1,288,538)	0	0.0
C&P R13 County Courthouse Infrastructure	145,000	145,000	0	0	0	0.0
Subtotal – Building and Infrastructure	7,901,717	10,154,497	(964,242)	(1,288,538)	0	0
		2.2%				
Other						
C&P R10 Office of Judicial Performance Evaluation	167,383	0	167,383	0	0	1.0
C&P R14 Technical and Operational Adjustments	580,148	230,148	350,000	0	0	0.0
C&P R15 Pass-through Requests	4,354,033	294,651	8,000	4,051,382	0	0.0
C&P R16 Informational Appropriation Adjustment	653,157	0	653,157	0	0	0.0
Subtotal – Other	5,754,721	524,799	1,178,540	4,051,382	0	1.0
		0.1%				
Centrally appropriated						
C&P NP3 DPA Central Services Omnibus Request	1,763,854	1,763,854	0	0	0	0.0
Centrally appropriated line items	37,013,391	33,567,404	3,534,227	(88,240)	0	0.0
Subtotal – Centrally appropriated	38,777,245	35,331,258	3,534,227	(88,240)	0	0.0
		7.6%				
Annualize prior year actions	(1,546,373)	572,931	(2,241,481)	122,177	0	13.7
<b>TOTAL</b>	<b>\$784,243,190</b>	<b>\$529,856,906</b>	<b>\$198,359,738</b>	<b>\$51,601,546</b>	<b>\$4,425,000</b>	<b>4,192.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$73,671,124</b>	<b>\$62,792,299</b>	<b>\$8,082,044</b>	<b>\$2,796,781</b>	<b>\$0</b>	<b>98.5</b>
Percentage Change	10.4%	13.4%	4.2%	5.7%	0.0%	2.4%

Percentages in General Fund column under Subtotal rows reflect percentage increase over the FY 2023-24 General Fund appropriation.

The Chief Justice reviews requests for the courts and probation that are not reviewed or approved by OSPB, although the common policy components align with OSPB and executive branch requests.

**REQUEST OVERVIEW:** The Courts and Probation request includes an increase of \$62.8 million General Fund representing a 13.4 percent increase. However, Centrally Appropriated Line Items – common policies determined by the Governor's Request – including the NP3 DPA Central Services Omnibus Request, represents 7.6 percent of the 13.4 percent increase. Additionally, the IT Capital portion of the R2 request represents 1.4 percent of the 13.4 percent identified increase. **The Courts and Probation discretionary budget requests represent a 5.8 percent increase over the FY 2023-24 appropriation. Excluding the IT Capital portion of the R2 request, operating budget requests represent a 4.4 percent increase over the FY 2023-24 appropriation.**

**C&P R1 COMPENSATION RENOVATION AND STEP PLAN (COMP PLAN MAINTENANCE):** This item is not reflected in the table above as the fiscal impact is included in the compensation common policy portion of the request (within centrally appropriated line items). The R1 narrative describes the Courts and Probation compensation request includes the 3.0 percent across-the-board salary increase,

pay band adjustment for all Courts and Probation employees, and updates to the compensation plan. Updates are based on: (1) an evaluation and, if necessary, modification to position descriptions for approximately 80 percent of job classes; (2) an evaluation of pay ranges for all job classes not previously evaluated; (3) an evaluation of pay grades in comparison to market; and (4) the implementation of a step plan system.

As noted in the General Factors section, the Courts and Probation step plan system generates an adjustment equal to a 4.3 percent increase on total salary base and a 4.2 percent increase on General Fund salary base. This compares to the executive branch statewide step plan system that generates an adjustment equal to a 4.9 percent increase on total salary base and a 5.2 percent increase on General Fund salary base.

**C&P R2 JUDICIAL CASE MANAGEMENT SYSTEM:** The request includes an increase of \$11.8 million total fund, including \$7.8 million General Fund and \$4.0 million cash funds from the Judicial IT Cash Fund, and 9.0 FTE for the development of a new state courts and probation case management system (CMS). The request annualizes to \$26.7 million total funds, including \$21.5 million General Fund and \$5.2 million cash funds, and 9.0 FTE for FY 2025-26. This request includes an IT capital component totaling \$10.6 million, including \$6.6 million General Fund and \$4.0 million cash funds, for FY 2024-25 and \$20.2 million General Fund for FY 2025-26, for which three-year spending authority is requested. The operating component totals \$1.2 million General Fund and 9.0 FTE for FY 2024-25 and totals \$1.3 million General Fund and 9.0 FTE for FY 2025-26 and ongoing. Additionally, annual CMS maintenance totals \$5.2 million cash funds from the Judicial IT Cash Fund for FY 2025-26 and ongoing.

**C&P R3 JUDICIAL DISTRICT ADMINISTRATIVE STAFF:** The request includes an increase of \$1.7 million General Fund and 17.8 FTE for judicial district staff including 11.8 FTE for probation administrative staff positions and 6.0 FTE for district court administrative staff positions.

**C&P R4 PROBATION RESOURCES:** The request includes an increase of \$789,000 General Fund and 7.0 FTE for probation program staff, including 3.0 FTE for statewide training staff for the Probation Development Unit and 4.0 probation officer FTE for two understaffed judicial district probation offices.

**C&P R5 COURT RESOURCES:** The request includes an increase of \$2.8 million General Fund and 28.0 FTE for staff positions that include: (1) 3.0 FTE family court facilitators and 2.0 FTE self-represented litigant coordinators to be allocated for the 23 judicial district trial courts statewide; (2) 3.0 FTE staff attorneys and 1.0 FTE deputy chief staff attorney for the Court of Appeals to achieve more timely resolution of child welfare dependency and neglect cases; (3) 14.0 FTE judicial district peer training specialists for statewide trial court clerk training due to recent high turnover of court staff; (4) 4.0 FTE for the office of language access, including 3.0 FTE court interpreters to be allocated for trial courts statewide and 1.0 FTE court program analyst to support judicial districts identify, recruit, and contract "languages other than Spanish" (LOTS) and rare language interpreters; and (5) 1.0 FTE staff assistant for the Courts Services Division at the State Court Administrator's Office (SCAO) which currently includes 1.0 FTE staff assistant supporting 60 team members in four units – Criminal Justice Programs, Judicial Access and Inclusion, Family Programs, and Court Operations, Research, and Education.

**C&P R6 COURTHOUSE AND PROBATION SECURITY:** The request includes an increase of \$2.0 million General Fund to increase the number of grant awards made to counties for the purpose of ensuring security at courthouses and satellite probation offices.

**C&P R7 RALPH L CARR JUDICIAL CENTER:** The request includes a FY 2023-24 supplemental adjustment, a FY 2024-25 budget year adjustment, and a FY 2025-26 and ongoing annualization adjustment, for budget structure and funding structure adjustments for more sustainable support of the operations, controlled maintenance, and financing payments for the Ralph L Carr Judicial Center building.

- For FY 2023-24, the supplemental request includes a one-year increase of \$1.2 million total funds, including an increase of \$4.8 million General Fund and decreases of \$3.2 million cash funds from the Justice Center Cash Fund and \$400,000 reappropriated funds, also from the Justice Center Cash Fund.
- For FY 2024-25, the budget year request includes an increase from the current FY 2023-24 appropriation of \$5.8 million total funds, including an increase of \$8.0 million General Fund and decreases of \$1.0 million cash funds and \$1.3 million reappropriated funds from the Justice Center Cash Fund.
- For FY 2025-26, the out-year and ongoing annualization includes an additional increase of \$2.1 million total funds, including an additional increase of \$4.0 million General Fund and an additional decrease of \$1.9 million cash funds.

**The Courts and Probation also request JBC legislation** to repeal the Justice Center Maintenance Fund (JCMF) and its intended mechanism for building a cash fund reserve for controlled maintenance. Instead of the JCMF structure and mechanism, the Courts and Probation request direct appropriations to a new line item for controlled maintenance called, Justice Center Controlled Maintenance and Capital Renewal, and the elimination of the Justice Center Maintenance Fund Expenditures line item. A JCMF-related line item, Appropriation to the Justice Center Maintenance Fund, has not been used since its first and only appropriation in FY 2019-20. Please see the issue brief in this document for more information.

**C&P R8 DIGITAL ACCESSIBILITY (HB21-1110 COMPLIANCE):** The request includes an increase of \$2.1 million total funds, including \$813,000 General Fund and \$1.3 million cash funds from the Judicial IT Cash Fund and 6.0 FTE to implement an ongoing, sustainable digital accessibility program for compliance with H.B. 21-1110 (Colorado Laws for Persons with Disabilities). This request annualizes to \$1.1 million total funds, including \$841,000 General Fund and \$250,000 cash funds.

**C&P R9 SCAO STAFFING:** The request includes an increase of \$1.3 million General Fund and 11.0 FTE for State Court Administrator's Office staffing, including 3.0 FTE for the Division of Administrative Services (DAS), 3.0 FTE for the Division of Human Resources (DHR), and 5.0 FTE for the Division of Financial Services (DFS). The DAS (formerly the Executive Division led directly by the State Court Administrator) consists of Governmental Outreach, Communications, Facility Services, Judicial Security, and Judicial Officer Training and Development. The DAS positions requested include a Chief Communications Officer, a Legislative Policy Analyst, and an Administrative Assistant. The DHR consists of Employee Services, Career Services, Payroll, Compensation, and Workplace Culture. The DHR positions requested include a Benefits Analyst and two Payroll Analysts; current payroll staff includes one Payroll Supervisor and three Payroll Analysts for an agency with over 4,000 FTE. The DFS consists of Audit, Accounting, Budget, Collections and Restitution

Services, Contracts Management, and Procurement. The DFS positions requested include three Accountants and two Purchasing Agent positions for Procurement.

**C&P R10 OFFICE OF JUDICIAL PERFORMANCE EVALUATION:** The request includes an increase of \$167,000 cash funds from the State Commission on Judicial Performance Cash Fund and 1.0 FTE for a Staff Development Administrator. The Courts also request that the JBC sponsor legislation to designate the Office of Judicial Performance (OJP) an independent agency and move administrative support functions to the Office of Administrative Services for Independent Agencies (ASIA) for FY 2024-25. The OJP currently includes a staff of 2.0 FTE, including an Executive Director and an Administrative Specialist. The OJP is governed by a state commission which appoints the Executive Director. The OJP serves 241 Judicial Performance Commissioners statewide in the 23 judicial districts. The cash fund earns revenue from statutorily-defined docket fees; for FY 2022-23 revenue totaled \$489,000 and cash-funded program expenses totaled \$365,000. For FY 2023-24, the OJP is appropriated \$863,422 total funds, including \$214,500 General Fund and \$648,933 cash funds.

**C&P R11 IT SERVICES INFRASTRUCTURE AND MAINTENANCE:** The request includes an increase of \$1.8 million total funds, including \$487,000 General Fund and \$1.3 million cash funds from the Judicial IT Cash Fund, and 5.0 FTE for the Information Technology Services (ITS) Division that supports the 23 judicial districts statewide and the SCAO. The ITS currently includes 132.5 FTE; the new requested positions include a Web Administrator, a Customer Support Technician, and 3.0 FTE of IT Support Technicians to be allocated statewide for regional and judicial district support, including one that will be assigned to the new 23<sup>rd</sup> Judicial District.

**C&P R12 LEADERSHIP DEVELOPMENT:** The request includes an increase of \$500,000 General Fund for FY 2024-25 and \$700,000 General Fund ongoing to implement an updated leadership development program, including internal costs for implementation and estimated costs for a contracted vendor to deliver the training.

**C&P R13 COUNTY COURTHOUSE INFRASTRUCTURE:** This annual, one-time funding, capital project-related request includes an increase of \$145,000 General Fund for one project: a new county courtroom in the 3<sup>rd</sup> Judicial District in Las Animas County. This request includes continuation of two-year spending authority for this line item appropriation.

**C&P R14 TECHNICAL AND OPERATIONAL ADJUSTMENTS:** The request includes an increase of \$592,000 total funds, including \$242,000 General Fund and \$350,000 cash funds for four items: (1) \$225,000 General Fund to pay for employee professional license and certificate renewal fees that include judicial officers, attorneys, interpreters, security, IT professionals, and building engineers; (2) \$16,700 General Fund for four additional fleet vehicles which is anticipated to offset and reduce the cost of paying employees mileage for the use of their personal vehicles; (3) an increase of \$350,000 cash funds spending authority for the federal funds and other grants line item; and (4) a budget-neutral restructure for the Judicial Security Office line item that moves the appropriation from the Administration and Technology subdivision to the Centrally Administered Programs subdivision.

**C&P R15 PASS-THROUGH REQUESTS:** The request includes an increase of \$4.4 million total funds, including an increase of \$295,000 General Fund. The General Fund portion includes \$110,000 for District Attorney Mandated Costs and \$185,000 for modifications to the ACTION (case management system) and Statewide eDiscovery Sharing System. The reappropriated and cash funds increases

totaling \$4,059,000, from the Correctional Treatment Cash Fund, reflect the annual budget request from the Correctional Treatment Board.

**C&P R16 INFORMATIONAL APPROPRIATIONS ADJUSTMENT:** The request includes an informational appropriation increase of \$653,000 cash funds from attorney registration fees for the Office of Attorney Regulation Counsel. The Supreme Court has constitutional responsibility and authority for attorney regulation, therefore this appropriation is included for informational purposes only.

**C&P NP3 DPA CENTRAL SERVICES OMNIBUS REQUEST:** This item is a request from the Department of Personnel related to a significant expansion of direct billing for statewide operating common policies. Due to the scale of this non-prioritized (budget impact from another agency) item, staff has chosen to reflect this item independently of centrally appropriated line items, where it will end up being reflected if approved.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$37.0 million total funds, including \$33.6 million General Fund, for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FTE
Salary survey	\$26,454,538	\$24,044,214	\$2,410,324	\$0	0.0
PERA Direct Distribution	5,951,959	5,360,250	591,709	0	0.0
Health, life, and dental	3,011,012	2,742,322	268,690	0	0.0
AED/SAED	1,997,634	1,688,254	309,380	0	0.0
Paid Family and Medical Leave Insurance	1,508,095	1,390,820	117,275	0	0.0
Legal services	402,645	402,645	0	0	0.0
CORE Operating Resources	76,840	76,840	0	0	0.0
Short-term disability	36,270	31,533	4,737	0	0.0
Vehicle lease payments	6,217	6,217	0	0	0.0
CORE adjustment	(948,207)	(948,207)	0	0	0.0
Payments to OIT	(831,499)	(831,499)	0	0	0.0
Risk management & property adjustment	(381,903)	(381,903)	0	0	0.0
Indirect cost assessment	(167,888)	88,240	(167,888)	(88,240)	0.0
Workers' compensation	(90,346)	(90,346)	0	0	0.0
DPS Digital trunk radio	(11,976)	(11,976)	0	0	0.0
<b>TOTAL</b>	<b>\$37,013,391</b>	<b>\$33,567,404</b>	<b>\$3,534,227</b>	<b>(\$88,240)</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net decrease of \$1.5 million total funds, including a net increase of \$573,000 General Fund, to reflect the FY 2024-25 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FTE
SB23-230 County Assist 23rd Jud Dist	\$3,331,400	\$3,331,400	\$0	\$0	0.0
HB20-1026 Create 23rd Jud Dist	857,562	857,562	0	0	12.1
C&P FY24 R7 Data Analyst Staff	260,028	11,638	248,390	0	0.0
C&P Carr Building Lease Adjust	186,284	64,107	0	122,177	0.0
SB23-173 CO Child Support Comm Recs	163,635	163,635	0	0	1.0
SB23-075 Delete Child Name Crim Just Records	62,126	62,126	0	0	1.8
C&P FY24 JUD CB1 Court Reprtr Page Rate Incr	29,449	29,449	0	0	0.0

ANNUALIZE PRIOR YEAR ACTIONS					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FTE
HB23-1293 Felony Sentence Comm Recs	27,257	27,257	0	0	0.4
C&P FY24 R2 HR Staff	25,846	25,846	0	0	0.0
C&P FY24 R5 Contract Mgt and Purchasing Staff	24,117	455,780	(431,663)	0	0.0
C&P FY24 R4 Jud Security and Grant Restoration	16,837	16,837	0	0	0.0
HB23-1135 Penalty Indecent Expos Minors	15,969	15,969	0	0	0.3
C&P FY24 R6 Court Services Training Staff	15,416	15,416	0	0	0.0
SB23-172 Protect Opps Workers Rights Act	14,788	14,788	0	0	(0.5)
SB23-039 Reduce Child Incarc Parent Separation	10,396	10,396	0	0	0.2
C&P FY24 R11/BA5 County Courthouse Infrastr	(2,270,024)	(2,270,024)	0	0	0.0
C&P FY23 R3 IT Infrastructure	(1,442,271)	0	(1,442,271)	0	0.0
SB22-099 Sealing Crim Records	(932,779)	(932,779)	0	0	(2.5)
HB21-1214 Record Sealing Collateral Consequence	(345,453)	(345,453)	0	0	0.0
HB23-1186 Remote Particip Res Evictions	(326,788)	32,012	(358,800)	0	0.7
C&P FY24 BA1 Workplace Culture	(325,000)	(325,000)	0	0	0.0
C&P FY24 BA3 ADA IT Compliance (HB21-1110)	(250,000)	0	(250,000)	0	0.0
SB23-054 Missing Murdered Indig Relatives Off	(170,601)	(170,601)	0	0	0.0
HB23-1132 Court Data-share Task Force	(115,440)	(115,440)	0	0	0.0
HB23-1205 Office of Judicial Ombudsman	(100,453)	(100,453)	0	0	0.0
SB23-228 ASIA Office	(100,453)	(100,453)	0	0	0.0
SB23-229 SW Beh Health Court Liaison	(100,453)	(100,453)	0	0	0.0
HB23-1120 Eviction Protect Resid Tenants	(77,469)	(77,469)	0	0	0.1
SB23-170 Extreme Risk Protect Order Petitions	(20,205)	(20,205)	0	0	0.1
C&P FY24 R8 Jud Education Staff	(7,137)	0	(7,137)	0	0.0
SB23-164 Sunset Process Sex Offend Mgt Board	(2,957)	(2,957)	0	0	0.0
<b>TOTAL</b>	<b>(\$1,546,373)</b>	<b>\$572,931</b>	<b>(\$2,241,481)</b>	<b>\$122,177</b>	<b>13.7</b>



# JUDICIAL INDEPENDENT AGENCIES SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES WITH REQUEST ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	293,930,324	283,583,306	1,988,895	8,358,123	0	1,227.5
Other legislation	6,440,842	6,440,842	0	0	0	36.5
<b>TOTAL</b>	<b>\$300,371,166</b>	<b>\$290,024,148</b>	<b>\$1,988,895</b>	<b>\$8,358,123</b>	<b>\$0</b>	<b>1,264.0</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$300,371,166	290,024,148	\$1,988,895	\$8,358,123	\$0	1,264.0
OSPD R1 Attorney FTE	14,688,342	14,688,342	0	0	0	128.0
OSPD R2 Social Workers and Client Advocates	2,945,761	2,945,761	0	0	0	27.6
OSPD R3 Digital Discovery	294,569	294,569	0	0	0	1.0
Subtotal - OSPD	\$17,928,672	\$17,928,672	\$0	\$0	\$0	156.6
OADC R1 Non-attorney Contractor Rate Increase	549,708	549,708	0	0	0	0.0
OADC R2 Contractor Process Coordinator	141,986	141,986	0	0	0	0.9
OADC R3 Operating and Training Increases	162,000	162,000	0	0	0	0.0
OADC R4 Comp Plan Maintenance	622,304	622,304	0	0	0	0.0
OADC R5 Fellowship Salary Range Alignments	0	0	0	0	0	0.0
OADC R6 Attorney Fellows	0	0	0	0	0	1.8
Subtotal - OADC	\$1,475,998	\$1,475,998	\$0	\$0	\$0	2.7
OCR R1 Caseload Adjustment	913,269	913,269	0	0	0	0.0
OCR R2 Training Assistant	124,812	0	0	124,812	0	1.0
OCR R3 Comp Plan Maintenance	532,042	422,148	0	109,894	0	0.0
OCR R4 Non-attorney Contractor Rate Increase	134,370	121,626	0	12,744	0	0.0
Subtotal - OCR	\$1,704,493	\$1,457,043	\$0	\$247,450	\$0	1.0
ORPC R1 Agency Staffing	0	0	0	0	0	3.0
ORPC R2 Comp Plan Maintenance	510,803	473,206	0	37,597	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	3.0
ORPC R4 Non-attorney Contractor Rate Increase	214,793	211,034	0	3,759	0	0.0
Subtotal - ORPC	\$725,596	\$684,240	\$0	\$41,356	\$0	6.0
OCPO R1 Data Analyst	118,880	118,880	0	0	0	1.0
OCPO R2 Senior Client Services Analyst	118,685	118,685	0	0	0	1.0
OCPO R3 Admin Office Specialist	100,181	100,181	0	0	0	1.0
OCPO R4 IT Upgrades and Support	31,300	31,300	0	0	0	0.0
OCPO R5 Staff Development and Training	50,000	50,000	0	0	0	0.0
OCPO R6 Communications	15,000	15,000	0	0	0	0.0
Subtotal - OCPO	\$434,046	\$434,046	\$0	\$0	\$0	3.0
IEC R1 HB21-1110 ADA compliance	\$50,000	\$50,000	\$0	\$0	\$0	0.0
OPG R1 Workforce Dev Mgr and Emp Wellness Prog	152,104	0	152,104	0	0	1.0
OPG R2 Staff Attorney	155,485	0	155,485	0	0	1.0
Subtotal – OPG	\$307,589	\$0	\$307,589	\$0	\$0	2.0
Subtotal – Centrally appropriated line items	13,986,931	13,924,515	42,258	20,158	0	0.0
Subtotal – Annualize prior year actions	12,393,470	12,382,481	0	10,989	0	72.8
<b>TOTAL</b>	<b>\$349,377,961</b>	<b>\$338,361,143</b>	<b>\$2,338,742</b>	<b>\$8,678,076</b>	<b>\$0</b>	<b>1,508.1</b>
<b>INCREASE/(DECREASE)</b>	<b>\$49,006,795</b>	<b>\$48,336,995</b>	<b>\$349,847</b>	<b>\$319,953</b>	<b>\$0</b>	<b>244.1</b>
Percentage Change	16.3%	16.7%	17.6%	3.8%	0.0%	19.3%

OSPD – Office of State Public Defender; OADC – Office of 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; CJD – Commission on Judicial Discipline; Bridges – Office of the Statewide Behavioral Health Court Liaison; ASIA – Office of Administrative Services for Independent Agencies; BRI – Bridges of Colorado; OJO – Office of Judicial Ombudsman.

The Judicial Independent Agencies submit independent budgets request that are neither reviewed nor approved by the Chief Justice or OSPB.

**REQUEST OVERVIEW:** The Independent Agencies' total requests include an increase of \$49.0 million total funds, including \$48.3 million General Fund representing a 16.7 percent General Fund increase.

The following three items account for 14.2 percent of the 16.7 percent General Fund increase:

- As identified above for the Courts, Centrally Appropriated Line Items – common policies determined by the Governor's Request – represents a 4.8 percent increase over the FY 2023-24 General Fund appropriation.
- Similarly, Annualize Prior Year Actions – annualizations of bills and budget actions – represents a 4.3 percent increase over the FY 2023-24 General Fund appropriation.
- Additionally, the OSPD R1 Attorney FTE request represents a 5.1 percent increase over the FY 2023-24 General Fund appropriation.

All other Independent Agency adjustments and requests represent a 2.5 percent increase over the FY 2023-24 General Fund appropriation.

# STATE PUBLIC DEFENDER SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – OSPD						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2023-24 APPROPRIATION:</b>						
SB 23-214 (Long Bill)	155,572,694	155,417,694	155,000	0	0	1,098.7
Other legislation	100,800	100,800	0	0	0	0.0
<b>TOTAL</b>	<b>\$155,673,494</b>	<b>\$155,518,494</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>	<b>1,098.7</b>
<b>FY 2024-25 REQUESTED APPROPRIATION:</b>						
FY 2023-24 Appropriation	\$155,673,494	155,518,494	\$155,000	\$0	\$0	1,098.7
OSPD R1 Attorney FTE	14,688,342	14,688,342	0	0	0	128.0
OSPD R2 Social Workers and Client Advocates	2,945,761	2,945,761	0	0	0	27.6
OSPD R3 Digital Discovery	294,569	294,569	0	0	0	1.0
Centrally appropriated line items	11,284,712	11,284,712	0	0	0	0.0
Annualize prior year actions	1,483,895	1,483,895	0	0	0	3.8
<b>TOTAL</b>	<b>\$186,370,773</b>	<b>\$186,215,773</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>	<b>1,259.1</b>
<b>INCREASE/(DECREASE)</b>	<b>\$30,697,279</b>	<b>\$30,697,279</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>160.4</b>
Percentage Change	19.7%	19.7%	0.0%	0.0%	0.0%	14.6%

**REQUEST OVERVIEW:** The OSPD request includes an increase of \$30.7 million General Fund representing a 19.7 percent increase. The following three items represent 18.6 percent of the 19.7 percent total requested adjustment:

- Consistent with the related point identified for the Courts and Probation, Centrally Appropriated Line Items – common policies determined by the Governor's Request represents 7.3 percent of the 19.7 percent increase. The centrally appropriated line items include the adjustments for compensation that include the OSPD's adoption of the step plan. As noted in the General Factors section, the OSPD step plan system generates an adjustment equal to a 3.3 percent increase on total and General Fund salary base. This compares to the executive branch statewide step plan system that generates an adjustment equal to a 4.9 percent increase on total salary base and a 5.2 percent increase on General Fund salary base.
- The OSPD R1 Attorney FTE request represents a 9.4 percent increase over the FY 2023-24 General Fund appropriation.
- The OSPD R2 Social Workers and Client Advocates request represents a 1.9 percent increase over the FY 2023-24 General Fund appropriation.

**OSPD R1 ATTORNEY FTE:** The request includes an increase of \$14.7 million General Fund and 128.0 FTE, including 70.0 Attorney I FTE, 23.3 Investigator I FTE, 11.7 Paralegal I FTE, 17.5 Administrative Assistant I FTE, and 5.5 Centralized Administrative Staff FTE. The OSPD identifies four categories of challenges and associated attorney needs for this request:

- (1) Discovery: The exponential increase in the amount and complexity of discovery to receive, organize, and review; the OSPD identifies a need for 180 attorneys, requests 40, and anticipates a future request for 50.
- (2) Additional courtrooms and specialty dockets: The number of courtrooms and specialty dockets where public defenders are required to appear; the OSPD identifies a need for 20 attorneys, requests 10, and anticipates a future request for 10.

- (3) Mental illness and competency crisis: The increase in clients experiencing mental illness and the delay for clients involved in the competency evaluation and restoration process; the OSPD identifies a need for 20 attorneys and requests 15.
- (4) Children charged as adults: increasing caseload and the increased workload involved in representing children charged as adults; the OSPD identifies a need for 10 attorneys, requests 5, and anticipates a future request for 5.

**OSPD R2 SOCIAL WORKERS AND CLIENT ADVOCATES:** The request includes an increase of \$2.9 million General Fund and 27.6 FTE for FY 2024-25 for additional social workers and client advocates to mitigate the circumstances of a client's criminal justice system involvement and provide community support services for clients living with mental illness and substance abuse disorders or who have committed poverty-related crimes. The request annualizes to \$3.3 million General Fund and 37.6 FTE for FY 2025-26 and ongoing. The request funds 11.0 FTE Licensed Social Workers, 5.0 FTE Client Advocates, and 1.6 FTE centralized support staff for FY 2024-25, and an additional 20.0 FTE Client Advocates beginning January 1, 2025 (six months).

**OSPD R3 DIGITAL DISCOVERY:** The request includes an increase of \$295,000 General Fund and 1.0 FTE for additional resource needs related to the FY2022-23 Public Defense in the Digital Age IT system and changing digital discovery requirements.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$11.3 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	\$7,208,135	\$7,208,135	\$0	\$0	\$0	0.0
PERA Direct Distribution	1,596,769	1,596,769	0	0	0	0.0
AED/SAED	864,862	864,862	0	0	0	0.0
Leased space	567,729	567,729	0	0	0	0.0
Health, life, and dental	543,822	543,822	0	0	0	0.0
Paid Family and Medical Leave Insurance	482,725	482,725	0	0	0	0.0
Vehicle lease payments	17,560	17,560	0	0	0	0.0
Short-term disability	3,110	3,110	0	0	0	0.0
<b>TOTAL</b>	<b>\$11,284,712</b>	<b>\$11,284,712</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$1.5 million General Fund, to reflect the FY 2024-25 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD FY24 R1/BA1 Comp Plan Maintenance	\$1,517,839	\$1,517,839	\$0	\$0	\$0	0.0
HB23-1012 Juvenile Competency to Proceed	19,200	19,200	0	0	0	0.0
OSPD FY24 R3 Central Support Staff	7,988	7,988	0	0	0	0.4
OSPD FY23 R1 Pub Def in Digital Age	1,711	1,711	0	0	0	0.2
OSPD FY23 R2 Paralegal Staff	(62,843)	(62,843)	0	0	0	3.2
<b>TOTAL</b>	<b>\$1,483,895</b>	<b>\$1,483,895</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>3.8</b>

## ALTERNATE DEFENSE COUNSEL SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – OADC						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	57,440,232	57,360,232	80,000	0	0	36.3
Other legislation	19,200	19,200	0	0	0	0.0
<b>TOTAL</b>	<b>\$57,459,432</b>	<b>\$57,379,432</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>	<b>36.3</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$57,459,432	57,379,432	\$80,000	\$0	\$0	36.3
OADC R1 Non-attorney Contractor Rate Increase	549,708	549,708	0	0	0	0.0
OADC R2 Contractor Process Coordinator	141,986	141,986	0	0	0	0.9
OADC R3 Operating and Training Increases	162,000	162,000	0	0	0	0.0
OADC R4 Comp Plan Maintenance	622,304	622,304	0	0	0	0.0
OADC R5 Fellowship Salary Range Alignments	0	0	0	0	0	0.0
OADC R6 Attorney Fellows	0	0	0	0	0	1.8
Centrally appropriated line items	313,496	313,496	0	0	0	0.0
Annualize prior year actions	1,692,868	1,692,868	0	0	0	1.7
<b>TOTAL</b>	<b>\$60,941,794</b>	<b>\$60,861,794</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>	<b>40.7</b>
<b>INCREASE/(DECREASE)</b>	<b>\$3,482,362</b>	<b>\$3,482,362</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>4.4</b>
Percentage Change	6.1%	6.1%	0.0%	0.0%	0.0%	12.1%

### REQUEST OVERVIEW:

- Almost half of the OADC General Fund increase is attributable to the annualization of S.B. 23-227 Contract Attorney Hourly Rate totaling \$1.7 million General Fund which represents a 3.0 percent increase over the FY 2023-24 General Fund appropriation for the OADC.
- The OADC's comp plan maintenance and salary survey total \$758,000 General Fund which represents a 1.3 percent increase over the FY 2023-24 General Fund appropriation for the OADC.
- The OADC R1 Non-attorney Contractor Rate Increase request represents a 1.0 percent increase over the FY 2023-24 General Fund appropriation for the OADC.

**OADC R1 NON-ATTORNEY CONTRACTOR RATE INCREASE:** The request includes an increase of \$550,000 General Fund for a 5.0 percent hourly rate increase for non-attorney contractors that include paralegals, investigators, and social workers. Although each is submitted separately by agency, this request is functionally a joint request with the OCR and the ORPC. A similar item requested in FY 2023-24 and not approved was submitted for an 18.0 percent hourly rate increase.

**OADC R2 CONTRACTOR PROCESS COORDINATOR:** The request includes an increase of \$142,000 General Fund and 0.9 FTE for a Contractor Process Coordinator. The request states that the position's intended responsibilities are currently handled by other staff members, although it does not specify which positions currently handle the tasks and responsibilities that would otherwise be assigned to this position.

**OADC R3 OPERATING AND TRAINING INCREASES:** The request includes an increase of \$162,000 General Fund, including \$82,000 for internal staff operating expenses that would provide \$2,000 per year per staff member for staff development opportunities and \$80,000 for the training line item that

funds contractor training opportunities. The current training appropriation totals \$100,000, including \$20,000 General Fund and \$80,000 cash funds. Currently, attorney contractors pay the OADC for training opportunities, which reflects the cash funds appropriation for this line item. The OADC states that this adjustment is requested to enable the OADC to offer increased zero-cost training opportunities to contractors as a way to reduce contractor cost and improve contractor retention. The OADC adds that this request might also be funded through a budget-neutral transfer from the conflict-of-interest contract line item.

**OADC R4 COMP PLAN MAINTENANCE:** The request includes an increase of \$622,000 General Fund identified as a placeholder request for a forthcoming budget amendment for compensation plan maintenance adjustments. The OADC, the OCR, and the ORPC jointly contracted with compensation consultant, Logic Compensation Group (LCG), to update all job classifications with a market analysis. The forthcoming plan is equivalent to compensation consultant plan adjustments included by the Courts and Probation over the last two years and the OSPD last year that similarly coincide with the collective bargaining agreement implemented in the executive branch for job class salary range adjustments last year. It is anticipated that the OADC, the OCR, and the ORPC along with the smaller independent agencies will adopt a step plan system in the next budget cycle consistent with either the Courts, the OSPD, or the executive branch systems. The budget impact of this request item will appear as an adjustment within the centrally appropriated line items for compensation adjustments (salary survey) in future staff documents and budget summary documents. The total identified compensation adjustments for this request and for the 3.0 percent across-the-board salary survey request reflect a 1.3 percent increase over FY 2023-24 General Fund appropriations for the OADC.

**OADC R5 FELLOWSHIP SALARY RANGE ALIGNMENTS:** The request includes a budget-neutral transfer of \$168,000 General Fund from the conflict-of-interest contracts line item to personal services for salary range adjustments for the OADC's post-conviction unit request from FY 2023-24. The OADC states that salary ranges were adjusted for the OSPD for FY 2023-24 for staff attorneys which were not equivalently included in the OADC's request from last year.

It is JBC staff's initial consideration that JBC staff did make adjustments consistently for equivalent salary appropriations in calculating recommendations in last year's figure setting that the OADC should have included in their annualizations but did not. It is JBC staff's initial consideration that this request is likely not necessary if the OADC were to accurately annualize the JBC staff recommendations from FY 2023-24 figure setting. JBC staff will clarify the OADC's need for this item at figure setting.

**OADC R6 ATTORNEY FELLOWS:** The request includes a budget-neutral adjustment from the conflict-of-interest contracts line item totaling \$268,000, and adding 1.8 FTE, to establish two additional attorney fellows for the Greater Colorado Fellowship program that identifies new and young attorneys in rural Colorado to serve as an OADC attorney with the intention of keeping these attorneys as contractors in rural areas of the state once the two-year fellowship is concluded.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$313,000 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	\$135,595	\$135,595	\$0	\$0	\$0	0.0
Health, life, and dental	131,038	131,038	0	0	0	0.0
AED/SAED	28,022	28,022	0	0	0	0.0
Paid Family and Medical Leave Insurance	18,536	18,536	0	0	0	0.0
Short-term disability	305	305	0	0	0	0.0
<b>TOTAL</b>	<b>\$313,496</b>	<b>\$313,496</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$1.7 million General Fund to reflect the FY 2024-25 impact of prior year bills and budget actions. The \$1.7 million General Fund increase for S.B. 23-227 Contract Attorney Hourly Rate reflects a 3.0 percent increase over the FY 2023-24 General Fund appropriation for the OADC. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB23-227 Contract Attorney Hourly Rate	\$1,719,623	\$1,719,623	\$0	\$0	\$0	0.0
OADC FY24 JUD CB1 Court Rptr Pg Rt Incr	54,000	54,000	0	0	0	0.0
OADC FY24 R2 Holistic Defense Coordinator	8,707	8,707	0	0	0	0.1
OADC FY24 R1 EDI/HR Coordinator	4,664	4,664	0	0	0	0.1
OADC FY24 R3 Post Conviction Unit	(66,702)	(66,702)	0	0	0	1.0
OADC FY24 R6 Social Worker Fellowship	(13,342)	(13,342)	0	0	0	0.2
OADC FY24 JUD CB3 Attorney Fellowships	(13,340)	(13,340)	0	0	0	0.2
OADC FY24 R4 Appointment Specialist	(742)	(742)	0	0	0	0.1
<b>TOTAL</b>	<b>\$1,692,868</b>	<b>\$1,692,868</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.7</b>

## CHILD'S REPRESENTATIVE SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – OCR						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2023-24 APPROPRIATION:</b>						
SB 23-214 (Long Bill)	38,477,505	35,963,672	0	2,513,833	0	38.0
Other legislation	463,000	463,000	0	0	0	0.0
<b>TOTAL</b>	<b>\$38,940,505</b>	<b>\$36,426,672</b>	<b>\$0</b>	<b>\$2,513,833</b>	<b>\$0</b>	<b>38.0</b>
<b>FY 2024-25 REQUESTED APPROPRIATION:</b>						
FY 2023-24 Appropriation	\$38,940,505	36,426,672	\$0	\$2,513,833	\$0	38.0
OCR R1 Caseload Adjustment	913,269	913,269	0	0	0	0.0
OCR R2 Training Assistant	124,812	0	0	124,812	0	1.0
OCR R3 Comp Plan Maintenance	532,042	422,148	0	109,894	0	0.0
OCR R4 Non-attorney Contractor Rate Increase	134,370	121,626	0	12,744	0	0.0
Centrally appropriated line items	134,695	134,053	0	642	0	0.0
Annualize prior year actions	1,142,878	1,142,878	0	0	0	0.0
<b>TOTAL</b>	<b>\$41,922,571</b>	<b>\$39,160,646</b>	<b>\$0</b>	<b>\$2,761,925</b>	<b>\$0</b>	<b>39.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$2,982,066</b>	<b>\$2,733,974</b>	<b>\$0</b>	<b>\$248,092</b>	<b>\$0</b>	<b>1.0</b>
Percentage Change	7.7%	7.5%	0.0%	9.9%	0.0%	2.6%

### REQUEST OVERVIEW:

- Almost half of the OCR General Fund increase is attributable to the annualization of S.B. 23-227 Contract Attorney Hourly Rate totaling \$1.1 million General Fund which represents a 3.1 percent increase over the FY 2023-24 General Fund appropriation for the OCR.
- The OCR's comp plan maintenance and salary survey total \$531,000 General Fund which represents a 1.5 percent increase over the FY 2023-24 General Fund appropriation for the OCR.
- The OCR R1 Caseload Adjustment request represents a 2.5 percent increase over the FY 2023-24 General Fund appropriation for the OCR.

**OCR R1 CASELOAD ADJUSTMENT:** The request includes an increase of \$913,000 General Fund for a caseload adjustment for the court-appointed counsel and mandated costs line items. For FY 2023-24, the OCR requested and was approved for a caseload adjustment decrease of \$634,000 General Fund.

**OCR R2 TRAINING ASSISTANT:** The request includes an increase of \$125,000 reappropriated funds, originating from federal Title IV-E funds transferred from the Department of Human Services, and 1.0 FTE for a Training Assistant position to provide administrative support for the Training Director.

**OCR R3 COMP PLAN MAINTENANCE:** The request includes an increase of \$532,000 total funds, including \$422,000 General Fund, identified as a placeholder request for a forthcoming budget amendment for compensation plan maintenance adjustments. The OADC, the OCR, and the ORPC jointly contracted with compensation consultant, Logic Compensation Group (LCG), to update all job classifications with a market analysis. The forthcoming plan is equivalent to compensation consultant plan adjustments included by the Courts and Probation over the last two years and the OSPD last year that similarly coincide with the collective bargaining agreement implemented in the



executive branch for job class salary range adjustments last year. It is anticipated that the OADC, the OCR, and the ORPC along with the smaller independent agencies will adopt a step plan system in the next budget cycle consistent with either the Courts, the OSPD, or the executive branch systems. The budget impact of this request item will appear as an adjustment within the centrally appropriated line items for compensation adjustments (salary survey) in future staff documents and budget summary documents. The total identified compensation adjustments for this request and for the 3.0 percent across-the-board salary survey request reflect a 1.5 percent increase over FY 2023-24 General Fund appropriations for the OCR.

**OCR R4 NON-ATTORNEY CONTRACTOR RATE INCREASE:** The request includes an increase of \$134,000 total funds, including \$122,000 General Fund for a 5.0 percent hourly rate increase for non-attorney contractors that include paralegals, investigators, and social workers. Although each is submitted separately by agency, this request is functionally a joint request with the OADC and the ORPC. A similar item requested in FY 2023-24 and not approved was submitted for an 18.0 percent hourly rate increase.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$135,000 total funds, including an increase of \$134,000 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	\$120,681	\$109,255	\$0	\$11,426	\$0	0.0
Paid Family and Medical Leave Insurance	16,498	14,936	0	1,562	0	0.0
Health, life, and dental	8,702	22,044	0	(13,342)	0	0.0
Leased space	4,379	4,379	0	0	0	0.0
AED/SAED	(15,322)	(16,304)	0	982	0	0.0
Short-term disability	(243)	(257)	0	14	0	0.0
<b>TOTAL</b>	<b>\$134,695</b>	<b>\$134,053</b>	<b>\$0</b>	<b>\$642</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$1.1 million General Fund, to reflect the FY 2024-25 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB23-227 Contract Attorney Hourly Rate	\$1,130,092	\$1,130,092	\$0	\$0	\$0	0.0
OCR FY24 R3 Staff Attorney	11,986	11,986	0	0	0	0.0
OCR FY24 JUD CB1 Crt Rprtr Page Rate Incr	800	800	0	0	0	0.0
<b>TOTAL</b>	<b>\$1,142,878</b>	<b>\$1,142,878</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

## RESPONDENT PARENTS' COUNSEL SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – ORPC						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2023-24 APPROPRIATION:</b>						
SB 23-214 (Long Bill)	36,511,055	30,816,158	48,000	5,646,897	0	19.0
Other legislation	142,000	142,000	0	0	0	0.0
<b>TOTAL</b>	<b>\$36,653,055</b>	<b>\$30,958,158</b>	<b>\$48,000</b>	<b>\$5,646,897</b>	<b>\$0</b>	<b>19.0</b>
<b>FY 2024-25 REQUESTED APPROPRIATION:</b>						
FY 2023-24 Appropriation	\$36,653,055	30,958,158	\$48,000	\$5,646,897	\$0	19.0
ORPC R1 Agency Staffing	0	0	0	0	0	3.0
ORPC R2 Comp Plan Maintenance	510,803	473,206	0	37,597	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	3.0
ORPC R4 Non-attorney Contractor Rate Increase	214,793	211,034	0	3,759	0	0.0
Centrally appropriated line items	222,404	224,985	0	(2,581)	0	0.0
Annualize prior year actions	957,681	946,692	0	10,989	0	0.0
<b>TOTAL</b>	<b>\$38,558,736</b>	<b>\$32,814,075</b>	<b>\$48,000</b>	<b>\$5,696,661</b>	<b>\$0</b>	<b>25.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$1,905,681</b>	<b>\$1,855,917</b>	<b>\$0</b>	<b>\$49,764</b>	<b>\$0</b>	<b>6.0</b>
Percentage Change	5.2%	6.0%	0.0%	0.9%	0.0%	31.6%

### REQUEST OVERVIEW:

- Over half of the ORPC General Fund increase is attributable to the annualization of S.B. 23-227 Contract Attorney Hourly Rate totaling \$1.0 million General Fund which represents a 3.2 percent increase over the FY 2023-24 General Fund appropriation for the ORPC.
- The ORPC's comp plan maintenance and salary survey total \$640,000 General Fund which represents a 2.1 percent increase over the FY 2023-24 General Fund appropriation for the ORPC.
- The ORPC R4 Non-attorney Contractor Rate Increase request represents a 0.7 percent increase over the FY 2023-24 General Fund appropriation for the ORPC.

**ORPC R1 AGENCY STAFFING:** The request includes a budget-neutral transfer of \$463,000 reappropriated funds, originating from federal Title IV-E funds transferred from the Department of Human Services, and appropriated in the Title IV-E legal representation line item to personal services and operating line items and an additional 3.0 FTE for agency staff positions. Those positions include a Chief Operating Officer (COO), an additional Accountant, and a Compliance Analyst. The ORPC currently includes a Chief Financial Officer (CFO) responsible for generally all internal agency operations oversight; a COO would lead administrative and human resources management, allowing the CFO to focus on fiscal management. The Compliance Analyst would be assigned primary responsibility for coordination and oversight of the contracting process that is currently distributed across many staff and enhance the contractor billing and payment review process.

**ORPC R2 COMP PLAN MAINTENANCE:** The request includes an increase of \$511,000 total funds, including \$473,000 General Fund, identified as a placeholder request for a forthcoming budget amendment for compensation plan maintenance adjustments. The OADC, the OCR, and the ORPC jointly contracted with compensation consultant, Logic Compensation Group (LCG), to update all job classifications with a market analysis. The forthcoming plan is equivalent to compensation

consultant plan adjustments included by the Courts and Probation over the last two years and the OSPD last year that similarly coincide with the collective bargaining agreement implemented in the executive branch for job class salary range adjustments last year. It is anticipated that the OADC, the OCR, and the ORPC along with the smaller independent agencies will adopt a step plan system in the next budget cycle consistent with either the Courts, the OSPD, or the executive branch systems. The budget impact of this request item will appear as an adjustment within the centrally appropriated line items for compensation adjustments (salary survey) in future staff documents and budget summary documents. The total identified compensation adjustments for this request and for the 3.0 percent across-the-board salary survey request reflect a 2.1 percent increase over FY 2023-24 General Fund appropriations for the ORPC.

**ORPC R3 TITLE IV-E LEGAL REPRESENTATION STAFF:** The request includes a budget-neutral transfer of \$1.3 million reappropriated funds, originating from federal Title IV-E funds transferred from the Department of Human Services (DHS), and appropriated in the Title IV-E legal representation line item to personal services and operating line items and an additional 3.0 FTE for three items: (1) \$100,000 for annual operating and maintenance for the ORPC's new contractor billing system; (2) \$377,000 and 2.0 FTE for a Preventive and Civil Legal Services Manager and a Program Coordinator for the ORPC's Preventive Legal Services (PLS) program; and (3) \$229,000 and 1.0 FTE for a Collaborative Partnerships Director and the creation of a parent panel comprised of parents with lived experience in the child welfare system. The PLS provides interdisciplinary legal support to parents at risk of entering a dependency and neglect proceeding before a dependency and neglect petition is filed or their children removed from their home, for unresolved legal problems such as evictions, guardianships, and protection orders. The ORPC piloted its first PLS program in Jefferson County beginning in March 2022; however, the ORPC states that additional program management staff is necessary to generate the results intended for the program.

Title IV-E Funding: Title IV-E of the Social Security Act is the source of funding for foster care. A 2019 policy change made Title IV-E funding available for independent legal representation for parents of children at risk of entering foster care to reduce entry into foster care. Federally approved reimbursement funds are placed in a DHS cash fund, the Title IV-E Administrative Cash Fund, created in Section 26-2-102.5 (3)(b)(I), C.R.S., as codified in S.B. 19-258 (Child Welfare Prevention and Intervention Funding). Section 26-2-102.5 (3)(b)(V), C.R.S., states that "Federal reimbursements related to administrative costs of independent legal representation incurred by" OCR and ORPC "must be disbursed from the fund to the agencies as incurred and pursuant to" the memorandum of understanding between DHS and the agencies.

**ORPC R4 NON-ATTORNEY CONTRACTOR RATE INCREASE:** The request includes an increase of \$215,000 total funds, including \$211,000 General Fund for a 5.0 percent hourly rate increase for non-attorney contractors that include paralegals, investigators, and social workers. Although each is submitted separately by agency, this request is functionally a joint request with the OCR and the OADC. A similar item requested in FY 2023-24 and not approved was submitted for an 18.0 percent hourly rate increase.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$222,000 total funds including \$225,000 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	\$177,865	\$166,711	\$0	\$11,154	\$0	0.0
Health, life, and dental	18,378	34,457	0	(16,079)	0	0.0
AED/SAED	14,860	13,236	0	1,624	0	0.0
Paid Family and Medical Leave Insurance	11,105	10,409	0	696	0	0.0
Short-term disability	196	172	0	24	0	0.0
<b>TOTAL</b>	<b>\$222,404</b>	<b>\$224,985</b>	<b>\$0</b>	<b>(\$2,581)</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$958,000 total funds, including \$947,000 General Fund to reflect the FY 2024-25 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB23-227 Contract Attorney Hourly Rate	\$1,014,260	\$1,003,271	\$0	\$10,989	\$0	0.0
ORPC FY24 JUD CB1 Crt Rptr Pg Rt Incr	70,272	70,272	0	0	0	0.0
ORPC FY24 R2 Staff Attorney	11,986	11,986	0	0	0	0.0
ORPC FY24 R3 Paralegal	3,163	3,163	0	0	0	0.0
HB23-1027 Parent Child Family Time	(142,000)	(142,000)	0	0	0	0.0
<b>TOTAL</b>	<b>\$957,681</b>	<b>\$946,692</b>	<b>\$0</b>	<b>\$10,989</b>	<b>\$0</b>	<b>0.0</b>

## ADMIN SERVICES FOR INDEP AGENCIES SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – ASIA						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	0	0	0	0	0	0.0
Other legislation	746,909	746,909	0	0	0	6.0
<b>TOTAL</b>	<b>\$746,909</b>	<b>\$746,909</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>6.0</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$746,909	746,909	\$0	\$0	\$0	6.0
Centrally appropriated line items	74,164	74,164	0	0	0	0.0
Annualize prior year actions	34,292	34,292	0	0	0	0.0
<b>TOTAL</b>	<b>\$855,365</b>	<b>\$855,365</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>6.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$108,456</b>	<b>\$108,456</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	14.5%	14.5%	0.0%	0.0%	0.0%	0.0%

**ASIA NO REQUESTS:** ASIA did not submit a budget request item.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$74,000 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
Health, life, and dental	\$46,369	\$46,369	\$0	\$0	\$0	0.0
Salary survey	19,104	19,104	0	0	0	0.0
AED/SAED	6,034	6,034	0	0	0	0.0
Paid Family and Medical Leave Insurance	2,612	2,612	0	0	0	0.0
Short-term disability	45	45	0	0	0	0.0
<b>TOTAL</b>	<b>\$74,164</b>	<b>\$74,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$34,000 General Fund to reflect the FY 2024-25 impact of S.B. 23-228 (ASIA Office).

## CHILD PROTECTION OMBUDSMAN SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – OCPO						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	2,170,852	2,170,852	0	0	0	12.0
<b>TOTAL</b>	<b>\$2,170,852</b>	<b>\$2,170,852</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>12.0</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$2,170,852	2,170,852	\$0	\$0	\$0	12.0
OCPO R1 Data Analyst	118,880	118,880	0	0	0	1.0
OCPO R2 Senior Client Services Analyst	118,685	118,685	0	0	0	1.0
OCPO R3 Admin Office Specialist	100,181	100,181	0	0	0	1.0
OCPO R4 IT Upgrades and Support	31,300	31,300	0	0	0	0.0
OCPO R5 Staff Development and Training	50,000	50,000	0	0	0	0.0
OCPO R6 Communications	15,000	15,000	0	0	0	0.0
Centrally appropriated line items	104,618	104,618	0	0	0	0.0
Annualize prior year actions	(210,915)	(210,915)	0	0	0	0.0
<b>TOTAL</b>	<b>\$2,498,601</b>	<b>\$2,498,601</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>15.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$327,749</b>	<b>\$327,749</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>3.0</b>
Percentage Change	15.1%	15.1%	0.0%	0.0%	0.0%	25.0%

**OCPO R1 DATA ANALYST:** The request includes an increase of \$119,000 General Fund and 1.0 FTE for a Data Analyst position to develop, build, and implement an external reporting system using the OCPO's case management system database built on a Salesforce platform selected for its robust reporting capabilities. The OCPO requires a data analyst skill set for this expertise.

**OCPO R2 SENIOR CLIENT SERVICES ANALYST:** The request includes an increase of \$119,000 General Fund and 1.0 FTE for an additional Senior Client Services Analyst position. The Client Services Team, the primary operational unit for the program, is charged with reviewing and responding to concerns and questions brought to the agency by citizens and currently consists of five analysts. The current team consists of a Client Services Director, a Senior Client Services Analyst, and five Client Service Analysts (CSAs). The Director currently carries a caseload and supervises the Senior CSA and three CSAs; the Senior CSA carries a caseload and supervises two CSAs. The organizational plan for the OCPO is to relieve the caseload and assign supervision of the two Senior CSAs to the Director and distribute supervision of the five CSAs across the two Senior CSAs. CSAs and Senior CSAs are modeled on Probation Analyst I and II positions.

**OCPO R3 ADMIN OFFICE SPECIALIST:** The request includes an increase of \$100,000 General Fund and 1.0 FTE for an Administrative Office Specialist. The OCPO currently includes a Director of Administrative Services but includes no administrative support staff positions.

**OCPO R4 IT UPGRADES AND SUPPORT:** The request includes an increase of \$31,000 General Fund for two IT upgrades: (1) a one-time cost of \$14,000 to replace the OCPO server; and (2) ongoing costs totaling \$17,300 for security upgrades and data storage (\$3,300), an increase for the contract with the OCPO's IT support vendor (\$6,000), staff and office equipment replacement (\$6,000), and database upgrades (\$2,000).

**OCPO R5 STAFF DEVELOPMENT AND TRAINING:** The request includes an increase of \$50,000 General Fund for staff development and training, including \$24,000 for staff training and \$26,000 for ongoing equity, diversity, and inclusion (EDI) assessment and development.

**OCPO R6 COMMUNICATIONS:** The request includes an increase of \$15,000 General Fund to support outreach and education initiatives through social media ad campaigns and in-person outreach events.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$105,000 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
Health, life, and dental	\$42,579	\$42,579	\$0	\$0	\$0	0.0
Salary survey	39,772	39,772	0	0	0	0.0
AED/SAED	16,582	16,582	0	0	0	0.0
Paid Family and Medical Leave Insurance	5,437	5,437	0	0	0	0.0
Short-term disability	248	248	0	0	0	0.0
<b>TOTAL</b>	<b>\$104,618</b>	<b>\$104,618</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net decrease of \$211,000 General Fund, to reflect the FY 2023-24 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCPO FY24 R2 Client Services Analyst	\$5,666	\$5,666	\$0	\$0	\$0	0.0
OCPO FY24 R1 HR Support	(94,240)	(94,240)	0	0	0	0.0
HB22-1375 Child Res Trmt Runaway Youth	(70,042)	(70,042)	0	0	0	0.0
OCPO FY24 R3 Comm Engage Outreach	(33,299)	(33,299)	0	0	0	0.0
HB22-1240 Mandatory Reporters	(19,000)	(19,000)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$210,915)</b>	<b>(\$210,915)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

# INDEPENDENT ETHICS COMMISSION SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – IEC						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	352,508	352,508	0	0	0	1.5
<b>TOTAL</b>	<b>\$352,508</b>	<b>\$352,508</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.5</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$352,508	352,508	\$0	\$0	\$0	1.5
IEC R1 HB21-1110 ADA compliance	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	(2,982)	(2,982)	0	0	0	0.0
Annualize prior year actions	(50,000)	(50,000)	0	0	0	0.0
<b>TOTAL</b>	<b>\$349,526</b>	<b>\$349,526</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.5</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$2,982)</b>	<b>(\$2,982)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(0.8%)	(0.8%)	0.0%	0.0%	0.0%	0.0%

**IEC R1 HB21-1110 ADA COMPLIANCE:** The request includes a one-time increase of \$50,000 General Fund for a website upgrade in compliance with H.B. 21-1110 (CO Laws for Persons with Disabilities). A similar request was approved for FY 2023-24; additional necessary funding was identified by the vendor.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net decrease of \$13,000 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	\$6,347	\$6,347	\$0	\$0	\$0	0.0
AED/SAED	3,144	3,144	0	0	0	0.0
Paid Family and Medical Leave Insurance	868	868	0	0	0	0.0
Short-term disability	47	47	0	0	0	0.0
Health, life, and dental	(13,388)	(13,388)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$2,982)</b>	<b>(\$2,982)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net decrease of \$50,000 General Fund to reflect the FY 2024-25 impact of the FY 2023-24 IEC R1 HB21-1110 Compliance budget item.



# OFFICE OF PUBLIC GUARDIANSHIP SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – OPG						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	1,903,288	0	1,705,895	197,393	0	14.0
<b>TOTAL</b>	<b>\$1,903,288</b>	<b>\$0</b>	<b>\$1,705,895</b>	<b>\$197,393</b>	<b>\$0</b>	<b>14.0</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$1,903,288	0	\$1,705,895	\$197,393	\$0	14.0
OPG R1 Workforce Dev Mgr and Emp Wellness Prog	152,104	0	152,104	0	0	1.0
OPG R2 Staff Attorney	155,485	0	155,485	0	0	1.0
Centrally appropriated line items	64,355	0	42,258	22,097	0	0.0
<b>TOTAL</b>	<b>\$2,275,232</b>	<b>\$0</b>	<b>\$2,055,742</b>	<b>\$219,490</b>	<b>\$0</b>	<b>16.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$371,944</b>	<b>\$0</b>	<b>\$349,847</b>	<b>\$22,097</b>	<b>\$0</b>	<b>2.0</b>
Percentage Change	19.5%	0.0%	20.5%	11.2%	0.0%	14.3%

**OPG R1 WORKFORCE DEVELOPMENT MANAGER AND EMPLOYEE WELLNESS PROGRAM:** The request includes an increase of \$152,000 cash funds from the OPG Cash Fund and 1.0 FTE for a Workforce Development Manager and an Employee Wellness Program. The Legislative Council Staff (LCS) Fiscal Note for S.B. 23-064 (Continue Office of Public Guardianship) includes a General Fund appropriation for this item for FY 2025-26. This request accelerates funding for that item by one year and requests the use of cash funds for this acceleration. The program expansion identified in the fiscal note includes additional staff positions. The acceleration of funding for this position is sought to better plan for that staff expansion.

**OPG R2 STAFF ATTORNEY:** The request includes an increase of \$155,000 cash funds from the OPG Cash Fund and 1.0 FTE for a staff attorney. Consistent with R1, the fiscal note identifies a General Fund appropriation for this item for FY 2025-26. This request accelerates funding for that item by one year and requests the use of cash funds for this acceleration. Currently the OPG does not have a staff attorney dedicated to client support.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$64,000 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	\$33,625	\$0	\$29,169	\$4,456	\$0	0.0
Health, life, and dental	18,726	0	8,949	9,777	0	0.0
Indirect cost assessment	18,527	0	18,527	0	0	0.0
Paid Family and Medical Leave Insurance	4,597	0	3,988	609	0	0.0
Short-term disability	1,532	0	1,329	203	0	0.0
AED/SAED	(12,652)	0	(19,704)	7,052	0	0.0
<b>TOTAL</b>	<b>\$64,355</b>	<b>\$0</b>	<b>\$42,258</b>	<b>\$22,097</b>	<b>\$0</b>	<b>0.0</b>

# COMMISSION ON JUDICIAL DISCIPLINE SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – CJD						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	1,502,190	1,502,190	0	0	0	8.0
Other legislation	(212,087)	(212,087)	0	0	0	(3.2)
<b>TOTAL</b>	<b>\$1,290,103</b>	<b>\$1,290,103</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>4.8</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$1,290,103	1,290,103	\$0	\$0	\$0	4.8
Centrally appropriated line items	55,056	55,056	0	0	0	0.0
Annualize prior year actions	(52,488)	(52,488)	0	0	0	0.2
<b>TOTAL</b>	<b>\$1,292,671</b>	<b>\$1,292,671</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>5.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$2,568</b>	<b>\$2,568</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.2</b>
Percentage Change	0.2%	0.2%	0.0%	0.0%	0.0%	4.2%

**CJD NO REQUESTS:** The CJD did not submit a budget request item.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$55,000 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	\$21,446	\$21,446	\$0	\$0	\$0	0.0
AED/SAED	\$19,518	\$19,518	0	0	0	0.0
Health, life, and dental	10,868	10,868	0	0	0	0.0
Paid Family and Medical Leave Insurance	2,932	2,932	0	0	0	0.0
Short-term disability	292	292	0	0	0	0.0
<b>TOTAL</b>	<b>\$55,056</b>	<b>\$55,056</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net decrease of \$52,000 General Fund to reflect the FY 2024-25 impact of prior year bills and budget actions. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB23-1019 Jud Disc Proc Reptg	(\$27,488)	(\$27,488)	\$0	\$0	\$0	0.2
IEC FY24 R2 Rule Rev Consult	(25,000)	(25,000)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$52,488)</b>	<b>(\$52,488)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.2</b>

## BRIDGES OF COLORADO SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – BRIDGES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	0	0	0	0	0	0.0
Other legislation	5,181,020	5,181,020	0	0	0	33.7
<b>TOTAL</b>	<b>\$5,181,020</b>	<b>\$5,181,020</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>33.7</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$5,181,020	5,181,020	\$0	\$0	\$0	33.7
Centrally appropriated line items	1,671,115	1,671,115	0	0	0	0.0
Annualize prior year actions	7,051,780	7,051,780	0	0	0	65.3
<b>TOTAL</b>	<b>\$13,903,915</b>	<b>\$13,903,915</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>99.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$8,722,895</b>	<b>\$8,722,895</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>65.3</b>
Percentage Change	168.4%	168.4%	0.0%	0.0%	0.0%	193.8%

**BRI NO REQUESTS:** Bridges did not submit a budget request item.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$1.7 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
Health, life, and dental	\$964,451	\$964,451	\$0	\$0	\$0	0.0
AED/SAED	\$423,782	\$423,782	\$0	\$0	\$0	0.0
Salary survey	243,548	243,548	0	0	0	0.0
Paid Family and Medical Leave Insurance	33,293	33,293	0	0	0	0.0
Short-term disability	6,041	6,041	0	0	0	0.0
<b>TOTAL</b>	<b>\$1,671,115</b>	<b>\$1,671,115</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$7.1 million General Fund to reflect the FY 2024-25 impact of S.B. 23-229 (Statewide Behavioral Health Court Liaison Office).

# JUDICIAL OMBUDSMAN SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

JUDICIAL DEPARTMENT – OJO/CJO						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
SB 23-214 (Long Bill)	0	0	0	0	0	0.0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
FY 2024-25 REQUESTED APPROPRIATION:						
FY 2023-24 Appropriation	\$0	0	\$0	\$0	\$0	0.0
Centrally appropriated line items	65,298	65,298	0	0	0	0.0
Annualize prior year actions	343,479	343,479	0	0	0	1.8
<b>TOTAL</b>	<b>\$408,777</b>	<b>\$408,777</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.8</b>
<b>INCREASE/(DECREASE)</b>	<b>\$408,777</b>	<b>\$408,777</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.8</b>
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	n/a

**OJO NO REQUESTS:** The OJO did not submit a budget request item.

**CENTRALLY APPROPRIATED LINE ITEMS:** The request includes a net increase of \$65,000 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
Health, life, and dental	\$36,509	\$36,509	\$0	\$0	\$0	0.0
AED/SAED	20,724	20,724	0	0	0	0.0
Salary survey	6,821	6,821	0	0	0	0.0
Paid Family and Medical Leave Insurance	933	933	0	0	0	0.0
Short-term disability	311	311	0	0	0	0.0
<b>TOTAL</b>	<b>\$65,298</b>	<b>\$65,298</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR ACTIONS:** The request includes a net increase of \$343,000 General Fund to reflect the FY 2024-25 impact of H.B. 23-1205 (Office of Judicial Ombudsman).

## ISSUE 1: A RECONSIDERATION OF THE COMPETENCY CRISIS – JUDICIAL PROCESS RECOMMENDATIONS

The "competency crisis" in the state courts that drives the current high cost behavioral health systems approach to build forensic mental health system capacity and infrastructure, should be more precisely stated and considered, reframed within the context of the courts, public safety, and community stability, and solutions reconsidered from that reframe. Specifically, pursuing policies that encourage "diversion from competency" may deliver competency crisis relief at a lower cost than capacity and infrastructure buildout, while also providing a more sustainable, permanent, and holistic approach to addressing behavioral health issues for individuals at risk of entering the competency process.

### SUMMARY

- While the question of public safety is always foremost in mind among judges and prosecutors, there is recognition that many individuals arrested for low-level crimes suffer from the interplay of untreated behavioral health issues (mental health and substance abuse) and general economic instability and homelessness, and therefore, a defendant's involvement in the criminal justice system and the community's interest in public safety often coincide and are enhanced through the resolution of the underlying factors creating instability rather than through further engagement in the criminal justice system and incarceration.
- There is a broad belief among officers of the court – judges, defense attorneys, and prosecutors – that a defendant who exhibits behavioral health issues or problems may be best served with a holistic, behavioral health assessment and holistic behavioral health treatment. On this basis, officers of the court typically default to the only court process solution available – the use of the competency process – as a way of seeking a holistic behavioral health solution for defendants.
- However, what is commonly and loosely called "competency" is actually a much more limited legal principle also known as "aid and assist". Can the defendant "aid and assist" in their defense? On that basis, the competency evaluation and restoration process is entirely and only engaged in considering and resolving this slim question.
- Therefore, the belief that engaging a defendant in the competency process as a solution to holistic behavioral health, connection to community support, and sustained personal stability in the community is mostly mistaken. There is no good reason to route individuals into competency who can readily find an off-ramp to additional stability and holistic behavioral health through more refined attention to diagnostic processes that help to avoid the overuse of the competency system.

### RECOMMENDATION

Staff recommends that the Committee consider incremental, targeted, funding within the courts and courts-adjacent functions to begin and improve practices for "diversion from competency", including: (1) encourage neuro-psych evaluations (warranted for about a third of the competency population) or comprehensive psychological evaluations and related case planning, as an alternative to the use of

competency evaluations; (2) build state courts capacity to increase practices and opportunities for diversion from the competency process; and (3) build on behavioral health court liaison earlier case planning and expanded access to neuro-psych and other comprehensive psychological evaluations to more effectively connect individuals with community resources to build long-term stability and reduce recidivism from individuals at risk of entering the criminal justice system due to behavioral health issues compounded with economic instability.

## DISCUSSION

Disclaimer: Staff has explored the issues around "competency" over the course of the interim through research, conversations, and field visits, but does not claim to have achieved a professional education in any of the professional and clinical fields that revolve around the legal and clinical issue of "competency". There may be points that staff will include in this discussion which may not be legally, technically, or clinically precise as used or communicated within those professions. Staff endeavors to functionally communicate the broad strokes, main issues, and crossover concepts; staff welcomes professional clarification of details, points, and use of language around competency. Additionally, staff does not believe that all of the understanding necessary to address competency issues is either perfectly or thoroughly captured and included in this issue brief. Nevertheless, staff is confident that the information and recommendations are intended to advance the policy conversation around the use of competency in the state courts and are supported by staff's research.

### **A RECONSIDERATION OF THE COMPETENCY CRISIS**

There is a broad belief among officers of the court – judges, defense attorneys, and prosecutors – that a defendant who exhibits traits that suggest a behavioral health issue or problem may be best served with a holistic, behavioral health assessment and holistic behavioral health treatment as necessary. It is intended that such a solution might return that defendant to a state of holistic (sustained, personal, functional stability in the community – as fully as possible) behavioral health, regardless of the defendant's guilt or innocence in the case at hand.

The question of public safety is always foremost in mind among judges and prosecutors. Nevertheless, there is a recognition that many individuals who are arrested for low-level crimes suffer from the interplay of unresolved and untreated behavioral health issues (mental health and substance abuse) and general economic instability and homelessness. Therefore, a defendant's involvement in the criminal justice system and the community's interest in public safety often coincide and are enhanced through the resolution of the underlying factors creating instability rather than through further engagement in the criminal justice system and incarceration.

On this basis, officers of the court typically default to the only court process solution available – the use of the competency process – as a way of seeking a holistic behavioral health solution for these defendants.

However, what is commonly and loosely called "competency" is actually a much more limited legal principle also known as "aid and assist". Can the defendant "aid and assist" in their defense? On that basis, the competency evaluation and restoration process is entirely and only engaged in considering and resolving this slim question. Competency evaluations and competency restorations do not, in and of themselves, deliver behavioral health solutions for the defendant, much less do they deliver personal

holistic behavioral health that leads to long-term stability in the community. Nor do they consider the need to effectively address the social determinants of health, such as housing, transportation, and economic stability.

Competency "restoration" – best understood as education about the legal process – is only intended to return the defendant to a functional state of mind, for as long as the period necessary to resolve the criminal justice case, in which the defendant comprehends the gravity and structure of their court proceedings for their case and their need to helpfully participate in their defense with their attorney.

Therefore, the belief that engaging a defendant in the competency process as a solution to holistic behavioral health, connection to community support, and sustained personal stability in the community is mostly mistaken. As previously suggested, this is despite the good intentions of the officers of the court who are hopefully seeking a solution for individuals experiencing mental illness, substance abuse, homelessness, and ongoing economic instability who enter the criminal justice system and then necessarily get routed into the competency process. The courts and law enforcement are the fulcrum point where the social problems related to behavioral health and economic insecurity intersect with official public processes intended to promote the diverse interests of public safety and individual constitutional liberties. In this case, the courts have become the locus and the focus for addressing much larger and more complex public health and economic issues.

The extended delays in engaging the competency process, due to the institutional delays in evaluations and restoration in state treatment facilities solely for the purpose of providing an individual the ability to aid and assist in their defense, often end up exacerbating the immediate mental health needs. Those needs might be resolved more readily without entry into this cumbersome and delayed legal process that does not at all deliver as its purpose holistic behavioral health solutions for those who enter. It is not unusual for individuals with untreated behavioral health issues to experience severe and rapid decompensation that further threatens theirs and others safety while incarcerated. It is not unusual for the delays currently experienced in the competency process to exacerbate and worsen individual mental health and personal stability.

From the judicial branch perspective, and perhaps even from the legislative perspective, there is frustration at the building backup of evaluations and restorations to be addressed at the state behavioral health office charged with these addressing these issues, the Office of Civil and Forensic Mental Health (OCFMH) in the Department of Human Services (DHS). There is no need to further state the very same concerns at issue in the related lawsuit and settlement agreement that has driven much of the policy discussion and funding needs in recent years.

Similarly, from the OCFMH and DHS perspective, there is frustration that more defendants continue to be routed into the competency process by the legal system, further exacerbating the backup. The OCFMH-DHS solution might be to reduce the over-referrals into the competency process, especially from judges and public defenders; while also misunderstanding the gravity of the role that judges and public defenders fulfill to ensure that justice is delivered for each person involved in the criminal justice system related to constitutional rights. For these officers of the court, this is not a trivial question of efficient administration and bending the numbers on the margins to achieve competency process improvement for the state; this is a moral and constitutional commitment to each person involved in the criminal justice process.

Additionally, most of the backup is specifically related to those waiting for institutional services – hospital beds. This goes to the question of whether a person needs competency restoration services in an institutional setting or in the community. This is a recommendation made by OCFMH evaluators which is generally followed by a judge. Therefore, regardless of the number of individuals "entering" competency at the competency evaluation point in the court process, the OCFMH evaluators are primarily driving the recommendation and need for institutional-inpatient competency restoration. Although staff does not have data, in background conversations on the competency issue, staff was made aware of anecdotal suggestions that Colorado's evaluators recommend inpatient competency restoration services at higher rates than in other states.

Therefore, staff takes a thoroughly practical starting position as follows: there may be many points of improvement to be made in OCFMH process and execution, including capacity buildout; however, it is more important to take steps on the judicial branch side to address items that can be improved without engaging OCFMH and DHS solutions through the competency process. In other words, staff recommends that the Committee, the General Assembly, and ultimately, the Courts *sidestep* OCFMH and DHS solutions at every point possible, in order to more effectively address the competency crisis in the state.

We can continue to have aspirations that these state systems will eventually deliver incremental and systematic resolution for the improvement of this "problem". However, even if perfectly executed by any standard, such a solution is not intended to resolve or improve the mental health, substance abuse, and community instability issues that cause individuals to be arrested, enter the criminal justice system, and continue to re-enter the justice system indefinitely. Public safety in communities is not enhanced through the competency process in its current form and purpose. Individuals in the competency process are not aided in finding personal stability in community life through the therapies and purposes of the competency process.

#### **DIVERSION FROM COMPETENCY**

The simplest, most direct name for such a sidestepping of the competency process is "**diversion**" – and specifically, **diversion from competency**.

Officers of the court, and policymakers at all levels, need to understand that the competency process does not and will not deliver public safety and community stability for individuals at risk of entering the competency process in the criminal justice system. There needs to be a commitment at every public policy and administration level that solutions for public safety and community stability for individuals "at risk of entering competency" is to first and foremost limit and prevent their entry into competency, and second build on the systems that reside outside of the competency administration system in the state for enhanced, purpose-based resolution.

The state currently has the building blocks in place to move individuals away from competency and toward holistic behavioral health solutions; most of these supports are found at the community level – they are not delivered effectively by large, state systems. Most of the diverse network connection to community supports can and will occur through the Bridges of Colorado (statewide behavioral health court liaison office) model of connecting individuals involved in the criminal justice system with community provider support to bring stability to individuals at risk of entering competency in the criminal justice system.



Additionally, the state courts have an opportunity to advance the best practices of models for competency dockets that are increasingly deployed to better manage this issue at the district and county court levels. Building on the "competency docket" approach and further moving to a "competency diversion" mindset, approach, and practices at the courts will directly and immediately improve the experience of the competency crisis in the state, regardless of solutions sought at or delivered by the OCFMH-DHS point of administration.

#### **AN OUTLINE OF THE DIVERSION FROM COMPETENCY SOLUTION**

Once a defendant is in the competency process, the defendant is essentially confined to resolution through that process and completion of that process. And that process will not help that defendant with the ancillary and unique mental health and substance abuse issues and likely, community supports related to homelessness and economic instability, that can be addressed more effectively outside of the competency process, and especially outside of incarceration.

Jails are not well suited to address mental health issues, should not be used for that purpose, and should not be expected to deliver good public policy results for that purpose. This is functionally warehousing the social problems of mental health, substance abuse, and economic instability and homelessness in our law enforcement and criminal justice institutions.

Jails can continue to be used to safely incarcerate those individuals who are genuine threats to public safety. And the competency process as an institutional solution should be reserved for those cases where public safety is at issue and the defendant must be institutionalized or incarcerated. There is no good reason to route individuals into competency who can readily find an off-ramp to additional stability and holistic behavioral health through more refined attention to diagnostic processes that help to avoid the overuse of the competency system.

When the competency question is raised during legal proceedings – most often by a public defender – the judge is required to make a decision to have the defendant evaluated. The judge might also choose to stay that decision for a period and first request a neuro-psych or comprehensive psychological evaluation prior to ruling on the question of competency.

Prior to committing a defendant to the necessary wait involved in competency evaluation and restoration, a neuro-psych evaluation or – in the case where symptoms do not indicate the need for a neuro-psych evaluation – a comprehensive psychological evaluation can determine, (1) whether a defendant may be *permanently incompetent to proceed* (PITP) due to intellectual and developmental disability, dementia, or mental illness requiring long-term institutional care, and appropriately and immediately route the individual to criminal justice case resolution and provision of appropriate and necessary legal and institutional care; or (2) the need for additional mental health or substance abuse treatment to address the behavioral health issues that may have led to the contact by law enforcement and involvement in the criminal justice system.

For those in the second category, prior to being automatically routed into competency as the only apparent solution to behavioral health concerns, there may first be a need for: mental health diagnosis, treatment, intensive case management, medication, substance abuse treatment, or some combination of these. Any of these alternatives, in combination with addressing social determinants of health, such as housing and transportation, is more likely to return the individual to more stable behavioral health that avoids and precludes the need to route the individual into the competency process – a process not designed or intended to engage the individual from a holistic, behavioral health approach.

A Bridges court liaison may be assigned to a participant who is "at risk of entering competency" as readily as one who is in the competency process. The Bridges liaison can more effectively find community support for a participant that can lead to a quicker determination of diversion from incarceration and possibly diversion from the criminal justice process entirely. While issues like homelessness and finding housing may be the greatest challenge to Bridges liaisons in aiding participants under their care, the greatest frustration is losing the opportunity to help stabilize a participant who is locked into the competency process prematurely or unnecessarily and who cannot receive help to find stability in the community until after the competency process is concluded.

#### **DIVERSION FROM COMPETENCY - RECOMMENDATIONS**

- 1 Staff recommends that the Committee provide "pilot program" resources for three to five clinical positions to be located in Bridges of Colorado for two to three years. These clinical evaluator positions will be available through Bridges to conduct more thorough, and more directed, neuro-psych and other comprehensive psychological evaluations prior to a judge's decision on the "question" for a competency evaluation which initiates the competency process for a defendant. The "pilot program" structure is intended to test the effectiveness of the deployment of these resources from within the Bridges model, and to deliver annual reports each budget cycle to report on the effectiveness and use of these resources in achieving diversion from competency. Three positions will provide coverage predominantly for front range urban judicial districts; an additional two positions will provide coverage to the western slope and an additional outlying area of the state. Additionally, Bridges is likely to be structured statewide in six regions; five clinical positions may also enable almost statewide coverage through a regional assignment structure.
- 2 Staff recommends that the Committee provide the state courts with additional "pilot program" resources to allow judges to contract clinical evaluators for neuro-psych evaluations and competency evaluations independent of the OCFMH. Consistent with the preceding recommendation, locating access to independent evaluators directly in the state courts to judges can help determine the most effective organizational location for such resources on an ongoing basis. Consistent with the preceding recommendation, the "pilot program" structure is intended to test the effectiveness of the deployment of these resources from within the Courts, and to deliver annual reports each budget cycle to report on the effectiveness and use of these resources in achieving diversion from competency.
- 3 Staff recommends that the Committee provide additional staff resources for up to three positions in total – one for each of up to three judicial districts with the most experienced and developed competency dockets to provide dedicated staff coordinator positions for the competency dockets at those courts. Currently dockets are loosely managed or coordinated through ancillary court clerk staff; for increased effectiveness, similar to the model for problem-solving courts, a dedicated staff coordinator for three judicial districts will maximize judge and judicial district effectiveness through the competency docket model.

- 4 Staff recommends that the Committee provide additional staff resources for one or two positions for the problem-solving courts program at the State Court Administrator's Office to engage entirely in building competency docket effectiveness and best practices, including the use of practices for diversion from competency. Similar to (and different than) the model for problem-solving courts, this recommendation establishes a state level coordinator and analyst able to collect and analyze data and best practices for competency dockets. It is anticipated that these staff positions will be responsible to report on the effectiveness of resources deployed through the courts for this purpose.
- 5 Staff recommends that the Committee provide additional staff attorneys for the Office of State Public Defender related to competency. In those judicial districts with competency dockets, the one or more public defenders (in staff's experience, two are typically present in court during competency dockets to improve case flow) that have been assigned and dedicated to the competency docket in each judicial district, the more effective the public defender role can be advanced within that model. This ensures that process changes and improvements, including "diversion from competency", is experienced as appropriate and beneficial for the public defender's clients. The goal is to contribute to broad culture change in the public defender role regarding the efficacy of the use of traditional competency versus the adoption of the use of "diversion from competency" as more effective legal representation and holistic support for their clients. The OSPD's R1 request for additional attorneys satisfies this recommendation. Therefore, staff will follow the outline of the OSPD request for this purpose. Staff may include that portion of the OSPD request in the "diversion from competency" recommendation, or may leave that portion within the OSPD request. Staff will clarify that recommendation at figure setting.

Staff will provide more specific guidance in a figure setting recommendation regarding all of these components. It may also be appropriate for the Committee to "package" this resources solution with a statutory pilot program for the purpose of "diversion from competency". Staff will clarify a recommendation on the need or preference for legislation for this purpose at figure setting. In particular, staff will continue to partner with state courts administration leadership and judicial district staff, Bridges of Colorado leadership and staff, and the State Public Defender on this aspect of the recommendation.

## ISSUE 2: COURTS AND PROBATION R2 CASE MANAGEMENT SYSTEM

The Courts and Probation seek state and department cash funding for the development of a case management system (CMS or system) to replace the 27-year-old legacy system. The CMS is intended to streamline and automate all aspects of courts and probation processes to improve efficiency, transparency, services, accessibility, security, and data reporting and analysis. The CMS is used by judges, court staff, clerks, attorneys, probation officers, and other stakeholders involved in the Colorado judicial and legal system.

### SUMMARY

- The IT project or capital portion of the project (one-time development cost) is anticipated to total \$30.7 million, including \$26.7 million General Fund, requested over two years of appropriations.
- The staff operating portion of the project is requested at \$1.2 million General Fund for FY 2024-25 and \$1.3 million General Fund ongoing for 9.0 FTE of CMS staff.
- Additionally, the request estimates annual ongoing system maintenance and update costs of \$5.2 million for FY 2025-26, to be funded from the Judicial IT Cash Fund, and increasing by 5.0 percent annually.

### RECOMMENDATION

**IT Project:** Staff will recommend at figure setting that the Committee approve the IT project portion of the request generally as submitted. The request identifies two years of funding; staff may recommend the anticipated total be provided over three years based on the project timeline. Staff will recommend locating this project in the IT Projects (IT capital) section of the Long Bill in order to engage the Joint Technology Committee (JTC) quarterly report and oversight process through the period of development and to provide three-year spending authority for the project funding; however, staff does not recommend referring this project to the JTC for prioritization. Although numbered R2, this represents the Courts and Probation highest priority request. Staff also identifies this project as one of the highest priority, highest urgency needs for the Courts and Probation.

**Annual System Maintenance and Updates:** Staff will recommend at figure setting that the Committee approve the annual system maintenance and updates component generally as submitted.

**Staff Operating:** Staff will recommend at figure setting that the Committee approve some portion of the staff operating component of the request. The request identifies 9.0 FTE. Staff is currently inclined to recommend 5.0 permanent FTE and 2.0 term-limited FTE at about 60 percent of the estimated ongoing cost, as described at the end of the discussion section of the brief.

## DISCUSSION

The Judicial CMS is a software platform designed to assist the courts and legal professionals in managing and tracking judicial cases and related activities. It streamlines and automates various aspects of the judicial process thereby improving efficiency, transparency, services, and accessibility. CMS is used by judges, court staff, clerks, attorneys, probation officers, and other stakeholders involved in the Colorado legal system. The current, legacy system has been in place for approximately 27 years and presents multiple challenges, including inefficiencies, insufficient information integration, diminished data governance opportunities, and increased maintenance costs. Additionally, the talent pool qualified to maintain the system is decreasing as state-of-the-art solutions become more mainstream.

The Courts and Probation requests \$11.8 million total funds, including \$7.8 million General Fund and \$4.0 million cash funds from the Judicial IT Cash Fund for FY 2024-25. The FY 2024-25 request includes:

- A one-time, IT project appropriation with three-year spending authority of \$10.6 million total funds, including \$6.6 million General Fund and \$5.0 million cash funds, for project development costs for a replacement CMS system; and
- An ongoing staff operating appropriation of \$1.2 million General Fund and 9.0 FTE to implement the project and maintain the new CMS.

The request annualizes to \$26.7 million total funds, including \$21.5 million General Fund and \$5.2 million cash funds, and 9.0 FTE for FY 2025-26. The FY 2025-26 annualization includes:

- A one-time, IT project appropriation with three-year spending authority of \$20.2 million General Fund for project development costs;
- An ongoing appropriation of \$5.2 million cash funds from the Judicial IT Cash Fund for CMS maintenance and updates, which is estimated to increase by 5.0 percent per year; and
- An ongoing staff operating appropriation of \$1.3 million General Fund and 9.0 FTE.

Key features of the CMS will include:

- Case tracking, including case progress through stages of the legal process, from filing to resolution;
- Document management, allowing for storage, retrieval, and management of legal documents and case-related files in electronic format;
- Scheduling and calendaring of court hearings, trials, probation, and other events, ensuring efficient allocation of resources and avoiding scheduling conflicts;
- Communication and notifications, providing automated notifications to parties involved in a case, informing them of upcoming hearings, deadlines, and other important events;
- Data analytics and reporting on caseload, case disposition, judge performance, and other relevant metrics, aiding in decision-making and resource allocation;
- Case financial processing, streamlining case-related financial and accounting functions, such as managing fees and fines, balancing accounts, receipts and collections;
- Remote access to information, court records, and other documents through public facing portals;
- Workflow automation for routine tasks such as document generation, data entry, and notifications, reducing administrative tasks; and
- Integration with other IT platforms.

While the current system includes many of these features, it is as a result of piecemeal modifications made to the system over the past two decades that typically do not generate or provide system-wide efficiencies. The current system has been in place for 27 years and presents multiple challenges, including inefficiencies, insufficient information integration, diminished data governance opportunities, and increased maintenance costs.

The Courts and Probation state that the talent pool qualified to maintain the legacy system is decreasing as state-of-the-art solutions become more mainstream. The base operating system is written in RPG (Report Program Generator) also known as IBM RPG, an IBM system programming language introduced in 1959, and the Courts and Probation state that it is increasingly difficult to support and maintain, making it difficult to add new functionality or coding related to data requests. Additionally, security risk is heavily impacted by the age and technology of the legacy system and is increasingly difficult and costly.

The new CMS will improve the workflow and processes and improve court and probation services in judicial districts by improving the following:

- **Efficiency** – The system will streamline administrative processes such as case filing, scheduling, document management, and record keeping and reduce time spent on manual and repeat entry processes that also lead to data inconsistency and errors.
- **Access to information** – The system will provide secure and centralized access to case-related information for judges, lawyers, interested parties, and the public, ensuring that relevant parties can easily retrieve case documents, filings, and updates. Improved outcomes will be realized in decision-making, timely service delivery, and improved process transparency.
- **Communication** – The system will facilitate communication among the various case-related stakeholders, including providing automated notifications, reminders, and updates and ensure that relevant individuals are informed about court proceedings thereby reducing the number of missed deadlines and scheduling conflicts.
- **Data analysis and reporting** – The system will allow creation of comprehensive reports and perform analytics on caseload trends, disposition times, workload distribution, and other key performance indicators. This will provide increasing opportunities for data-driven and evidence-based decision making related to resource allocation, business processes, services, and client outcomes.
- **Cost effectiveness** – The system will provide opportunities to use data analytics to support data-driven and evidence-based decision making and cost-benefit analyses for policy change.

## **SYSTEM DESIGN AND IMPLEMENTATION**

- **Phase I: Discovery and Planning** (14-16 months) – The Courts and Probation will perform intensive, strategic analysis of current system functionality, user workflows and processes, and scope of the court system and probation departments system-specific needs and requirements. Ensuring that the project allows for scalability and adaptability will create opportunities to account for legislative and service delivery changes that may occur in the future. The planning process will seek opportunities for scalability and adaptability to more flexibly accommodate future legislative and service delivery changes and integrate industry-specific regulatory requirements.
- **Phase 2: Design** (8-9 months) – The Courts and Probation will engage current system users in the development of new and more efficient workflows and business processes and perform a gap analysis to identify processes that require software customization. The design phase will conclude

with completion, review, and approval of all technical specifications and the initiation of the development of the maintenance manual, training plan and manual, and user manual.

- **Phase 3: Development** (9-10 months) – The Courts and Probation will issue a competitive solicitation and work with the selected contracted vendor to transform the requirements and design specifications into a functional software solution. This includes coding and configuration, unit testing, integration of the components into a unified system, comprehensive testing, debugging, documentation, data migration, version control, and continuous integration and deployment.
- **Phase 4: Testing** (2-4 months) – Testing of system modules will occur during development to address bugs or necessary modifications. Testing of the full capabilities of the system, including migrated data and software performance will be conducted using small test/user groups.
- **Phase 5: Deployment** – Decisions on full system deployment or high-priority to low-priority sequential module rollout and the choice to run parallel with the legacy system will be made over the course of the project.

#### STAFF OPERATING

The Courts and Probation states that dedicated staff are necessary for development and ongoing support of the new system. Preparation for development and implementation of the new CMS includes an extensive data clean-up process, ongoing project management, analysis, and administration. The Courts and Probation requests funding for 9.0 FTE to implement and support the new CMS, including:

- **3.0 Project Manager FTE** responsible for planning, executing, and managing the project. These staff will provide leadership, ensure that the project meets the defined deliverables, manage resources, and communicate with stakeholders. The project management professionals will monitor planning, information governance, and project roll-out. After the CMS is deployed, these project management professionals will be responsible for ongoing growth, integration of new components/modules, and system modifications due to business needs or legislative initiatives.
- **2.0 Application Administrator FTE** responsible for configuring, maintaining, and supporting the CMS. These staff will ensure the system is set up correctly, users have appropriate access and permissions, technical issues are promptly addressed, and system maintenance and support are not disrupted.
- **Network Security Engineer FTE** will safeguard the CMS and its associated data by minimizing vulnerabilities and potential risk. This position will design and implement security measures that protect the system from cyber threats, unauthorized access, and data breaches.
- **IT Trainer FTE** will collaborate with the vendor to design and deliver necessary training programs, create user guides, and provide ongoing training and support to system users to ensure effective use of the CMS. The Courts and Probation state that this resource will be needed after the implementation to ensure proper capture, retention, and dissemination of system use and training resources as the system grows and evolves.
- **Business Analyst II FTE** will gather and analyze requirements, translate business needs into technical specifications, and ensure that the system aligns with organizational goals. This position will ensure that the system meets the actual needs of the users and the organization. The Courts and Probation state that this position will be needed beyond the implementation to help the project managers ensure that the system can be expanded, adapted, and modified to meet the needs of judges, judicial staff, and other system users, and to conform to legislative changes.

- **Information Management Specialist FTE** will ensure that data is logically organized, easily retrievable, and retained according to policy. This position will support data integrity, compliance, and data-driven decision making. The Courts and Probation state that this position will be required on an ongoing basis to ensure that the data in the system is governed properly and managed in the future.

## **JBC STAFF INITIAL ASSESSMENT**

**IT Project:** Staff will recommend at figure setting that the Committee approve the IT project portion of the request generally as submitted.

The request identifies two years of funding; however, staff may recommend the anticipated total be provided over three years based on the project timeline of almost 36 months to deployment.

Staff will recommend locating this project in the IT Projects (IT capital) section of the Long Bill in order to engage the Joint Technology Committee (JTC) quarterly report and oversight process through the period of development and to provide three-year spending authority for the project appropriations.

However, staff does not recommend referring this project to the JTC for prioritization. Although numbered R2, this represents the Courts and Probation highest priority request. Staff also identifies this project as one of the highest priority, highest urgency needs for the Courts and Probation and is confident in making a direct JBC staff recommendation for funding.

**Annual System Maintenance and Updates:** Staff will recommend at figure setting that the Committee approve the annual system maintenance and updates component generally as submitted.

**Staff Operating:** Staff will recommend at figure setting that the Committee approve some portion of the staff operating component of the request. The request identifies 9.0 FTE. However, staff is initially inclined to recommend 5.0 permanent FTE and 2.0 term-limited FTE at about 60 percent of the estimated ongoing cost, as follows:

- 5.0 FTE of permanent CMS staff, to be funded from FY 2024-25, to include 1.0 FTE project manager, 2.0 FTE application administrators, 1.0 FTE network security engineer, and 1.0 FTE information management specialist;
- 1.0 FTE business analyst for three years of project development only (FY 2024-25 through FY 2026-27); and
- 1.0 FTE IT trainer for two years to bridge development and implementation only (FY 2025-26 and FY 2026-27).

Staff is not convinced by the request narrative regarding the need for 3.0 FTE of Project Managers. This portion of the staff request appears top-heavy and cumbersome relative to executive decision making. Staff will seek additional clarification and justification for this portion of the staff request.

Staff is comfortable with the ongoing support staff identified as 2.0 FTE application administrators, 1.0 FTE network security engineer, and 1.0 FTE information management specialist. These are functions that will be necessary and critical over the lifecycle of the CMS system.



Staff is not convinced by the request narrative regarding the ongoing need for the Business Analyst II. These responsibilities are entirely about the development of the system. While there may be marginal advantages to the Courts and Probation to maintain this position to continue to improve on CMS functionality, staff is not at this point convinced that responsibility is necessary or critical on a full time basis for the lifecycle of the system.

Similarly, staff is not convinced by the request narrative regarding the ongoing need for the IT Trainer. These responsibilities are about collaborating with the vendor to design and deliver necessary training programs, create user guides, and provide ongoing training and support to system users to ensure effective use of the CMS. Once the system is developed and implemented, the need for ongoing training materials creation and collaboration is essentially complete. Again, there may be marginal advantages for the Courts and Probation to maintain this position; however, staff is not yet convinced that attending to this responsibility with a full, dedicated staff position is justified over the course of the lifecycle of the system.

## ISSUE 3: STATE PUBLIC DEFENDER R1 ATTORNEY FTE

The Office of the State Public Defender's (OSPD) R1 Attorney FTE requests 70 additional staff attorneys and 58 related support staff. The OSPD identifies four categories of need: (1) the increased workload related to the continued increase in law enforcement electronic discovery; (2) increased staffing needs due to the use of specialty courts and dockets and magistrates; (3) the significant workload increase related to client needs and system delays due to the "competency crisis"; and (4) significant workload and attorney staffing standards associated with juveniles charged as adults.

### SUMMARY

- The OSPD requests \$14.7 million General Fund and 128.0 FTE for FY 2024-25, annualizing to \$13.8 million General Fund ongoing.
- Since 2016, the amount of data OSPD receives and stores in its cases has increased 4500 percent; and the scope, amount, and complexity of discovery across all case types is identified as the biggest driver of increased staffing needs.
- In addition to "traditional" dockets, OSPD staff also represent clients in a variety of special courts and dockets, appearing in competency dockets, diversion courts (adult, juvenile, competency), specialty courts such as Veterans, Wellness, DUI, Sobriety, Recovery, and Domestic Violence, and "setting" or "scheduling" divisions.
- In FY 2022-23, the OSPD closed 3,797 cases in which competency was raised, a third of which had inpatient restoration orders. The OSPD recorded 9,335 hearings involving competency across all jurisdictions. In August 2023 alone, the OSPD had 672 clients waiting to be transported to inpatient restoration.
- Recently, the Colorado Court of Appeals issued an unpublished decision discussing the level of representation required to effectively prepare sentencing arguments on behalf of youth facing adult penalties. The ABA Criminal Justice Standards for the Defense Function guidelines require that defenders apply a team approach on a case, using "a minimum of four qualified defense team members: two attorneys, one investigator, and one mitigation specialist". OSPD routinely staffs these cases with two attorneys, an investigator, a social worker, and, sometimes, a paralegal. Each year since 2016, there have been between 70 and 100 juvenile cases directly filed or successfully transferred to adult courts in Colorado.

### DISCUSSION

The RAND Corporation issued its "National Public Defense Workload Study" in September that created national workload standards for public defenders; the first update of national standards since 1973. The study relied on criminal defense experts participating in a "Delphi" process to identify the number of hours a reasonably effective criminal defense attorney should spend on a particular type of case. The OSPD states that the study's conclusions are consistent with the OSPD's own Delphi study

from 2017. The RAND study suggests that nationwide, public defender agencies should triple their attorney staff and Colorado should quadruple its public defenders to meet new workload standards.

The RAND study highlighted the significant challenges faced by defenders that have significantly increased workloads, noting that "[t]oday's public defender must possess the skills and time to review police and public camera video, social media and cell phone data, forensic evidence from DNA to chemical drug analysis" and defenders must address "psychological and brain disorders and the impact on [their] clients".

The OSPD states that it handles 70 percent of criminal cases statewide and identifies that public defense is understaffed relative to prosecution, including the following percentage comparisons:

- 58 percent in the 1<sup>st</sup> Judicial District in Jefferson County
- 54 percent in the 17<sup>th</sup> Judicial District in Adams County
- 53 percent in the 20<sup>th</sup> Judicial District in Boulder County

The following table outlines the staffing differences for the front range judicial districts.

FRONT RANGE JUDICIAL DISTRICT AGENCY STAFF COMPARISON - NOV 2022 (SOURCE: OSPD)						
JUDICIAL DISTRICT	OSPD			DISTRICT ATTORNEY		
	ATTORNEY FTE	OTHER FTE	TOTAL FTE	ATTORNEY FTE	OTHER FTE	TOTAL FTE
1st (Jefferson)	43.0	32.0	75.0	74.0	106.1	180.1
2nd (Denver)	76.0	55.0	131.0	109.0	164.0	273.0
4th (El Paso)	76.0	55.8	131.8	92.0	151.0	243.0
8th (Larimer)	24.0	18.0	42.0	41.3	54.0	95.3
17th (Adams)	50.0	39.0	89.0	93.0	126.0	219.0
18th (Arapahoe/Douglas)	61.0	48.0	109.0	102.0	151.0	253.0
19th (Weld)	30.0	23.0	53.0	34.0	46.0	80.0
20th (Boulder)	20.0	14.4	34.4	38.0	67.8	105.8
<b>Total</b>	<b>380.0</b>	<b>285.2</b>	<b>665.2</b>	<b>583.3</b>	<b>865.9</b>	<b>1,449.2</b>
OSPD percent of DA	65.1%	32.9%	45.9%			

The OSPD adds that public defenders have additional ethical duties to establish productive relationships with individual clients, and states that OSPD clients are incarcerated in understaffed detention facilities, making meaningful client communication even more difficult and time-intensive.

This request addresses four categories of challenges: (1) the exponential increase in the amount and complexity of electronic discovery Colorado defenders must receive, organize, and review; (2) the number of courtrooms and "nontraditional" dockets where public defenders are expected and required to appear or "staff"; (3) the increase in clients experiencing behavioral health challenges and significant mental illness; and (4) the work involved in representing juveniles charged as adults.

### INCREASED DISCOVERY

The OSPD states that since 2016, the amount of data it is receiving and storing in its cases has increased 4500 percent; and the scope, amount, and complexity of discovery across all case types is the biggest driver of increased staffing needs.

Law enforcement continues to expand its use of technology-based investigative techniques such as RADIX Corporation's LEONighthawk, Lexis-Nexis's ZETX, Google's Geo-fencing, SECURUS and

voice recognition. Many police departments now use specialized software programs to analyze records like call detail, wiretap recordings, social media, pen register and trap/trace devices, and GPS. Records include large pdf documents and thousands of media files. Prosecutors provide in discovery hundreds of hours of jail phone calls, terabytes of computer data, multiple police officer body-worn camera, and data from these high-tech investigative tools. Police agencies and prosecutor offices have expanded their use of specialized units that investigate complex crimes involving allegations of human trafficking, wire fraud, fentanyl distribution, and "street gangs".

In FY 2022-23, the JBC approved the OSPD request for 104 paralegal FTE to address the increased workload resulting from the increase in the amount of discovery in criminal cases. Paralegals have helped trial attorneys collect, organize, and manage discovery in their most serious cases. However, the diversity of types of files and naming conventions for the many thousands of files received in a single case consume paralegal time. In one Denver area jurisdiction, fifteen different arresting agencies provide discovery, with each agency having its own discovery practices and using different software programs for their media.

While OSPD paralegals have been critical in preparing discovery for review, and at times reviewing and summarizing it for the defense team, attorneys continue to have an ethical duty to do their own independent review of discovery. Colorado Rule of Professional Conduct 1.1 requires competent representation which includes "the legal knowledge, skill, thoroughness and preparation necessary". Diligence, promptness, and reasonable consultation about the client's goals are required by Rules of Professional Conduct 1.2 and 1.4. The burden of increased discovery cannot be fully ameliorated by paralegals. With help from a paralegal, the attorney can be more prepared and focused in their review of discovery, and spend more time communicating with clients and preparing for court.

The OSPD's 2017 The Colorado Project, studied attorney workload and documenting the time spent by attorneys on various work-related tasks. In that study, there were two specific case-related tasks where discovery had the biggest impact: "Case Prep" and "Client Related Contact". "Case prep" involves "reviewing all case-related materials/evidence, strategic planning, trial preparation and sentence preparation". "Client related contact" is "all time spent communicating with client or family on the phone, in person, or in writing. Includes case consultation time." The OSPD conservatively estimates that in 2016, 50 percent of "Case Prep" time was spent on discovery review by the attorney and 25 percent of "Client Related Contact" was spent on showing discovery to the client and reviewing it with them.

The OSPD states that since the 2017 study, it has seen the most significant increase in the amount and complexity of discovery in its history. Considering the increased reliance since 2016 by police and prosecutors on digital discovery instead of paper, for just these two task types from the study, the OSPD estimates that the number of hours attorneys have to spend is almost ten times what it was in 2016, even accounting for paralegals assistance with case preparation and discovery review with clients. The OSPD projects it needs an additional 180 attorney FTE to address the attorney time needed to handle the increase in discovery for these two task types. **The OSPD requests 40 attorneys for FY 2024-25 based on the "discovery" category of need; and suggests that it anticipates requesting an additional 50 attorneys in future years.**

#### **INCREASED SPECIALTY COURTS AND DOCKETS AND MAGISTRATES**

The OSPD states that another significant area that has affected public defender workload is the increased number of courtrooms, special courts, and magistrates the Judicial Branch has assigned to

handle criminal and juvenile cases. One of the key factors that creates expertise and efficiency is the placement of attorneys in designated courthouses and courtrooms throughout the state. OSPD attorneys appear on multiple cases in a single place, meaning they can work on other cases and clients while waiting for judges to call their cases and save travel and wait times. OSPD attorneys know the prosecutors who also routinely appear in these courtrooms and dockets and understand the judge's preferences for case flow and practices in sentencing, motions resolution, and trial. In a single "docket day", a public defender may routinely appear on twenty felony cases or forty misdemeanor cases.

In addition to "traditional" dockets, OSPD staff also represent clients in a variety of special courts and dockets. Statewide, OSPD staff appear in competency dockets, diversion courts (adult, juvenile, competency), specialty courts such as Veterans, Wellness, DUI, Sobriety, Recovery, and Domestic Violence, and "setting" or "scheduling" divisions. Specialty court dockets help both the community and OSPD clients by seeking to problem-solve, reduce recidivism, and support positive, community-safe outcomes on cases.

In the largest judicial districts, first appearance, "advisement" courtrooms require two to four OSPD attorneys every day to appear with recently arrested people. For smaller offices that cover several counties, advisement dockets cause significant inefficiencies because of the coordination and time necessary to appear with a few clients. The OSPD states that jail scheduling demands, jail staffing issues, and the failure of rural courts to agree to consolidated advisement dockets negatively affect public defender workloads.

The time necessary to cover first appearance advisements is increasing with H.B. 21-1280 (Pre-trial Detention Reform) and the clarifications made in H.B. 23-1151 (Clarifications to 48-hour Bond Hearing Requirement) requiring that someone jailed on an out-of-county detainer receive a bail hearing in the county that generated that detainer within 48 hours of arrest. The OSPD states that while these hearings can happen virtually, public defense attorneys face significant logistical challenges providing advisements to clients in jails around the state and there is currently no statewide plan.

The State Courts staff additional dockets by adding judges and funding through "additional district judge" legislation, transitioning judges from civil to criminal work, or by assigning magistrates to criminal matters. The addition of magistrates allows the Courts to add judicial officers, with budget funding or funding in a bill, without district judge legislation. Magistrates often oversee first appearance advisement dockets, competency, specialty courts, and juvenile dockets.

The OSPD states that since 2016, the number of magistrates has grown by 39 percent (plus 23.2 FTE), with no increase in OSPD staff to cover the additional courtrooms over which magistrates preside. Historically, the OSPD requests additional attorneys through the fiscal note process. The last judges bill, S.B. 19-043 (Increasing Number of District Court Judges) added 15 judges; the OSPD received 12 attorneys.

In specialty courts, the cases are typically post-adjudication, a time when the public defender's work would normally be over. Instead, judges ask our offices to either staff these courts as members of the treatment team or, in a few courts, continue the attorney-client relationship after the typical conclusion of a case. Competency and specialty courts may require more appearances where the model is to have a "docket" and a separate court appearance called a "staffing". A "staffing" in specialty and competency courts is typically an informal but regular meeting of professionals, including the

attorneys, treatment providers, probation officers, and judicial officers, to discuss best approaches for the case before the court date.

The OSPD provided the data included in the following tables (staff has not confirmed this data with State Courts but is generally confident of its accuracy, particularly for illustration purposes).

SPECIALTY DOCKETS AND COURTROOMS BY JUDICIAL DISTRICT					
1st (Jefferson)	3 specialty courts	8th (Larimer)	4 specialty courts 2 competency dockets	15th and 16th (SE CO)	1 specialty court 1 competency docket
2nd (Denver)	7 specialty courts 3 competency dockets	9th (Garfield, Pitkin, Rio Blanco)	2 specialty courts	17th (Adams)	3 specialty courts
3rd (Huerfano-Las Animas)	4 specialty courts	10th (Pueblo)	3 specialty courts 1 competency docket	18th (Arapahoe, Douglas)	4 specialty courts 1 competency docket
4th (El Paso)	1 setting docket 4 specialty courts 1 competency docket	11th (Chaffee, Custer, Fremont, Park)	4 specialty courts	19th (Weld)	2 specialty courts
5th (Eagle)	2 specialty courts	12th (San Luis Valley)	2 specialty courts 1 competency docket	20th (Boulder)	2 specialty courts
6th and 22nd (SW CO)	3 specialty courts	13th (NE CO)	none	21st (Mesa)	none
7th (Gunnison, Montrose, Delta)	5 specialty courts	14th (Grand, Moffat, Routt)	2 specialty courts		

DOCKETS OVERSEEN BY MAGISTRATES BY JUDICIAL DISTRICT					
1st (Jefferson)	1 specialty court 5 juvenile courts 1 advisement court	6th and 22nd (SW CO)	1 domestic violence docket	13th (NE CO)	1 advisement court
2nd (Denver)	1 specialty court 2 juvenile courts 3 advisement courts	11th (Chaffee, Custer, Fremont, Park)	1 preliminary hearing 1 juvenile court	15th and 16th (SE CO)	1 advisement court 1 competency docket
4th (El Paso)	1 specialty court 2 advisement courts 3 juvenile courts 1 competency docket	12th (San Luis Valley)	1 advisement court	17th (Adams)	3 advisement courts

The OSPD projects it needs an additional 20 attorney FTE to address the increased staffing required by the Judicial Department's expansion of specialty courts and dockets and magistrates. The OSPD requests 10 attorneys for FY 2024-25 based on the "specialty courts" category of need; and suggests that it anticipates requesting an additional 10 attorneys in future years.

## COMPETENCY CRISIS

The OSPD states:

Colorado's competency system is in crisis. Pursuant to constitutional requirements, a person accused of a crime cannot be prosecuted, resolve their case with a plea bargain, or go to trial if they are not mentally competent. The Office of Civil and Forensic Mental Health is responsible for evaluating a person's competency to move forward in criminal courts and providing education and treatment to help them in gaining competency so the case can move forward. Because of the cyclical causal relationship between mental illness and poverty, court-appointed counsel represents most people deemed incompetent to proceed.

The OSPD has not previously sought funding to address the increased workload created by these delays because between statutory change over the last six years and the existence of a federal court's oversight of the competency system in Colorado, it appeared a solution would be forthcoming. Instead, the problem has gotten worse. People accused of crimes who are in jail and incompetent to proceed are

waiting on average 104.6 days to receive treatment and inpatient restoration services, with some people waiting as many as 575 days just to begin restoration.

These wait times – simply to begin the process of restoration to competency – are inconsistent with the precise, short timelines ordered by a federal court and codified in Colorado statute that mandate admission to a hospital within either seven or twenty-eight days, depending on the acuity of the person's situation.

The federal court established these timelines when the Colorado Department of Human Services faced a federal lawsuit in 2011 in currently titled *Center for Legal Advocacy v. Michelle Barnes* for its handling of competency cases. The original complaint alleged constitutional violations for "delays for treatment that last as long as six months." In the ensuing years, DHS continued to assert in federal court that it faced "increases in court referrals" and "unprecedented staff shortages" (August 2015), and an "unanticipated spike in court referrals," (June 2017), and in April 2019 it agreed to operate under a mediated consent decree. Despite the decree, DHS faces ongoing staffing shortages while repeatedly pointing to increased referrals as the crisis worsens. In July 2023, the Special Masters assigned to oversee compliance with the federal consent decree reported:

*Just like each quarter for the past year, this quarter revealed markers of the competency crisis growing even more dire. The wait list has increased, as have wait times for people on the list. Again, the wait list has reached historic highs, now exceeding 450 individuals waiting. Wait times far exceed maximum time frames, translating into months spent waiting in local jails, even for the Tier 1 detainees who should be admitted within one week.*

Twelve years since the federal lawsuit intended to solve the situation, with millions of dollars in fines assessed against the Department of Human Services, and despite the legislature implementing multiple statutory changes, the situation remains a constitutional and human rights disaster. Because this crisis is longstanding and is "growing even more dire," the OSPD cannot continue to simply absorb the extra workload these cases require without additional staffing.

The OSPD adds:

Colorado's competency crisis increases public defender workload for a variety of reasons. Most obviously, these cases require more court appearances as cases for incompetent clients languish on criminal dockets, sometimes for years. Much of the work public defenders do on behalf of incompetent clients occurs outside of the courtroom. Representing people living with mental illness requires extra care, knowledge, and attention. Colorado Rule of Professional Conduct 1.14(a) requires that when representing clients with a diminished capacity, the lawyer must, "as far as reasonably possible, maintain a normal client-lawyer relationships with the client." This means that the lawyer must seek to communicate with the client regularly, share relevant discovery, discuss plea and trial options, and advise the client, even if the client cannot yet move their case forward. Meetings with incompetent clients can be long, frequent, and repetitive because of the client's mental capacity, memory deficits, and the physical and mental suffering they experience while incarcerated and mentally ill.

The ABA Criminal Justice Standards on Mental Health Standard 7-1.427 requires attorneys who represent people with mental illness to "work particularly closely with their clients," explore all mental state questions that the attorney might raise and seek relevant information from family members and collateral sources. These cases often require investigation into collateral records, which can be extensive if the person has lifelong mental health conditions; interviews of family, friends, and behavioral health professionals; and consultation with experts. Defense teams must seek competency re-evaluations, find community resources if the court releases the client into the community, and mental health treatment. Judges routinely condition release on the client having stable housing, supportive mental health resources, and medication management. With a lack of support services for people criminally accused

and living with mental health conditions, public defenders must scrape together options that courts will accept. For clients who remain warehoused in jails, held for extended periods of time awaiting restoration treatment, defense counsel must advocate for safe, sanitary, and humane treatment, which requires more motions and hearings to protect these vulnerable clients. Competency litigation is particularly time-intensive considering the complexity of Colorado's competency statute and the multitude of constitutional rights violated by delays in treatment.

In FY 2022-23, the OSPD closed 3,797 cases in which competency was raised. Approximately a third of those cases had inpatient restoration orders. The OSPD recorded 9,335 hearings involving competency across all jurisdictions. In August 2023 alone, the OSPD had 672 clients waiting to be transported to inpatient restoration.

The OSPD projects it needs an additional 20 attorney FTE to address the workload increases related to the competency crisis. **The OSPD requests 15 attorneys for FY 2024-25 based on the "competency crisis" category of need.**

### **JUVENILE CHARGED AS ADULT**

Cases where the prosecution seeks to charge youth as adults require specialized advocacy and extensive pretrial litigation and mitigation work different from a typical adult criminal case. When the prosecution files a juvenile case directly in adult court, the court must hold a hearing that considers many factors, including an analysis of "the age . . . and maturity of the juvenile, as determined by considerations of the juvenile's home, environment, emotional attitude, and pattern of living", "[t]he juvenile's current and past mental health status, as evidenced by relevant mental health or psychological assessments or screenings that are made available to both the district attorney and defense counsel", and "[t]he likelihood of the juvenile's rehabilitation by use of the sentencing options available in the juvenile . . . and district courts". When the prosecution wants to transfer a youth's case from juvenile to adult court, the court must hold a hearing considering similar factors. These hearings, known as transfer and reverse transfer hearings, typically include several days of testimony and argument.

The work to prepare for these hearings is specialized and labor-intensive. Defenders in jurisdictions where direct file and transfer cases are routinely sought report these cases require at the outset an amount of work typically associated with taking a murder or complex felony to trial just to determine whether the case will next proceed in adult or juvenile court. The youth defense team must seek, vet, and prepare expert witnesses; interview family members; and collect records from schools, treatment providers, and systems and institutions that have interacted with the child. The team must also defend against the prosecution's substantive charges because in both transfer and reverse transfer proceedings the court must consider "the seriousness of the offense" and whether the alleged offense was committed in an "aggressive, violent, premeditated, or willful manner" against property or person. This work must be done in addition to the usual pretrial and trial tasks involved in standard adult criminal cases. Once the court decides where the case will move forward, the lawyers must then defend the case on the merits.

Recently, the Colorado Court of Appeals issued an unpublished decision discussing the level of representation required to effectively prepare sentencing arguments on behalf of youth facing adult penalties. *People v. Gregg*s referenced defense guideline standards that defense counsel "present to the court any ground which will assist in reaching a proper disposition favorable to the accused". In addition to discussing the ABA Criminal Justice Standards for the Defense Function § 4-8.3(e) (4th



ed. 2017), for sentencing proceedings generally, the court of appeals also cited youth-specific practice guidelines from The Campaign for the Fair Sentencing of Youth. These guidelines require that defenders apply a team approach on a case, using "a minimum of four qualified defense team members: two attorneys, one investigator, and one mitigation specialist". The guidelines set forth the roles and responsibilities of the defense team representing youth and list child-specific considerations relevant throughout that representation that highlight the complexity of this work. For example, at least one attorney must have relevant substantive experience representing child clients and at least one attorney must have homicide experience, including the investigation and presentation of sentencing mitigation. Because of the scope of work and seriousness of the consequences for these young clients, OSPD routinely staffs these cases with two attorneys, an investigator, a social worker, and, sometimes, a paralegal.

The OSPD states that it has not previously requested staffing for the increased workload in defending youth clients charged as adults. Each year since 2016, there have been between 70 and 100 juvenile cases directly filed or successfully transferred to adult courts in Colorado. The OSPD projects it needs an additional 10 attorney FTE to address the increased staffing required for juveniles charged as adults. **The OSPD requests 5 attorneys for FY 2024-25 based on the "specialty courts" category of need; and suggests that it anticipates requesting an additional 5 attorneys in future years.**

OSPD R1 ATTORNEYS REQUESTED BY CATEGORY			
CATEGORY	SUGGESTED NEED	FY 2024-25 REQUEST	FUTURE REQUEST
Increasing Discovery	180	40	50
Specialty Courts	20	10	10
Competency Crisis	20	15	0
Juvenile Charged as Adult	10	5	5
<b>Total</b>	<b>230</b>	<b>70</b>	<b>65</b>

The request also includes 58.0 FTE of support staff, including 23.3 FTE Investigator I (1:3 ratio), 11.7 FTE Paralegal I (1:6 ratio), 17.5 Administrative Assistant I (1:4 ratio), and 5.5 centralized administrative staff (estimated 4.5 percent of FTE for central administrative overhead); 128.0 FTE in total.

### JBC STAFF INITIAL ASSESSMENT

The OSPD last received a large block of attorney FTE with support staff in FY 2020-21 and FY 2021-22. Appropriations provided over two years, representing the total request submitted for FY 2020-21, included 36.0 FTE of attorneys and 23.6 FTE of support staff – 59.6 FTE in total.

Based on an initial assessment, staff is inclined to recommend the request as submitted. The OSPD has generated a reasonable request for specific and discrete categories of need and included empirical data to support their request to some extent for each category. The OSPD has a history of deploying staff resources efficiently and effectively, and staff is confident that the OSPD will maximize the use of and return on these resources.

## ISSUE 4: COURTS AND PROBATION R7 RALPH L. CARR JUDICIAL CENTER

The Courts and Probation request funding and legislation for urgent and critical support of the Ralph L. Carr Judicial Center (Judicial Center). Through FY 2019-20, more than \$4.5 million General Fund was provided to support Judicial Center funding; a \$3.6 million General Fund cut was taken in FY 2020-21 and never restored. Structurally, current cash fund support from the Judicial Center Cash Fund (JCCF), with revenue generated from statutory court filing fees can no longer independently support the financing and operations of the Judicial Center. Additionally, the Judicial Center, completed in December 2010, has entered its initial period for the need to support annual controlled maintenance for the replacement of building systems at the end of their economic or physical life. Statutory change is also requested to repeal the current and unused controlled maintenance funding mechanism and dedicated cash fund.

### SUMMARY

- Judicial Center appropriations are funded by the JCCF and by General Fund. The JCCF earned revenue totaling \$18.6 in FY 2022-23 and \$17.8 million in FY 2021-22. The FY 2023-24 appropriation totals \$22.1 million, including \$883,000 General Fund, and is under-appropriated by about \$1.2 million total funds for current, necessary spending authority.
- The JCCF had a balance of \$11.0 million at the beginning of the current fiscal year (FY 2023-24), is projected to have a balance of \$5.2 million at the end of the year, and without increasing appropriations for controlled maintenance, will be approaching insolvency by the end of FY 2024-25.
- Although total appropriations have totaled \$22-23 million per year since FY 2020-21, appropriations totaled \$29 million per year in years before that, including \$4.5-5.0 million General Fund.
- Current request projections identify a need for a total appropriation of \$29.9 million for FY 2025-26, including a General Fund appropriation of \$12.9 million.
- The request also identifies a current year (FY 2023-24) General Fund need of \$5.6 million and a budget year (FY 2024-25) General Fund need of \$8.9 million in order to keep the JCCF from insolvency and provide controlled maintenance funding.

### RECOMMENDATION

Staff will make recommendations for the supplemental and budget year requests at supplemental and figure setting presentations. Staff will recommend most of the request, but may be able to recommend an incrementally lower General Fund appropriation in both years and ongoing.

## DISCUSSION

### **JUDICIAL CENTER BACKGROUND**

Senate Bill 08-206 (Justice Center State Museum Agreements) authorized the State to enter into lease-purchase or certificate of participation (COP) agreements for the development and construction of the Ralph L. Carr Judicial Center (Judicial Center), with principal not to exceed \$275 million; annual lease-purchase payments not to exceed \$19 million; and a term not to exceed 38 years. In July 2009, project financing was secured through a single issuance for a combined Justice Center and History Colorado project totaling \$338.8 million. Financing resulted in COP payments of less than \$19 million per year for 33 years (September 2012 through September 2045). Construction of the Judicial Center, including the Supreme Court, Court of Appeals, and the twelve-story office tower was completed in December 2010. Tenants of the office tower include the State Court Administrator's Office (SCAO), the Attorney General's Office, the Office of Attorney Regulation Counsel, the Office of State Public Defender (OSPD), the Office of Alternate Defense Counsel (OADC), the Office of the Respondent Parents' Counsel (ORPC), the Office of the Child Protection Ombudsman (OCPO), the Independent Ethics Commission (IEC), the Office of the Presiding Disciplinary Judge, and the Office of Judicial Discipline (OJD).

The Judicial Center was constructed for two purposes: 1) to consolidate into one efficient and cost effective building the judicial and legal offices of the state, and 2) to address the safety, security, and overcrowding issues of the previous judicial building. The non-statutory legislative declaration included in S.B. 08-206 identified the following financial benefits of consolidation: replacement of privately owned leased space with state-owned and -operated space; avoidance of ongoing payments for the rent, operation, maintenance, and remodeling costs related for all then-current justice-related office locations; and the realization of greater programmatic efficiencies and decreased operating costs from multiple, justice-related office locations.

### **JUSTICE CENTER CASH FUNDS AND APPROPRIATIONS**

The Justice Center Cash Fund (JCCF) is created in Section 13-32-101 (7)(a), C.R.S., and consists of all fees required by law to be deposited in the fund, any lease payments received by the Judicial Department (Department) from agencies occupying space at the Judicial Center, and parking fees paid by employees and members of the public who utilize the Judicial Center parking garage. The JCCF is to be used for expenses related to the design, construction, maintenance, operation, and interim accommodations of the Judicial Center, including annual COP payments, maintenance costs, operating projects, and capital projects in the Judicial Center and the Judicial Center Garage at 1255 Lincoln.

Long Bill Appropriations for the Judicial Center are made in three line items:

- Building Management and Operations funds facility staff (14.0 FTE), building administration, building and grounds repair, maintenance and cleaning, security, parking, and utilities;
- Justice Center Maintenance Fund Expenditures is intended to fund the controlled maintenance of the Judicial Center; and
- Debt Service Payments repays the Certificates of Participation (COPs) issued to fund the building. COP debt service payments are made in September and March payments.

Historically, an additional cash fund, the Justice Center Maintenance Fund created in Section 13-32-101 (7)(d)(I), C.R.S., and a fourth line item, Appropriation to the Justice Center Maintenance Fund,

were added for FY 2019-20 as a policy mechanism to build a capital reserve for future controlled maintenance projects for the Judicial Center. This line item was used for one year, FY 2019-20, and appropriated \$4.6 million cash funding from the JCCF. This amount may have been "available" for one year, however this source of funding continues to be unsustainable on an ongoing basis. As noted in the cash funds table on page 13, the JCCF earned \$18.6 million in cash fund revenue in FY 2022-23; the JCCF similarly earned \$17.8 million in cash fund revenue in FY 2021-22.

General Fund was requested in its place for FY 2020-21, but was eventually zeroed out entirely due to pandemic budget cuts. Additionally, appropriations from the JCCF created accounting redundancies and inefficiencies and did not provide a sustainable solution to controlled maintenance funding.

The Department requests JBC legislation to repeal the existing controlled maintenance funding structure and cash fund. An annual appropriation with three-year spending authority for controlled maintenance and capital renewal would more simply and transparently take its place.

### **HISTORICAL GENERAL FUND SUPPORT AND TOTAL APPROPRIATIONS**

Historically, General Fund appropriations are reflected in the Debt Services Payments line item only. An appropriation of \$5.0 million General Fund was added for Debt Service Payments in FY 2015-16, the first year that the Debt Services Payments line item was included in the budget. The following table outlines historical General Fund support for the Judicial Center.

JUDICIAL CENTER APPROPRIATIONS AND R7 REQUESTS*			
	TOTAL FUNDS	GENERAL FUND	JCCF (CF/RF)
FY 2015-16	\$29,055,616	\$5,000,000	24,055,616
FY 2016-17	29,094,357	4,806,525	24,287,832
FY 2017-18	29,257,508	4,704,365	24,553,143
FY 2018-19	29,236,305	4,598,683	24,637,622
FY 2019-20	33,882,319	4,492,915	29,389,404
FY 2020-21	23,138,366	883,418	22,254,948
FY 2021-22	22,134,005	883,418	21,250,587
FY 2022-23	22,096,365	883,418	21,212,947
FY 2023-24	22,107,479	883,418	21,224,061
*FY 2023-24	23,267,194	5,642,825	17,624,369
*FY 2024-25	27,864,196	8,892,915	18,971,281
*FY 2025-26	29,921,709	12,868,825	17,052,884

As reflected in the table, total appropriations decreased from just over \$29 million annually to \$22-23 million annually since FY 2020-21. The one-year increase to \$33.9 million in FY 2019-20 is a one-year aberration relative to historical trend and reflects the one-year, \$4.6 million cash funds appropriation to the Justice Center Maintenance Fund discussed above. The "three years" of funding requested in R7 returns the total appropriation to its historical trend amount of \$29 million-plus. However, given the limits of cash fund revenue available annually from the JCCF, the request identifies \$12.9 million General Fund in ongoing support for the Judicial Center.

### **REQUESTED AND PROJECTED JUDICIAL CENTER APPROPRIATIONS**

Future Judicial Center appropriations would reside in three line items as follows:

- Building Management and Operations (current) funding facility staff, building administration, building and grounds repair, maintenance and cleaning, security, parking, and utilities;

- Justice Center Controlled Maintenance and Capital Renewal (new) will fund annual controlled maintenance projects for the Judicial Center and include three-year spending authority; and
- Debt Service Payments (current) makes the COP payments.

The Department projects the following Judicial Center costs:

JUDICIAL CENTER COST PROJECTIONS								
	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Building Mgt and Operations	\$6,549,640	\$7,011,680	\$7,222,030	\$7,438,691	\$7,661,852	\$7,891,708	\$8,128,459	8,372,313
percentage change		7.1%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Controlled Maint and Cap Renewal	1,650,000	5,098,500	6,245,663	7,352,037	8,519,173	9,749,720	11,046,433	12,412,174
percentage change		209.0%	22.5%	17.7%	15.9%	14.4%	13.3%	12.4%
Debt Service Payments	15,429,016	15,754,016	16,454,016	17,154,016	17,854,016	18,554,016	19,254,016	19,954,016
percentage change		2.1%	4.4%	4.3%	4.1%	3.9%	3.8%	3.6%
<b>Total Judicial Center</b>	<b>\$23,628,656</b>	<b>\$27,864,196</b>	<b>\$29,921,709</b>	<b>\$31,944,744</b>	<b>\$34,035,041</b>	<b>\$36,195,444</b>	<b>\$38,428,908</b>	<b>\$40,738,503</b>
		17.9%	7.4%	6.8%	6.5%	6.3%	6.2%	6.0%

As reflected in the table, the current line items, Building Management and Operations and Debt Service Payments generally increase at about 3-4 percent per year. However, Controlled Maintenance and Capital Renewal increases at much higher rates. The increase from \$1.7 million in FY 2023-24 to \$5.1 million in FY 2024-25 appears to account for the significant increase in General Fund that is included in the request. The Department includes the following in its request narrative:

#### *Controlled Maintenance Plan*

*The Office of the State Architect does not oversee the management of the Ralph L. Carr Judicial Center, however, to successfully manage and maintain the building, the Department follows the State Architect's recommendations concerning controlled maintenance and management of public buildings. The State Architect reports that industry standards emphasize that without an annual reinvestment rate of 3 to 4 percent of the current building replacement value, the building cannot be maintained or upgraded at an acceptable level and will continue to deteriorate. In light of this, and consistent with the State Architect's recommendation concerning other State buildings, the SCAO believes that an appropriation of 1.0 percent of the current replacement value of the Judicial Center is necessary to ensure that the building does not deteriorate. This appropriation will provide the Department with the opportunity to address planned maintenance and repairs throughout the building. The most recent valuation of the building is approximately \$330 million, therefore \$1.5 million is necessary for the remainder of FY 2023-24 and an ongoing appropriation of a minimum of \$3.0 million is necessary beginning in FY 2024-25.*

#### *Capital Renewal/Emergency Plan*

*In addition to designated funding for controlled maintenance and consistent with the State Architect's recommendations concerning capital renewal, renovations, and emergencies, the Department recommends that funding be appropriated annually beginning in FY 2024-25 for the purpose of upgrading or renovating the building to meet tenant needs. The Department requests that the FY 2024-25 appropriation be set at 0.5 percent of the current replacement value and that the appropriation be incrementally increased by 0.25 percent annually until the amount appropriated equals 2 percent of the current replacement value of the building.*

*The Department requests that funding for controlled maintenance, capital renewal, and emergency projects be appropriated to a new line item in the Department's budget called "Judicial Center Controlled Maintenance and Capital Renewal" and that three-year spending authority be provided to ensure that funding is available for projects with expenditures that cross multiple fiscal years.*

A closer look at the Controlled Maintenance portion of the projection cost build includes the following:

JUDICIAL CENTER CONTROLLED MAINTENANCE AND CAPITAL RENEWAL COST PROJECTIONS								
	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Value of Building (in millions)	\$339.9	\$356.9	\$367.6	\$378.6	\$390.0	\$401.7	\$413.7	\$426.2
percentage increase	3.0%	5.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Controlled Maintenance	1,650,000	3,399,000	3,568,950	3,676,019	3,786,299	3,899,888	4,016,885	4,137,391
percentage of value of building	0.5%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Capital Renewal/Emergency	0	1,699,500	2,676,713	3,676,019	4,732,874	5,849,832	7,029,548	8,274,782
percentage of value of building	0.0%	0.5%	0.7%	1.0%	1.2%	1.5%	1.7%	1.9%
<b>Total CM and Cap Renewal</b>	<b>\$1,650,000</b>	<b>\$5,098,500</b>	<b>\$6,245,663</b>	<b>\$7,352,038</b>	<b>\$8,519,173</b>	<b>\$9,749,720</b>	<b>\$11,046,433</b>	<b>\$12,412,173</b>
percentage increase			22.5%	17.7%	15.9%	14.4%	13.3%	12.4%

The value of the building is projected to increase 3.0 percent per year, except for 5.0 percent for FY 2024-25. Controlled Maintenance is projected at 1.0 percent of building value consistently. Capital Renewal increases from 0.5 percent to 1.9 percent over six years.

The State Architect recommends state controlled maintenance funding of 1.0 percent of building value. This figure is the "bare minimum" recommendation based on national industry standards that recommend 1-2 percent for controlled maintenance and 1-2 percent for capital renewal.

Controlled maintenance is the replacement of building systems that are intended to last more than one year. Capital renewal, by statutory standards, is a controlled maintenance project that costs more than \$2.0 million in a single year. Capital renewal more generally is the replacement and update of building usage areas and layout. While the national building industry standard is a recommendation of 2-4 percent for all controlled maintenance and updates, the State Architect has recommended a minimum of 1.0 percent state funding specifically for controlled maintenance.

### JBC STAFF INITIAL ASSESSMENT

Due to the scale of this request, staff recommends the following "alternate" assumptions for the controlled maintenance cost projections:

- Staff recommends a building value projected increase of 1.0 percent per year. Practically, the market determines building value. The state has traditionally relied on insured value as the only available and consistent building value indicator for state buildings generally. Commercial real estate, particularly in the downtown area, is not currently in high demand. Therefore, staff believes a projected increase in building value of 1.0 percent per year may be a more reasonable assumption for the foreseeable future.
- Staff recommends 1.0 percent for controlled maintenance as included in the request projections.
- Staff recommends 0.5 percent for capital renewal and emergency funding on an ongoing basis. In recent years, state building controlled maintenance regularly comes close to being funded at 1.0 percent through the state capital construction budget. Although staff has not analyzed state

spending on capital renewal projects in recent years, additional projects for capital renewal are also annually funded on a project basis. Therefore, staff believes that a fair equivalent for Judicial Center funding is 1.0 percent and 0.5 percent. Additionally, the request includes a five-year controlled maintenance project plan for the Judicial Center that identifies \$5.0 million for FY 2024-25, \$6.2 million for FY 2025-26, and \$3.1 million for FY 2026-27. Staff believes the alternate assumption addresses almost all of this anticipated need. This plan provides a sustainable and predictable level of support for controlled maintenance that allows building operations staff to effectively and broadly plan for necessary controlled maintenance projects over three to five years.

The following table outlines staff's projected controlled maintenance cost:

JBC STAFF - JUDICIAL CENTER CONTROLLED MAINTENANCE AND CAPITAL RENEWAL COST PROJECTIONS								
	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Value of Building (in millions)	\$333.3	\$336.6	\$340.0	\$343.4	\$346.8	\$350.3	\$353.8	\$357.3
percentage increase	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Controlled Maintenance	1,650,000	3,366,330	3,399,993	3,433,993	3,468,333	3,503,016	3,538,047	3,573,427
percentage of value of building	0.5%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Capital Renewal/Emergency	0	1,683,165	1,699,997	1,716,997	1,734,167	1,751,508	1,769,023	1,786,714
percentage of value of building	0.0%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
<b>Total CM and Cap Renewal</b>	<b>\$1,650,000</b>	<b>\$5,049,495</b>	<b>\$5,099,990</b>	<b>\$5,150,990</b>	<b>\$5,202,500</b>	<b>\$5,254,525</b>	<b>\$5,307,070</b>	<b>\$5,360,141</b>
percentage increase			1.0%	1.0%	1.0%	1.0%	1.0%	1.0%

The following table outlines staff's total Judicial Center cost projections with that adjustment:

JBC Staff - Judicial Center Cost Projections								
	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Building Mgt and Operations	\$6,549,640	\$7,011,680	\$7,222,030	\$7,438,691	\$7,661,852	\$7,891,708	\$8,128,459	8,372,313
percentage change		7.1%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Controlled Maint and Cap Renewal	1,650,000	5,049,495	5,099,990	5,150,990	5,202,500	5,254,525	5,307,070	5,360,141
percentage change			1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Debt Service Payments	15,429,016	15,754,016	16,454,016	17,154,016	17,854,016	18,554,016	19,254,016	19,954,016
percentage change		2.1%	4.4%	4.3%	4.1%	3.9%	3.8%	3.6%
<b>Total Judicial Center</b>	<b>\$23,628,656</b>	<b>\$27,815,191</b>	<b>\$28,776,036</b>	<b>\$29,743,697</b>	<b>\$30,718,368</b>	<b>\$31,700,249</b>	<b>\$32,689,545</b>	<b>\$33,686,470</b>
		17.7%	3.5%	3.4%	3.3%	3.2%	3.1%	3.0%

Based on the table, this reduces the identified and requested FY 2025-26 General Fund need by about \$1.0 million. More significantly, this projection suggests a more sustainable, annual General Fund increase over the years included in the table, reducing the FY 3030-31 appropriation by \$7.0 million. Additionally, staff assumes, and will need to confirm, that there may be additional JCCF fund balance that might be used in the current and budget years to reduce the General Fund impact in those years. Nevertheless, it appears that a General Fund appropriation of \$10-12 million per year will be necessary to fund Justice Center costs in future years.

The following are the summaries included in the request by fiscal year.

### **FY 2023-24 Supplemental Request**

The Department will submit a prioritized FY 2023-24 supplemental budget request for a net increase of \$1,159,715 total funds, including an increase of \$4,759,407 General Fund, a decrease of \$3,199,692

cash fund spending authority from the Justice Center Cash Fund (JCCF), and a decrease of \$400,000 reappropriated funds spending authority from the Justice Center Maintenance Fund (JCMF). This request will restore the \$3,609,497 General Fund that was cut for budget balancing purposes in FY 2020-21 and address cash fund solvency issues, increase the total appropriation by \$75,000 to address the impact of federal sequestration, true up the reappropriated funds spending authority, and improve the JCCF cash fund position in August 2024 to ensure the September COP payment of \$10.5 million can be made.

#### **FY 2024-25 Request**

The Department's FY 2024-25 request for a net increase over current FY 2023-24 appropriations of \$5,756,717 total funds, including an increase of \$8,009,497 General Fund, a decrease of \$964,242 cash funds from the Justice Center Cash Fund, and \$1,288,538 reappropriated funds from the Justice Center Maintenance Fund, will ensure ongoing cash fund solvency and provide necessary funding for Justice Center controlled maintenance, capital renewal, and emergency projects. In addition, repealing the Justice Center Maintenance Fund and directly appropriating cash funds will reduce redundancies and improve transparency.

#### **FY 2025-26 Request**

The Department's FY 2025-26 request is for a net increase of \$2,057,513 total funds, including an increase of \$3,975,910 General Fund and a decrease of \$1,918,397 cash funds from the Justice Center Cash Fund, to cover the projected increase in maintenance and operating costs and the 0.25 percent incremental rate increase for capital renewal and emergency costs; and to ensure cash fund solvency.



## ISSUE 5: UPDATE ON ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES

Senate Bill 23-228, Office of Administrative Services for Independent Agencies, created the office known as ASIA to provide central administrative and fiscal services support for the small, independent agencies added in the Judicial Department budget over recent years. This issue brief provides an update on implementation.

### SUMMARY

- Senate Bill 23-228 required the ASIA Board to hire an Office Director by October 1, 2023.
- The ASIA Board reports that it is hopeful of hiring an Office Director by December 15<sup>th</sup> who would likely begin by mid-January.
- Senate Bill 23-228 also required the Office Director to hire half of staff positions by January 1, 2024 and the balance of staff positions by March 1, 2024, in order to ensure three to six months of functional handoff of administrative and fiscal support responsibilities from the State Court Administrator's Office (SCAO).
- It appears doubtful that ASIA can serve as the primary administrative and fiscal support office for the independent agencies by July 1, 2024; statute may need to be amended to provide for a delayed implementation with ongoing support from the SCAO for an unknown period.

### RECOMMENDATION

Staff recommends that the Committee continue to have patience with the delay in the implementation of the ASIA Office. Despite the excessive delay, staff continues to believe that this model remains the best available solution for the provision of central administrative and fiscal support services for the small, judicial independent agencies. Nevertheless, staff is incredibly frustrated by the ASIA Board's apparent lack of gravity expressed regarding its only statutory requirement and deadline.

**Staff will recommend, as a supplemental package recommendation in January, legislation to clarify ASIA Board membership and to clarify Board oversight solely as an advisory board.**

The ASIA Office is not a specialized policy implementation program or commission of law; it delivers basic, well understood, well-practiced administrative and fiscal support services and does not require Board attention to legal intricacies of organizational standup as appears the Board has been engaged. Based on actual experience thus far, this recommendation is intended to reduce Board activism and paralysis on issues that are irrelevant, have *de minimis* impact, or are of almost exclusive personal or parochial interest to particular Board members, and otherwise increase board process efficiency for the efficient operation of the ASIA Office.

## DISCUSSION

### UPDATE LETTER FROM CHAIR OF THE ASIA BOARD

For direct appreciation of the ASIA Board experience, please refer to the attached December 1<sup>st</sup> update memo from the Chair of the ASIA Board.

### JBC STAFF PERSPECTIVE

Senate Bill 23-228 established **ONE** responsibility and related deadline for the ASIA Board: to hire an office director by October 1, 2023. The bill was signed by the Governor on April 20<sup>th</sup>, and the Senate concurred in House amendments on April 10<sup>th</sup>, officially providing just over five months to complete that one purpose.

The bill also assigned to the Chair of the ASIA Board, administrative process responsibilities related to contracting with a human resources consultant intended to predominantly address the administrative and professional support for the director recruiting tasks in meeting the statutory requirement. This was intentionally structured to be administered without Board participation or responsibility. The bill was intended to bypass Board involvement in the recruiting process, except for its necessary authority over the hiring decision.

Additionally, initial delays were created by the assignment of counsel from the Attorney General's (AG's) Office to the ASIA Board and certain member questions regarding the appropriateness for legal counsel from the AG's Office. Questions were also raised about a lack of clarity around Board membership in statute and alternate legal interpretations were considered and advanced and created further delays.

Therefore, in staff's opinion, excessive Board intervention and activism have generated a delay that statutory structure intended to limit or preclude. And in doing so, the Board failed to meet or even come close to meeting its statutory requirement and deadline. Staff recognizes that the application of statutory policy in the real world can and does generate differences of opinion and expectations. And it is clear from the experience that there are necessary clarifications to be added to reinforce the original intentions for the structure of the Office advanced by staff and approved by the Committee.

Therefore, staff intends to bring recommendations to the Committee as a part of supplemental recommendations for a supplemental package bill for necessary clarifications for the ASIA Office and ASIA Board oversight intended to clarify Board membership and more definitively limit the excesses of Board activism that have been largely responsible for the delays in the implementation of the Office.

Staff also believes that the ASIA model, administrative services provision as an independent agency, remains the best solution in this unique budget structure. Staff agrees that the timeline was necessarily aggressive to achieve a one-year implementation. It is unclear to staff at this time whether ASIA can serve as the primary administrative and fiscal support office for the independent agencies by July 1, 2024; statute may need to be additionally amended to provide for a delayed implementation. Nevertheless, staff counsels Committee patience with the implementation process at this time, and will continue to monitor and update the Committee as necessary over the 2024 session.

Administrative Services for Independent Agencies Board  
1300 Broadway, Suite 430  
Denver, CO 80203

Mr. Alfredo Kemm  
Colorado Joint Budget Committee Staff  
Colorado General Assembly  
200 E Colfax Ave  
Denver, CO 80203

Re: SB 23-228, Concerning the Creation of the Office for Administrative Agencies in the Judicial Department

December 1, 2023

Dear Members of the Joint Budget Committee,

SB 23-228 established the Office for Administrative Services for Independent Agencies (“ASIA”) to act as an independent agency that provides centralized administrative and fiscal support for the included agencies.<sup>1</sup> ASIA is governed by an administrative board that consists of the director of each included agency (the “Board”).<sup>2</sup>

The Board is chaired by the Director of the Office of the Child Protection Ombudsman (OCPO) until June 30, 2024.<sup>3</sup> The members of the Board conduct the duties listed in statute without compensation or additional administrative support. All other expenses associated with the Board’s duties, including the recruitment and hiring of a new Director, are paid for through the ASIA budget.

The Board is responsible for hiring the director of ASIA (the “Director”), assisting the Director in establishing office policies and administrative board policies, and providing administrative oversight of ASIA.<sup>4</sup> Pursuant to the statute, the Board was required to prioritize hiring a human resources consultant by July 1, 2023,<sup>5</sup> and hiring the Director by October 1, 2023.<sup>6</sup>

The purpose of this memo is to provide you with an update of our progress on these two items.

In May 2023, the undersigned, acting in my capacity as Board Chair, began research to identify a human resources expert who could assist the Board with recruitment and selection of the Director. As Board Chair, I also designed a needs assessment survey which was distributed to all independent agencies in early June 2023. The Board contracted with a human resources expert in July and held its first meeting on July 11, 2023. Since this time, the ASIA Board has met approximately ten times. Another dozen meetings have been held between myself, as Board Chair, and the employment and procurement divisions of the Colorado Attorney General’s Office, the budget department of the Colorado Judicial Branch, and ASIA’s human resource vendor.

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<sup>1</sup> C.R.S. 13-100-102

<sup>2</sup> C.R.S. 13-100-102(4)

<sup>3</sup> C.R.S. 13-100-102 (5)

<sup>4</sup> C.R.S. 13-100-102(6)

<sup>5</sup> C.R.S. 13-100-102(6)(a)

<sup>6</sup> C.R.S. 13-100-102(6)(b)

A significant amount of time was expended on the Board's initial efforts to establish a preliminary infrastructure, in advance of hiring the Director of ASIA. Establishing this infrastructure included creating operating bylaws, securing conflict-free legal counsel from the Department of Law, and resolving which of the Colorado independent agencies were members of the ASIA Board.<sup>7</sup> Due to the time required to resolve these important preliminary issues, the Board was unable to begin the recruitment and search process for the ASIA Director until late August 2023.

#### Executive Director Search

The Board contracted with Coach Craft, LLC to assist the Board with the recruiting and hiring process for the new Director position. The following is a summary of our progress.

1. Develop a detailed hiring strategy (Completed: August 28, 2023)

2. Job Description Optimization (Completed: September 12, 2023)

- Review and refine the job description.
- Developed two job postings that highlight the unique aspects of the role, such as building the office from the ground up and leading transformative change.

3. Talent Attraction and Sourcing (Completed: September 12, 2023)

Utilized various channels for sourcing candidates, including job boards, professional networks, LinkedIn, and industry-specific platforms. These included:

- Governmentjobs.com
- publicservicecareers.org
- CPO LinkedIn Page (amplified through reposts)
- Colorado Nonprofits Association Job Board
- Association for Public Policy Analysis and Management
- Colorado Bar Association Job Board
- HRJobs.com
- Colorado Judicial Branch Career Services courtesy posting
- State of Colorado courtesy posting
- Indeed.com

4. Targeted Candidate Outreach (Completed: November 13, 2023)

- Posted job description on job boards (September 12, 2023 -- October 2, 2023)
- Received 34 applicants -- 15 of whom did not meet the standards for second review.
- Three Board members reviewed the remaining candidates and identified candidates to interview.
- Reached out to potential candidates via personalized messages. Four candidates expressed interest in interviewing for the position.

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<sup>7</sup> Specifically, the legal question concerned whether the directors of the Office of Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel, were voting members of the ASIA Board. Cf. C.R.S. 13-100-102(4) and (9).

#### 5. Screening and Initial Interviews (Completed: November 17, 2023)

- Conduct initial phone interviews to assess candidates' qualifications.
- Set up first round interview dates.

#### 6. Performance-Based Interview Preparation (Completed: November 26, 2023)

- Developed a structured interview plan that focuses on behavior-based interviewing (BBI) questions. These questions gauge candidates past performance, problem-solving skills, leadership abilities, and alignment with high-performance expectations.

#### 7. Performance-Based Interviews (In Progress)

- Conduct performance-based interviews with shortlisted candidates, using the BBI questions to assess their experience in strategic leadership, financial management, legislative engagement, and human resources.

#### 8. Candidate Presentation and Assessment (In Progress)

- Invite the top candidates for a final assessment and interview, which includes presenting a case study or strategic scenario relevant to the role.
- Evaluate their ability to analyze complex situations, propose innovative solutions, and showcase their leadership and decision-making skills.

#### Conclusion

The Board is currently in the process of interviewing applicants for the Director position. The Board is hopeful that a candidate can be selected by December 15, 2023. Once a candidate is selected the Board will conduct a thorough vetting and onboarding process so that the Director can begin by mid-January 2024.

If there are any questions please do not hesitate to contact me.

Sincerely,

*Stephanie Villafuerte*

Stephanie Villafuerte

Chair, Administrative Services for Independent Agencies Board

## INFORMATIONAL ISSUE: ONE-TIME FUNDING AUTHORIZED IN RECENT LEGISLATIVE SESSIONS

During the 2020B, 2021, 2022 and 2023 legislative sessions, the General Assembly allocated significant one-time funding to the Judicial Department that included \$1.0 million originating as state General Fund and \$45.9 million originating as federal Coronavirus State Fiscal Recovery funds (ARPA funds).

### DISCUSSION

During the 2020B, 2021, 2022, and 2023 legislative sessions, the General Assembly allocated \$46.9 million in one-time funding to the Judicial Department through appropriations and transfers. To assist the Committee in tracking the use of these funds, the tables below show the sum of allocations provided for FY 2020-21, FY 2021-22, and FY 2022-23 and expenditures through FY 2022-23.

### ALLOCATION AND EXPENDITURE OF ONE-TIME GENERAL FUND

JUDICIAL DEPARTMENT - ONE-TIME GENERAL FUND AND ARPA FUNDS			
BILL NUMBER AND SHORT TITLE	APPROPRIATION/ TRANSFER OF FUNDS	ACTUAL EXPENDITURE OF FUNDS THROUGH FY 2023	BRIEF DESCRIPTION OF PROGRAM AND ANTICIPATED USE OF THE FUNDS
S.B. 20B-002 Housing Direct COVID Emergency Assist	\$1,000,000		Transfers \$1.0 million to the Eviction Legal Defense Fund
H.B. 21-1329 ARPA Money to Invest Affordable Housing, as amended H.B. 22-1411 Money from Coronavirus State Fiscal Recovery Fund	1,500,000	1,281,003	Includes the following appropriations: \$1,500,000 to the Judicial Dept. for the Eviction Legal Defense Grant Program. Appropriations to the Department of Local Affairs initially originated from federal funds, but the appropriation was modified in H.B. 22-1411 to originate from the General Fund.
H.B. 22-1176 Judicial supplemental	9,073,128	9,073,128	FY 2021-22 supplemental appropriation to Judicial Department for IT infrastructure.
H.B. 22-1176 Judicial supplemental	58,689	58,689	FY 2021-22 supplemental appropriation to the Judicial Department
H.B. 22-1329 Long Bill operating appropriations	228,736	77,817	FY 2022-23 appropriations of \$114,368 to the Judicial Department.
H.B. 22-1329 Long Bill operating appropriations	112,952	111,230	FY 2022-23 appropriation to the Judicial Department
H.B. 22-1335 Transfer to Judicial IT Cash Fund	24,131,390	5,186,102	Total amount is transferred to the Judicial IT Cash Fund, which is subject to annual appropriation to the Judicial Department for IT infrastructure upgrades.
S.B. 21-292 Federal COVID Funding for Victim's Services	3,750,000	2,938,026	Includes the following appropriations: \$3,000,000 to the Victims and Witnesses Assistance and Law Enforcement Fund in the Judicial Dept.; \$750,000 to the Judicial Dept. for Family Violence Justice Grants.
S.B. 22-183 Crime Victims Services	3,000,000	1,889,801	Transfers \$3,000,000 to the Victims and Witness Assistance and Law Enforcement Fund in the Judicial Department for distribution to district attorneys' offices for victims and witness programs.
S.B. 22-196 Criminal Justice Direct Investments	4,000,000	1,589,150	Includes the following appropriations: \$4,000,000 to the Judicial Department for adult pretrial diversion programs.
<b>Total</b>	<b>\$46,854,895</b>	<b>\$22,204,946</b>	

## APPENDIX A NUMBERS PAGES (DIGITAL ONLY)

Appendix A details actual expenditures for the last two state 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.*

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### JUDICIAL DEPARTMENT Brian Boatright, Chief Justice

#### (1) SUPREME COURT AND COURT OF APPEALS

Appellate Court Programs	<u>15,134,785</u>	<u>15,989,717</u>	<u>16,903,349</u>	<u>18,228,743</u> *
FTE	137.8	141.3	141.3	145.3
General Fund	15,133,414	15,988,253	16,831,349	18,156,743
Cash Funds	1,371	1,464	72,000	72,000
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Office of Attorney Regulation Counsel	<u>12,196,543</u>	<u>13,165,961</u>	<u>14,252,544</u>	<u>14,905,701</u> *
FTE	70.0	70.0	80.0	80.0
General Fund	0	0	0	0
Cash Funds	12,196,543	13,165,961	14,252,544	14,905,701
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Law Library	<u>858,754</u>	<u>1,021,859</u>	<u>1,088,959</u>	<u>1,143,979</u>
FTE	9.5	7.0	7.0	7.0
General Fund	482,890	749,471	765,121	820,141
Cash Funds	302,967	199,491	250,941	250,941
Reappropriated Funds	72,897	72,897	72,897	72,897
Federal Funds	0	0	0	0

NOTE: An asterisk (\*) indicates that the FY 2024-25 request for a line item is affected by one or more decision items.



## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>208,309</u>	<u>224,732</u>	<u>170,846</u>	<u>191,493</u>	
General Fund	0	0	0	0	
Cash Funds	208,309	224,732	170,846	191,493	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (1) Supreme Court and Court of Appeals</b>	28,398,391	30,402,269	32,415,698	34,469,916	6.3%
<i>FTE</i>	<u>217.3</u>	<u>218.3</u>	<u>228.3</u>	<u>232.3</u>	1.8%
General Fund	15,616,304	16,737,724	17,596,470	18,976,884	7.8%
Cash Funds	12,709,190	13,591,648	14,746,331	15,420,135	4.6%
Reappropriated Funds	72,897	72,897	72,897	72,897	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (2) COURTS ADMINISTRATION

#### (A) Administration and Technology

General Courts Administration	<u>25,559,850</u>	<u>28,522,571</u>	<u>36,004,224</u>	<u>40,718,905</u>	*
FTE	253.7	295.4	335.4	366.0	
General Fund	17,205,668	19,013,092	24,971,082	30,012,739	
Cash Funds	6,100,590	7,128,548	8,980,204	8,741,468	
Reappropriated Funds	2,253,592	2,380,931	2,052,938	1,964,698	
Federal Funds	0	0	0	0	
Judicial Security Office	<u>0</u>	<u>0</u>	<u>431,842</u>	<u>0</u>	*
FTE	0.0	0.0	3.0	0.0	
General Fund	0	0	431,842	0	
Judicial Case Management System	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,560,000</u>	*
General Fund	0	0	0	6,560,000	
Cash Funds	0	0	0	4,000,000	
Information Technology Infrastructure	<u>13,564,502</u>	<u>15,245,695</u>	<u>29,705,872</u>	<u>28,115,790</u>	*
General Fund	297,130	2,738,910	3,717,911	1,353,100	
Cash Funds	13,267,372	12,506,785	25,987,961	26,762,690	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Information Technology Cost Recoveries	<u>3,926,072</u>	<u>4,142,615</u>	<u>4,535,800</u>	<u>4,535,800</u>	
General Fund	0	0	0	0	
Cash Funds	3,926,072	4,142,615	4,535,800	4,535,800	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>920,795</u>	<u>945,846</u>	<u>829,799</u>	<u>595,484</u>	
General Fund	0	0	0	0	
Cash Funds	920,795	945,846	829,799	595,484	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (A) Administration and Technology</b>	43,971,219	48,856,727	71,507,537	84,525,979	18.2%
<i>FTE</i>	<u>253.7</u>	<u>295.4</u>	<u>338.4</u>	<u>366.0</u>	8.2%
General Fund	17,502,798	21,752,002	29,120,835	37,925,839	30.2%
Cash Funds	24,214,829	24,723,794	40,333,764	44,635,442	10.7%
Reappropriated Funds	2,253,592	2,380,931	2,052,938	1,964,698	(4.3%)
Federal Funds	0	0	0	0	0.0%

### (B) Central Appropriations

Health, Life, and Dental	<u>40,465,108</u>	<u>44,208,491</u>	<u>52,140,729</u>	<u>56,034,606</u> *
General Fund	39,042,235	42,732,376	47,622,332	51,247,519
Cash Funds	1,422,873	1,476,115	4,518,397	4,787,087
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Short-term Disability	<u>310,341</u>	<u>461,925</u>	<u>466,429</u>	<u>512,520</u> *
General Fund	299,762	451,315	432,074	473,428
Cash Funds	10,579	10,610	34,355	39,092
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
S.B. 04-257 Amortization Equalization Disbursement	<u>13,021,327</u>	<u>14,285,889</u>	<u>15,757,784</u>	<u>17,063,476</u>	*
General Fund	12,689,124	13,954,531	14,609,424	15,760,426	
Cash Funds	332,203	331,358	1,148,360	1,303,050	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>13,021,327</u>	<u>14,285,889</u>	<u>15,757,784</u>	<u>17,063,476</u>	*
General Fund	12,689,124	13,954,531	14,609,424	15,760,426	
Cash Funds	332,203	331,358	1,148,360	1,303,050	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
PERA Direct Distribution	<u>9,016,683</u>	<u>158,710</u>	<u>1,107,934</u>	<u>7,059,893</u>	
General Fund	8,641,747	0	1,026,991	6,387,241	
Cash Funds	374,936	158,710	80,943	672,652	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	<u>8,455,275</u>	<u>12,460,475</u>	<u>17,364,205</u>	<u>26,454,538</u>	*
General Fund	8,237,860	12,242,647	16,113,470	24,044,214	
Cash Funds	217,415	217,828	1,250,735	2,410,324	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,535,714</u> *	
General Fund	0	0	0	1,418,439	
Cash Funds	0	0	0	117,275	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Workers' Compensation	<u>1,365,003</u>	<u>1,254,896</u>	<u>999,545</u>	<u>909,199</u>	
General Fund	1,365,003	1,254,896	999,545	909,199	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Legal Services	<u>442,924</u>	<u>396,230</u>	<u>1,002,680</u>	<u>1,095,824</u>	
General Fund	386,825	396,230	1,002,680	1,095,824	
Cash Funds	56,099	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payment to Risk Management and Property Funds	<u>1,439,403</u>	<u>2,317,981</u>	<u>1,745,132</u>	<u>1,363,229</u>	
General Fund	1,439,403	2,317,981	1,745,132	1,363,229	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Vehicle Lease Payments	<u>130,616</u>	<u>115,466</u>	<u>158,948</u>	<u>190,413</u> *	
General Fund	130,616	115,466	158,948	190,413	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Capital Outlay	<u>686,029</u>	<u>316,204</u>	<u>380,544</u>	<u>861,306</u>	*
General Fund	686,029	311,658	360,534	861,306	
Cash Funds	0	4,546	20,010	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Ralph L. Carr Colorado Judicial Center Leased Space	<u>2,770,056</u>	<u>2,820,097</u>	<u>2,888,439</u>	<u>2,952,546</u>	
General Fund	2,770,056	2,820,097	2,888,439	2,952,546	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payments to OIT	<u>5,586,003</u>	<u>4,321,628</u>	<u>8,495,564</u>	<u>7,664,065</u>	
General Fund	5,586,003	4,321,628	8,495,564	7,664,065	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
CORE Operations	<u>1,595,667</u>	<u>1,887,328</u>	<u>1,569,573</u>	<u>698,206</u>	*
General Fund	1,595,667	1,887,328	1,569,573	698,206	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Digital Trunk Radio Payments	<u>0</u>	<u>0</u>	<u>38,556</u>	<u>26,580</u>	*
General Fund	0	0	38,556	26,580	
myColorado App	<u>0</u>	<u>0</u>	<u>83,717</u>	<u>83,717</u>	
General Fund	0	0	83,717	83,717	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
DPA Admin Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>581,104</u> *	
General Fund	0	0	0	581,104	
Financial Ops and Reporting Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,182,750</u> *	
General Fund	0	0	0	1,182,750	
<b>SUBTOTAL - (B) Central Appropriations</b>	98,305,762	99,291,209	119,957,563	143,333,162	19.5%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	95,559,454	96,760,684	111,756,403	132,700,632	18.7%
Cash Funds	2,746,308	2,530,525	8,201,160	10,632,530	29.6%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

### (C) Centrally Administered Programs

Victim Assistance	<u>11,392,797</u>	<u>13,222,065</u>	<u>18,375,000</u>	<u>18,375,000</u>	
General Fund	0	0	2,000,000	2,000,000	
Cash Funds	11,392,797	13,222,065	16,375,000	16,375,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Victim Compensation	<u>12,454,655</u>	<u>14,483,237</u>	<u>13,400,000</u>	<u>13,400,000</u>	
General Fund	0	0	0	0	
Cash Funds	9,507,165	11,111,649	13,400,000	13,400,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	2,947,490	3,371,588	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Office of Restitution Services (formerly Collections Investigators)	<u>7,084,152</u>	<u>7,222,174</u>	<u>8,141,010</u>	<u>8,474,252</u>	
FTE	121.2	122.8	123.2	123.2	
General Fund	1,700,000	0	0	0	
Cash Funds	4,880,376	6,819,197	7,243,469	7,576,711	
Reappropriated Funds	503,776	402,977	897,541	897,541	
Federal Funds	0	0	0	0	
Problem Solving Courts	<u>3,099,178</u>	<u>3,339,852</u>	<u>3,845,720</u>	<u>4,004,164</u>	
FTE	36.7	37.2	38.2	38.2	
General Fund	0	143,809	233,617	233,617	
Cash Funds	3,099,178	3,196,043	3,612,103	3,770,547	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Language Interpreters and Translators	<u>6,428,436</u>	<u>7,093,117</u>	<u>7,710,690</u>	<u>7,900,632</u>	
FTE	33.0	36.7	37.0	37.0	
General Fund	6,411,187	7,072,341	7,660,690	7,850,632	
Cash Funds	17,249	20,776	50,000	50,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Judicial Security Office	<u>0</u>	<u>0</u>	<u>0</u>	<u>408,839</u>	*
FTE	0.0	0.0	0.0	3.0	
General Fund	0	0	0	408,839	



## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Courthouse Security	<u>2,404,731</u>	<u>2,536,821</u>	<u>3,033,591</u>	<u>5,033,591</u>	*
FTE	1.0	1.0	0.0	0.0	
General Fund	0	400,000	500,000	2,500,000	
Cash Funds	2,404,731	2,136,821	2,533,591	2,533,591	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to Underfunded Courthouse Facility Cash Fund	<u>500,000</u>	<u>3,000,000</u>	<u>3,425,000</u>	<u>3,425,000</u>	
General Fund	500,000	3,000,000	3,425,000	3,425,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Underfunded Courthouse Facilities Grant Program	<u>2,991,575</u>	<u>775,605</u>	<u>3,425,000</u>	<u>3,425,000</u>	
FTE	1.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	2,491,575	0	0	0	
Reappropriated Funds	500,000	775,605	3,425,000	3,425,000	
Federal Funds	0	0	0	0	
Courthouse Furnishings and Infrastructure Maintenance	<u>1,928,917</u>	<u>2,953,459</u>	<u>2,270,024</u>	<u>145,000</u>	*
General Fund	1,928,917	2,953,459	2,270,024	145,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Senior Judge Program	<u>1,580,164</u>	<u>1,816,818</u>	<u>2,290,895</u>	<u>2,290,895</u>	
General Fund	965,086	990,895	990,895	990,895	
Cash Funds	615,078	825,923	1,300,000	1,300,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Judicial Education and Training	<u>364,252</u>	<u>882,599</u>	<u>1,275,383</u>	<u>1,791,757</u>	*
FTE	2.0	2.0	4.0	4.0	
General Fund	30,000	30,941	87,325	587,325	
Cash Funds	334,252	851,658	1,188,058	1,204,432	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Office of Judicial Performance Evaluation	<u>505,753</u>	<u>581,170</u>	<u>863,433</u>	<u>1,043,914</u>	*
FTE	2.0	2.0	2.0	3.0	
General Fund	211,280	214,500	214,500	214,500	
Cash Funds	294,473	366,670	648,933	829,414	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Family Violence Justice Grants	<u>1,916,289</u>	<u>1,446,973</u>	<u>2,170,000</u>	<u>2,170,000</u>	
General Fund	1,916,289	1,446,973	2,000,000	2,000,000	
Cash Funds	0	0	170,000	170,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Restorative Justice Programs	<u>545,248</u>	<u>490,970</u>	<u>1,013,455</u>	<u>1,017,767</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	545,248	490,970	1,013,455	1,017,767	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
District Attorney Adult Pretrial Diversion Programs	<u>210,166</u>	<u>76,466</u>	<u>675,000</u>	<u>675,000</u>	
General Fund	92,709	73,566	100,000	100,000	
Cash Funds	40,797	2,900	406,000	406,000	
Reappropriated Funds	76,660	0	169,000	169,000	
Federal Funds	0	0	0	0	
Family-friendly Court Program	<u>237,822</u>	<u>209,524</u>	<u>270,000</u>	<u>270,000</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	237,822	209,524	270,000	270,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Statewide Behavioral Health Court Liaison Program	<u>2,366,602</u>	<u>2,776,601</u>	<u>0</u>	<u>0</u>	
FTE	11.0	11.9	0.0	0.0	
General Fund	2,366,602	2,776,601	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Appropriation to the Eviction Legal Defense Fund	<u>600,000</u>	<u>1,100,000</u>	<u>1,100,000</u>	<u>1,100,000</u>	
General Fund	600,000	1,100,000	1,100,000	1,100,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Eviction Legal Defense Grant Program	<u>1,430,461</u>	<u>1,991,549</u>	<u>2,000,000</u>	<u>2,000,000</u>	
General Fund	0	0	0	0	
Cash Funds	1,369,308	1,399,924	1,400,000	1,400,000	
Reappropriated Funds	61,153	591,625	600,000	600,000	
Federal Funds	0	0	0	0	
SB23-230 County Assistance for 23rd Judicial District	<u>0</u>	<u>0</u>	<u>668,600</u>	<u>4,000,000</u>	
General Fund	0	0	668,600	4,000,000	
Professional Licenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>213,540</u> *	
General Fund	0	0	0	213,540	
Mental Health Criminal Justice Diversion Grant Program	<u>99,998</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	1.0	0.0	0.0	0.0	
General Fund	99,998	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Child Support Enforcement	<u>115,472</u>	<u>77,689</u>	<u>0</u>	<u>0</u>	
FTE	1.0	0.0	0.0	0.0	
General Fund	38,927	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	76,545	77,689	0	0	
<b>SUBTOTAL - (C) Centrally Administered Programs</b>	58,256,668	66,076,689	75,952,801	81,164,351	6.9%
<i>FTE</i>	<u>210.9</u>	<u>214.6</u>	<u>205.4</u>	<u>209.4</u>	<u>1.9%</u>
General Fund	16,860,995	20,203,085	21,250,651	25,769,348	21.3%
Cash Funds	37,230,049	40,654,120	49,610,609	50,303,462	1.4%
Reappropriated Funds	1,141,589	1,770,207	5,091,541	5,091,541	0.0%
Federal Funds	3,024,035	3,449,277	0	0	0.0%

### (D) Ralph L. Carr Colorado Judicial Center

Building Management and Operations	<u>5,036,932</u>	<u>4,810,462</u>	<u>5,464,925</u>	<u>7,184,435</u> *
FTE	14.0	14.0	14.0	14.0
General Fund	0	0	0	0
Cash Funds	5,036,932	4,810,462	5,464,925	544,470
Reappropriated Funds	0	0	0	6,639,965
Federal Funds	0	0	0	0
Justice Center Maintenance Fund Expenditures	<u>0</u>	<u>1,149,080</u>	<u>1,288,538</u>	<u>0</u> *
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	0	1,149,080	1,288,538	0
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Debt Service Payments	<u>15,352,767</u>	<u>15,353,315</u>	<u>15,354,016</u>	<u>15,754,016</u> *	
General Fund	883,418	3,483,418	883,418	8,892,915	
Cash Funds	8,197,416	5,484,654	7,952,810	6,861,101	
Reappropriated Funds	6,271,933	6,385,243	6,517,788	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (D) Ralph L. Carr Colorado Judicial Center</b>	20,389,699	21,312,857	22,107,479	22,938,451	3.8%
<i>FTE</i>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>	<u>0.0%</u>
General Fund	883,418	3,483,418	883,418	8,892,915	906.6%
Cash Funds	13,234,348	10,295,116	13,417,735	7,405,571	(44.8%)
Reappropriated Funds	6,271,933	7,534,323	7,806,326	6,639,965	(14.9%)
Federal Funds	0	0	0	0	0.0%
<b>TOTAL - (2) Courts Administration</b>	220,923,348	235,537,482	289,525,380	331,961,943	14.7%
<i>FTE</i>	<u>478.6</u>	<u>524.0</u>	<u>557.8</u>	<u>589.4</u>	<u>5.7%</u>
General Fund	130,806,665	142,199,189	163,011,307	205,288,734	25.9%
Cash Funds	77,425,534	78,203,555	111,563,268	112,977,005	1.3%
Reappropriated Funds	9,667,114	11,685,461	14,950,805	13,696,204	(8.4%)
Federal Funds	3,024,035	3,449,277	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (3) TRIAL COURTS

Trial Court Programs	<u>167,868,876</u>	<u>176,150,714</u>	<u>193,009,025</u>	<u>205,613,795</u>	*
FTE	1,951.6	1,959.9	1,984.2	2,026.4	
General Fund	140,871,951	150,117,865	159,873,544	172,478,314	
Cash Funds	25,092,473	24,797,602	31,826,141	31,826,141	
Reappropriated Funds	0	0	1,309,340	1,309,340	
Federal Funds	1,904,452	1,235,247	0	0	
Court Costs, Jury Costs, and Court-appointed Counsel	<u>7,636,073</u>	<u>8,253,683</u>	<u>10,688,682</u>	<u>10,718,131</u>	
General Fund	7,609,010	8,227,687	10,523,433	10,552,882	
Cash Funds	27,063	25,996	165,249	165,249	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
District Attorney Mandated Costs	<u>1,884,316</u>	<u>2,152,595</u>	<u>2,941,277</u>	<u>3,058,928</u>	*
General Fund	1,710,369	1,952,595	2,741,277	2,850,928	
Cash Funds	173,947	200,000	200,000	208,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
ACTION and Statewide Discovery Sharing Systems	<u>3,240,000</u>	<u>3,240,000</u>	<u>3,305,000</u>	<u>3,490,000</u>	*
General Fund	3,170,000	3,170,000	3,235,000	3,420,000	
Cash Funds	70,000	70,000	70,000	70,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Federal Funds and Other Grants	<u>2,433,895</u>	<u>3,241,260</u>	<u>2,900,000</u>	<u>3,250,000</u> *	
FTE	13.0	13.0	13.0	13.0	
General Fund	0	0	0	0	
Cash Funds	192,835	261,868	975,000	1,325,000	
Reappropriated Funds	0	0	300,000	300,000	
Federal Funds	2,241,060	2,979,392	1,625,000	1,625,000	
<b>TOTAL - (3) Trial Courts</b>	183,063,160	193,038,252	212,843,984	226,130,854	6.2%
FTE	<u>1,964.6</u>	<u>1,972.9</u>	<u>1,997.2</u>	<u>2,039.4</u>	<u>2.1%</u>
General Fund	153,361,330	163,468,147	176,373,254	189,302,124	7.3%
Cash Funds	25,556,318	25,355,466	33,236,390	33,594,390	1.1%
Reappropriated Funds	0	0	1,609,340	1,609,340	0.0%
Federal Funds	4,145,512	4,214,639	1,625,000	1,625,000	0.0%



## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
<b>(4) PROBATION AND RELATED SERVICES</b>					
Probation Programs	<u>94,429,083</u>	<u>98,398,298</u>	<u>102,962,240</u>	<u>109,660,051</u>	*
FTE	1,245.7	1,255.7	1,256.2	1,276.9	
General Fund	87,133,702	90,884,286	93,915,083	100,120,671	
Cash Funds	7,295,381	7,514,012	9,047,157	9,539,380	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Treatment and Services	<u>16,308,546</u>	<u>19,853,583</u>	<u>22,410,873</u>	<u>22,410,873</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	147,870	276,201	276,201	276,201	
Cash Funds	11,856,705	14,755,637	17,043,853	17,043,853	
Reappropriated Funds	4,303,971	4,821,745	5,090,819	5,090,819	
Federal Funds	0	0	0	0	
Appropriation to the Correctional Treatment Cash Fund	<u>15,019,259</u>	<u>16,269,259</u>	<u>17,519,259</u>	<u>17,519,259</u>	
General Fund	13,392,292	14,642,292	15,892,292	15,892,292	
Cash Funds	1,626,967	1,626,967	1,626,967	1,626,967	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
S.B. 91-94 Juvenile Services	<u>1,247,700</u>	<u>1,233,061</u>	<u>1,596,837</u>	<u>1,596,837</u>	
FTE	15.0	15.0	15.0	15.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	1,247,700	1,233,061	1,596,837	1,596,837	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Correctional Treatment Cash Fund Expenditures	<u>18,235,937</u>	<u>19,347,174</u>	<u>23,984,067</u>	<u>28,035,449</u> *	
FTE	1.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	18,235,937	19,347,174	23,984,067	28,035,449	
Federal Funds	0	0	0	0	
Reimbursements to Law Enforcement Agencies for the					
Costs of Returning a Probationer	<u>212,963</u>	<u>201,587</u>	<u>287,500</u>	<u>287,500</u>	
General Fund	0	0	0	0	
Cash Funds	212,963	201,587	287,500	287,500	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Victims Grants	<u>62,709</u>	<u>34,206</u>	<u>650,000</u>	<u>650,000</u>	
FTE	6.0	6.0	6.0	6.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	62,709	34,206	650,000	650,000	
Federal Funds	0	0	0	0	
Federal Funds and Other Grants	<u>1,295,926</u>	<u>1,022,766</u>	<u>5,600,000</u>	<u>5,600,000</u>	
FTE	32.0	32.0	32.0	32.0	
General Fund	0	0	0	0	
Cash Funds	1,016,499	842,553	1,950,000	1,950,000	
Reappropriated Funds	0	0	850,000	850,000	
Federal Funds	279,427	180,213	2,800,000	2,800,000	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>906,985</u>	<u>1,010,002</u>	<u>776,228</u>	<u>408,113</u>	
General Fund	0	0	0	0	
Cash Funds	906,985	1,010,002	776,228	408,113	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (4) Probation and Related Services</b>	147,719,108	157,369,936	175,787,004	186,168,082	5.9%
<i>FTE</i>	<u>1,299.7</u>	<u>1,309.7</u>	<u>1,310.2</u>	<u>1,330.9</u>	1.6%
General Fund	100,673,864	105,802,779	110,083,576	116,289,164	5.6%
Cash Funds	22,915,500	25,950,758	30,731,705	30,855,813	0.4%
Reappropriated Funds	23,850,317	25,436,186	32,171,723	36,223,105	12.6%
Federal Funds	279,427	180,213	2,800,000	2,800,000	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (5) OFFICE OF 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.

Personal Services	<u>81,434,372</u>	<u>88,160,687</u>	<u>96,197,556</u>	<u>124,936,630</u>	*
FTE	907.0	986.7	1,097.6	1,258.0	
General Fund	81,434,372	88,160,687	96,197,556	124,936,630	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>9,761,325</u>	<u>11,157,201</u>	<u>12,944,641</u>	<u>15,347,712</u>	*
General Fund	9,761,325	11,157,201	12,944,641	15,347,712	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	<u>117,636</u>	<u>131,956</u>	<u>157,798</u>	<u>177,303</u>	*
General Fund	117,636	131,956	157,798	177,303	
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	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,931,186</u>	<u>5,910,117</u>	*
General Fund	3,671,416	3,889,657	4,931,186	5,910,117	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,931,186</u>	<u>5,910,117</u>	*
General Fund	3,671,416	3,889,657	4,931,186	5,910,117	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	<u>2,353,529</u>	<u>2,463,110</u>	<u>16,158,336</u>	<u>8,725,974</u>	
General Fund	2,353,529	2,463,110	16,158,336	8,725,974	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
PERA Direct Distribution	<u>0</u>	<u>0</u>	<u>277,101</u>	<u>1,873,870</u>	
General Fund	0	0	277,101	1,873,870	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>531,909</u>	*
General Fund	0	0	0	531,909	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	<u>1,211,900</u>	<u>2,525,862</u>	<u>2,204,423</u>	<u>2,363,623</u>	*
General Fund	1,207,200	2,508,437	2,174,423	2,333,623	
Cash Funds	4,700	17,425	30,000	30,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Vehicle Lease Payments	<u>110,252</u>	<u>98,698</u>	<u>99,192</u>	<u>116,752</u>	
General Fund	110,252	98,698	99,192	116,752	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Capital Outlay	<u>286,000</u>	<u>518,668</u>	<u>281,350</u>	<u>1,113,890</u>	*
General Fund	286,000	518,668	281,350	1,113,890	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Leased Space and Utilities	<u>7,963,700</u>	<u>8,120,595</u>	<u>8,952,480</u>	<u>10,615,809</u>	*
General Fund	7,963,700	8,120,595	8,952,480	10,615,809	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Automation Plan	<u>3,407,023</u>	<u>4,068,288</u>	<u>3,452,419</u>	<u>3,628,741</u>	*
General Fund	3,407,023	4,068,288	3,452,419	3,628,741	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Attorney Registration	<u>159,077</u>	<u>168,998</u>	<u>156,634</u>	<u>169,934</u>	*
General Fund	159,077	168,998	156,634	169,934	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Contract Services	<u>23,296</u>	<u>3,169</u>	<u>49,395</u>	<u>49,395</u>	
General Fund	23,296	3,169	49,395	49,395	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Mandated Costs	<u>2,889,377</u>	<u>3,530,004</u>	<u>4,404,797</u>	<u>4,423,997</u>	
General Fund	2,889,377	3,530,004	4,404,797	4,423,997	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Training	<u>0</u>	<u>0</u>	<u>350,000</u>	<u>350,000</u>	
General Fund	0	0	350,000	350,000	
Grants	<u>42,250</u>	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>	
FTE	0.0	0.0	1.1	1.1	
General Fund	0	0	0	0	
Cash Funds	42,250	125,000	125,000	125,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (5) Office of State Public Defender</b>	117,102,569	128,851,550	155,673,494	186,370,773	19.7%
FTE	<u>907.0</u>	<u>986.7</u>	<u>1,098.7</u>	<u>1,259.1</u>	<u>14.6%</u>
General Fund	117,055,619	128,709,125	155,518,494	186,215,773	19.7%
Cash Funds	46,950	142,425	155,000	155,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (6) OFFICE OF ALTERNATE DEFENSE COUNSEL

This independent agency provides legal counsel for indigent defendants primarily through contract attorneys when there is a conflict in provision of representation by the State Public Defender.

Personal Services	<u>1,791,981</u>	<u>3,199,154</u>	<u>4,219,969</u>	<u>5,529,845</u>	*
FTE	14.0	20.5	36.3	40.7	
General Fund	1,791,981	3,199,154	4,219,969	5,529,845	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>196,812</u>	<u>290,390</u>	<u>533,266</u>	<u>712,416</u>	*
General Fund	196,812	290,390	533,266	712,416	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Short-term Disability	<u>2,240</u>	<u>3,437</u>	<u>5,874</u>	<u>7,804</u>	*
General Fund	2,240	3,437	5,874	7,804	
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	<u>73,712</u>	<u>107,418</u>	<u>191,945</u>	<u>264,991</u>	*
General Fund	73,712	107,418	191,945	264,991	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	



## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>73,712</u>	<u>107,418</u>	<u>191,945</u>	<u>264,991</u>	*
General Fund	73,712	107,418	191,945	264,991	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Salary Survey	<u>55,221</u>	<u>56,984</u>	<u>125,040</u>	<u>135,595</u>	
General Fund	55,221	56,984	125,040	135,595	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>18,536</u>	
General Fund	0	0	0	18,536	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	<u>205,098</u>	<u>325,537</u>	<u>249,707</u>	<u>338,757</u>	*
General Fund	205,098	325,537	249,707	338,757	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Capital Outlay	<u>0</u>	<u>31,000</u>	<u>113,390</u>	<u>20,010</u>	*
General Fund	0	31,000	113,390	20,010	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Training and Conferences	<u>75,152</u>	<u>76,987</u>	<u>100,000</u>	<u>180,000</u>	*
General Fund	20,000	56,021	20,000	100,000	
Cash Funds	55,152	20,966	80,000	80,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Conflict-of-interest Contracts	<u>34,941,478</u>	<u>40,002,879</u>	<u>48,732,523</u>	<u>50,419,076</u>	*
General Fund	34,941,478	40,002,879	48,732,523	50,419,076	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Mandated Costs	<u>1,649,231</u>	<u>1,789,280</u>	<u>2,995,773</u>	<u>3,049,773</u>	
General Fund	1,649,231	1,789,280	2,995,773	3,049,773	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
<b>TOTAL - (6) Office of Alternate Defense Counsel</b>	39,064,637	45,990,484	57,459,432	60,941,794	6.1%
<i>FTE</i>	<u>14.0</u>	<u>20.5</u>	<u>36.3</u>	<u>40.7</u>	<u>12.1%</u>
General Fund	39,009,485	45,969,518	57,379,432	60,861,794	6.1%
Cash Funds	55,152	20,966	80,000	80,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (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. Reappropriated funds originate from federal Title IV-E funds and transferred from the Department of Human Services.

Personal Services	<u>2,947,952</u>	<u>3,354,624</u>	<u>4,356,999</u>	<u>5,131,004</u> *
FTE	34.9	35.0	38.0	39.0
General Fund	2,819,321	3,003,814	3,959,043	4,530,502
Cash Funds	0	0	0	0
Reappropriated Funds	128,631	350,810	397,956	600,502
Federal Funds	0	0	0	0
Health, Life, and Dental	<u>391,182</u>	<u>377,975</u>	<u>496,067</u>	<u>528,764</u> *
General Fund	379,834	377,975	456,726	478,770
Cash Funds	0	0	0	0
Reappropriated Funds	11,348	0	39,341	49,994
Federal Funds	0	0	0	0
Short-term Disability	<u>4,723</u>	<u>4,391</u>	<u>5,743</u>	<u>6,258</u> *
General Fund	4,415	4,391	5,236	5,491
Cash Funds	0	0	0	0
Reappropriated Funds	308	0	507	767
Federal Funds	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>147,606</u>	<u>146,162</u>	<u>190,964</u>	<u>208,579</u> *
General Fund	137,967	146,162	174,102	183,024
Cash Funds	0	0	0	0
Reappropriated Funds	9,639	0	16,862	25,555
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>147,606</u>	<u>146,162</u>	<u>190,964</u>	<u>208,579</u>	*
General Fund	137,967	146,162	174,102	183,024	
Cash Funds	0	0	0	0	
Reappropriated Funds	9,639	0	16,862	25,555	
Federal Funds	0	0	0	0	
Salary Survey	<u>99,620</u>	<u>100,389</u>	<u>184,026</u>	<u>120,681</u>	
General Fund	93,115	94,481	166,852	109,255	
Cash Funds	0	0	0	0	
Reappropriated Funds	6,505	5,908	17,174	11,426	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>18,774</u>	*
General Fund	0	0	0	16,473	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	2,301	
Federal Funds	0	0	0	0	
Operating Expenses	<u>341,720</u>	<u>515,271</u>	<u>402,720</u>	<u>404,000</u>	*
General Fund	341,720	345,679	320,820	314,150	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	169,592	81,900	89,850	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Leased Space	<u>132,281</u>	<u>142,264</u>	<u>147,247</u>	<u>151,626</u>	
General Fund	132,281	142,264	147,247	151,626	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
CASA Contracts	<u>1,550,000</u>	<u>1,750,000</u>	<u>1,750,000</u>	<u>1,750,000</u>	
General Fund	1,550,000	1,750,000	1,750,000	1,750,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Training	<u>34,699</u>	<u>180,613</u>	<u>158,000</u>	<u>158,000</u>	
General Fund	34,699	38,115	58,000	58,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	142,498	100,000	100,000	
Federal Funds	0	0	0	0	
Court-appointed Counsel	<u>20,791,013</u>	<u>22,532,765</u>	<u>30,970,666</u>	<u>33,128,397</u>	*
General Fund	20,688,661	22,211,159	29,154,344	31,299,331	
Cash Funds	0	0	0	0	
Reappropriated Funds	102,352	321,606	1,816,322	1,829,066	
Federal Funds	0	0	0	0	
Mandated Costs	<u>58,122</u>	<u>69,523</u>	<u>60,200</u>	<u>81,000</u>	*
General Fund	58,122	69,523	60,200	81,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Grants	<u>41,943</u>	<u>26,435</u>	<u>26,909</u>	<u>26,909</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	41,943	26,435	26,909	26,909	
Federal Funds	0	0	0	0	
<b>TOTAL - (7) Office of the Child's Representative</b>	26,688,467	29,346,574	38,940,505	41,922,571	7.7%
<i>FTE</i>	<u>34.9</u>	<u>35.0</u>	<u>38.0</u>	<u>39.0</u>	<u>2.6%</u>
General Fund	26,378,102	28,329,725	36,426,672	39,160,646	7.5%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	310,365	1,016,849	2,513,833	2,761,925	9.9%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

This independent agency provides legal representation for indigent parents involved in dependency and neglect proceedings. Reappropriated funds originate from federal Title IV-E funds and transferred from the Department of Human Services.

Personal Services	<u>1,858,697</u>	<u>2,720,554</u>	<u>2,718,678</u>	<u>4,111,197</u> *
FTE	13.3	16.1	19.0	25.0
General Fund	1,767,767	2,579,984	2,557,230	2,968,857
Cash Funds	0	0	0	0
Reappropriated Funds	90,930	140,570	161,448	1,142,340
Federal Funds	0	0	0	0
Health, Life, and Dental	<u>187,275</u>	<u>254,473</u>	<u>316,986</u>	<u>437,796</u> *
General Fund	166,890	238,747	291,061	325,518
Cash Funds	0	0	0	0
Reappropriated Funds	20,385	15,726	25,925	112,278
Federal Funds	0	0	0	0
Short-term Disability	<u>2,437</u>	<u>2,953</u>	<u>3,506</u>	<u>5,649</u> *
General Fund	2,239	2,749	3,298	4,105
Cash Funds	0	0	0	0
Reappropriated Funds	198	204	208	1,544
Federal Funds	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>76,137</u>	<u>92,283</u>	<u>115,969</u>	<u>180,722</u> *
General Fund	69,955	85,920	109,043	134,344
Cash Funds	0	0	0	0
Reappropriated Funds	6,182	6,363	6,926	46,378
Federal Funds	0	0	0	0



## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>76,137</u>	<u>92,283</u>	<u>115,969</u>	<u>180,722</u>	*
General Fund	69,955	85,920	109,043	134,344	
Cash Funds	0	0	0	0	
Reappropriated Funds	6,182	6,363	6,926	46,378	
Federal Funds	0	0	0	0	
Salary Survey	<u>49,829</u>	<u>54,090</u>	<u>110,284</u>	<u>189,966</u>	*
General Fund	45,785	49,902	102,824	177,921	
Cash Funds	0	0	0	0	
Reappropriated Funds	4,044	4,188	7,460	12,045	
Federal Funds	0	0	0	0	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>16,265</u>	*
General Fund	0	0	0	12,090	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	4,175	
Federal Funds	0	0	0	0	
Operating Expenses	<u>159,171</u>	<u>190,398</u>	<u>168,489</u>	<u>313,649</u>	*
General Fund	159,171	190,398	167,539	154,199	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	950	159,450	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Title IV-E Legal Representation	<u>690,898</u>	<u>429,320</u>	<u>5,033,297</u>	<u>3,269,942</u>	*
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	690,898	429,320	5,033,297	3,269,942	
Federal Funds	0	0	0	0	
Training	<u>45,880</u>	<u>198,185</u>	<u>106,000</u>	<u>600,615</u>	*
General Fund	39,405	28,053	30,000	30,000	
Cash Funds	6,475	38,867	48,000	48,000	
Reappropriated Funds	0	131,265	28,000	522,615	
Federal Funds	0	0	0	0	
Court-appointed Counsel	<u>18,161,124</u>	<u>21,137,078</u>	<u>26,888,462</u>	<u>28,106,526</u>	*
General Fund	18,161,124	21,132,246	26,543,800	27,758,105	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	4,832	344,662	348,421	
Federal Funds	0	0	0	0	
Mandated Costs	<u>2,807,539</u>	<u>1,291,120</u>	<u>1,044,320</u>	<u>1,114,592</u>	
General Fund	2,774,590	1,291,120	1,044,320	1,114,592	
Cash Funds	0	0	0	0	
Reappropriated Funds	32,949	0	0	0	
Federal Funds	0	0	0	0	
Grants	<u>60,048</u>	<u>56,985</u>	<u>31,095</u>	<u>31,095</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	60,048	56,985	31,095	31,095	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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<b>TOTAL - (8) Office of the Respondent Parents'</b>					
<b>Counsel</b>	24,175,172	26,519,722	36,653,055	38,558,736	5.2%
<i>FTE</i>	<u>13.3</u>	<u>16.1</u>	<u>19.0</u>	<u>25.0</u>	<u>31.6%</u>
General Fund	23,256,881	25,685,039	30,958,158	32,814,075	6.0%
Cash Funds	6,475	38,867	48,000	48,000	0.0%
Reappropriated Funds	911,816	795,816	5,646,897	5,696,661	0.9%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (9) OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES (ASIA)

ASIA Office	<u>0</u>	<u>0</u>	<u>746,909</u>	<u>665,216</u>	
FTE	0.0	0.0	6.0	6.0	
General Fund	0	0	746,909	665,216	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>0</u>	<u>0</u>	<u>0</u>	<u>109,528</u>	
General Fund	0	0	0	109,528	
Short-term Disability	<u>0</u>	<u>0</u>	<u>0</u>	<u>871</u>	
General Fund	0	0	0	871	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,612</u>	
General Fund	0	0	0	2,612	
S.B. 04-257 Amortization Equalization Disbursement	<u>0</u>	<u>0</u>	<u>0</u>	<u>29,017</u>	
General Fund	0	0	0	29,017	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>0</u>	<u>0</u>	<u>0</u>	<u>29,017</u>	
General Fund	0	0	0	29,017	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>19,104</u>	
General Fund	0	0	0	19,104	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>TOTAL - (9) Office of Administrative Services for Independent Agencies (ASIA)</b>	0	0	746,909	855,365	14.5%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>6.0</u>	<u>6.0</u>	<u>0.0%</u>
General Fund	0	0	746,909	855,365	14.5%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

Program Costs	<u>1,119,781</u>	<u>1,635,111</u>	<u>2,170,852</u>	<u>2,498,601</u> *	
FTE	9.9	10.5	12.0	15.0	
General Fund	1,119,781	1,635,111	2,170,852	2,498,601	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

<b>TOTAL - (9) Office of the Child Protection</b>					
<b>Ombudsman</b>	1,119,781	1,635,111	2,170,852	2,498,601	15.1%
<i>FTE</i>	<u>9.9</u>	<u>10.5</u>	<u>12.0</u>	<u>15.0</u>	<u>25.0%</u>
General Fund	1,119,781	1,635,111	2,170,852	2,498,601	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%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (10) INDEPENDENT ETHICS COMMISSION

Program Costs	<u>178,706</u>	<u>223,974</u>	<u>352,508</u>	<u>349,526</u> *	
FTE	1.0	1.5	1.5	1.5	
General Fund	178,706	223,974	352,508	349,526	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

<b>TOTAL - (10) Independent Ethics Commission</b>	178,706	223,974	352,508	349,526	(0.8%)
<i>FTE</i>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	0.0%
General Fund	178,706	223,974	352,508	349,526	(0.8%)
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship provides legal guardianship services for incapacitated and indigent adults who have no other guardianship prospects. Cash funds are from the OPG Cash Fund from revenue earned through a \$19 probate fee and gifts, grants, and donations from health care facilities. Reappropriated funds are from a transfer from the Department of Human Services.

Program Costs	<u>780,315</u>	<u>1,243,327</u>	<u>1,903,288</u>	<u>2,256,705</u> *
FTE	7.0	14.0	14.0	16.0
General Fund	0	0	0	0
Cash Funds	690,631	1,044,517	1,705,895	2,037,215
Reappropriated Funds	89,684	198,810	197,393	219,490
Federal Funds	0	0	0	0
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>0</u>	<u>18,527</u>
Cash Funds	0	0	0	18,527

<b>TOTAL - (11) Office of Public Guardianship</b>	780,315	1,243,327	1,903,288	2,275,232	19.5%
<i>FTE</i>	<u>7.0</u>	<u>14.0</u>	<u>14.0</u>	<u>16.0</u>	<u>14.3%</u>
General Fund	0	0	0	0	0.0%
Cash Funds	690,631	1,044,517	1,705,895	2,055,742	20.5%
Reappropriated Funds	89,684	198,810	197,393	219,490	11.2%
Federal Funds	0	0	0	0	0.0%



## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (12) COMMISSION ON JUDICIAL DISCIPLINE

Office of Judicial Discipline	<u>0</u>	<u>623,375</u>	<u>1,290,103</u>	<u>1,292,671</u>	
FTE	0.0	4.0	4.8	5.0	
General Fund	0	623,375	1,290,103	1,292,671	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to the Commission on Judicial Discipline					
Special Cash Fund	<u>0</u>	<u>400,000</u>	<u>0</u>	<u>0</u>	
General Fund	0	400,000	0	0	

<b>TOTAL - (12) Commission on Judicial Discipline</b>	0	1,023,375	1,290,103	1,292,671	0.2%
FTE	<u>0.0</u>	<u>4.0</u>	<u>4.8</u>	<u>5.0</u>	<u>4.2%</u>
General Fund	0	1,023,375	1,290,103	1,292,671	0.2%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (14) BRIDGES OF COLORADO (STATEWIDE BEHAVIORAL HEALTH COURT LIAISON)

Personal Services	<u>0</u>	<u>0</u>	<u>3,566,814</u>	<u>10,285,964</u>	
FTE	0.0	0.0	33.7	99.0	
General Fund	0	0	3,566,814	10,285,964	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>0</u>	<u>0</u>	<u>388,783</u>	<u>1,353,234</u>	
General Fund	0	0	388,783	1,353,234	
Short-term Disability	<u>0</u>	<u>0</u>	<u>5,057</u>	<u>11,098</u>	
General Fund	0	0	5,057	11,098	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>33,293</u>	
General Fund	0	0	0	33,293	
S.B. 04-257 Amortization Equalization Disbursement	<u>0</u>	<u>0</u>	<u>158,033</u>	<u>369,924</u>	
General Fund	0	0	158,033	369,924	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>0</u>	<u>0</u>	<u>158,033</u>	<u>369,924</u>	
General Fund	0	0	158,033	369,924	

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>243,548</u>	
General Fund	0	0	0	243,548	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	<u>0</u>	<u>0</u>	<u>904,300</u>	<u>736,930</u>	
General Fund	0	0	904,300	736,930	
Participant Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>500,000</u>	
General Fund	0	0	0	500,000	
<b>TOTAL - (14) Bridges of Colorado (Statewide Behavioral Health Court Liaison)</b>	0	0	5,181,020	13,903,915	168.4%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>33.7</u>	<u>99.0</u>	<u>193.8%</u>
General Fund	0	0	5,181,020	13,903,915	168.4%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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### (15) OFFICE OF JUDICIAL OMBUDSMAN

Office of Judicial Ombudsman	<u>0</u>	<u>0</u>	<u>0</u>	<u>408,777</u>	
FTE	0.0	0.0	0.0	1.8	
General Fund	0	0	0	408,777	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

<b>TOTAL - (15) Office of Judicial Ombudsman</b>	0	0	0	408,777	NaN
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>1.8</u>	<u>NaN</u>
General Fund	0	0	0	408,777	0.0%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

<b>TOTAL - Judicial Department</b>	789,213,654	851,182,056	1,010,943,232	1,128,108,756	11.6%
<i>FTE</i>	<u>4,947.3</u>	<u>5,113.2</u>	<u>5,357.5</u>	<u>5,700.1</u>	<u>6.4%</u>
General Fund	607,456,737	659,783,706	757,088,755	868,218,049	14.7%
Cash Funds	139,405,750	144,348,202	192,266,589	195,186,085	1.5%
Reappropriated Funds	34,902,193	39,206,019	57,162,888	60,279,622	5.5%
Federal Funds	7,448,974	7,844,129	4,425,000	4,425,000	0.0%

## 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 2023 Long Bill (S.B. 23-214) can be found at the end of each departmental section of the bill at <https://leg.colorado.gov/bills/SB23-214>. The Long Bill footnotes relevant to this document are listed below.

- 61 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.

- 62 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:

	<u>FY 2022-23</u>		<u>FY 2023-24</u>
	<u>Salary</u>	<u>Increase</u>	<u>Salary</u>
Chief Justice, Supreme Court	\$203,988	\$10,200	\$214,188
Associate Justice, Supreme Court	199,632	9,984	209,616
Chief Judge, Court of Appeals	196,128	9,816	205,944
Associate Judge, Court of Appeals	191,724	9,588	201,312
District Court Judge, Denver Juvenile Court Judge, and Denver Probate Court Judge	183,816	9,192	193,008
County Court Judge	175,908	8,796	184,704

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 2023-24.

*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 <sup>1</sup>	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

<sup>1</sup> Judicial officer salaries are based on 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.

- 63 Judicial Department, Courts Administration, Centrally-administered Programs, Courthouse Furnishings and Infrastructure Maintenance -- This appropriation remains available through June 30, 2025.

**COMMENT:** This footnote provides two-year spending authority for county courthouse infrastructure projects.

- 64 Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the General Assembly's intent that \$624,877 of the 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.

- 65 Judicial Department, Probation and Related Services, Correctional Treatment Cash Fund Expenditures -- This appropriation includes the following transfers:  
\$3,882,643 to the Department of Corrections,  
\$8,844,533 to the Department of Human Services,  
\$5,299,696 to the Department of Public Safety,  
\$3,600,449 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.

- 66 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 four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

- 67 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 four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

- 68 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 four largest independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized.

- 69 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 5.0 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 four 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, other elected officials, and the Chief Justice. 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 an Appendix in the annual Appropriations Report (Appendix H in the FY 2023-24 Report): <https://leg.colorado.gov/sites/default/files/fy23-24apprept.pdf>

The requests for information relevant to this document are listed below.

### *JUDICIAL DEPARTMENT ONLY*

- 1 Judicial Department, Office of the State Public Defender -- The State Public Defender is requested to provide by November 1, 2023, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY 2022-23: 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, 2023.

**COMMENT: The Department submitted its response as requested by November 1, 2023.**

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 2022-23, the OSPD provided the following information:

- Number of new cases – 430
- Number of initial briefs filed - 222
- Number of cases resolved in other ways - 56
- Number of cases closed - 278
- Number of cases awaiting an opening brief - 451

- 2 Judicial Department, Office of the Child's Representative -- The Office of the Child's Representative is requested to provide by November 1, 2023, a report outlining its work with Colorado CASA for FY 2022-23 to include the number of CASA volunteers statewide, the number of cases with a CASA volunteer statewide and by judicial district, the number of children placed with a CASA volunteer statewide, the allocation of the Office's CASA Contracts Long Bill appropriation by local CASA program and each program's judicial districts served.

**COMMENT: The Department submitted its response as requested by November 1, 2023.**

For FY 2022-23, the OCR provided the following information:

- Number of CASA Volunteers statewide – 1,985
- Number of cases with a CASA Volunteer statewide – 2,190
- Number of cases with a CASA Volunteer by Judicial District – see RFI spreadsheet
- Number of children with a CASA Volunteer statewide – 3,791
- The allocation of the Long Bill appropriation by local CASA program and each program's judicial districts served – see RFI spreadsheet

- 3 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, 2023.**

- 4 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).**

- 5 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, 2023.**

## APPENDIX C

### DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Judicial Department is required to publish an **Annual Performance Report** for the *previous state 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 2024-25 budget request, the FY 2022-23 Annual Performance Report and the FY 2023-24 Performance Plan can be found at the following link:

<https://www.colorado.gov/pacific/performancemanagement/departments-performance-plans>